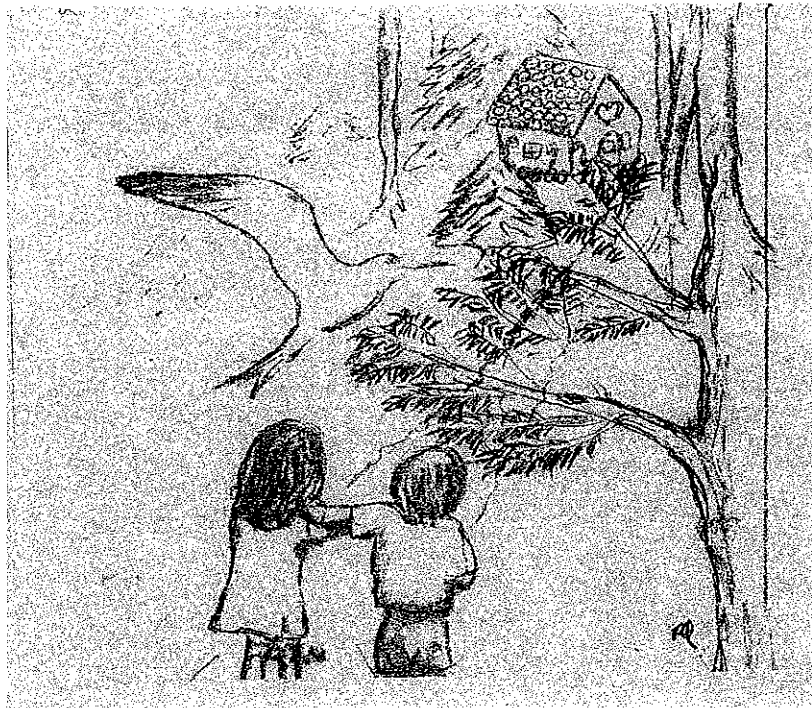


# A Tale in Two Courts

A Lesson on Corrective Justice in the Republic of  
Croatia and the United States



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The Honorable M. Jane Brady	Judge, Superior Court of Delaware New Castle County, Delaware
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The Honorable Marin Mrcela	Judge, Supreme Court Republic of Croatia
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The Honorable Nan R. Shuker	Judge (ret.) Superior Court of the District of Columbia
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Dr. James Adomanis	Maryland Center for the Study of History and Civic Education, Arnold, Maryland
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Pat Quann, Executive Director  
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**Lesson Title: A Tale in Two Courts: Comparing Corrective Justice in the Republic of Croatia and the United States**

**Lesson Author:** The Delaware Law Related Education Center, Inc.

**Lesson Description:** The lesson helps students to understand the goals of corrective justice and how the law is applied in two different legal systems. It also allows students to analyze the level of responsibility an individual might have for the actions of another. It uses some of the material from the original *Tale in Two Courts* lesson and serves as an extension of that lesson.

**Grade Level: 9-12**

**National Standards for Civics and Government:  
Content Standard V, C1 and C2.**

- C1:** Students should be able to evaluate, take and defend positions on issues regarding the personal responsibilities of citizens in American constitutional democracy; including accepting responsibility for the consequences of one's actions, adhering to moral principles and considering the rights and interests of others.
- C2:** Students should be able to evaluate, take and defend positions on issues regarding civic responsibilities of citizens in American constitutional democracy, including obeying the law.

**Delaware Standards: Civics Standards Three 9-12a:** Students will understand that citizens are individually responsible for upholding the laws of the land.

**Oregon Standards: Social Science Analysis, CIM/CAM Grade 10** Propose, compare, and judge multiple responses, alternatives or solutions; then reach a defensible, supported conclusion.

**Essential Question:**

**What is our personal and civic responsibility for the actions of another?**

**Assessment:** Writing Assignment – Position Paper (Can be given as homework or in class)

Give each student a copy of the Assessment Handout which describes an incident and another copy of Student Handout 4. Ask students to analyze the situation described using the handout and to decide whether Tonya should be suspended from school for five days. They should write a three paragraph position paper that answers the questions posed by the Intellectual Tool Chart, takes a position on whether the five day suspension is appropriate and fair, and explains the reasons they are taking that position. You may suggest they use the Tool Chart for notes prior to writing the paper. The Assessment materials and the Rubric are included after the Lesson Procedures.

As an alternative to the Position Paper, you might have students answer some or all of the following questions in writing or orally in class:

1. Develop questions you might want to ask each witness in the case (Marian, Tonya, the teacher and Jerri) to determine what happened. Explain how your questions reflect the due process issues mentioned in Student Handout 4.
2. Rewrite the Cape Forest High School's rule about cell phones, if you believe that it is not a fair rule. Explain your changes.
3. Discuss whether the age of the accused makes a difference in this case. What if Tonya was in middle school?
4. Explain how the "presumption of innocence" affects this case. Was there a "presumption of innocence"?
5. Would you want to add additional decision-makers (in addition to the Principal) to determine whether Tonya should be suspended? Why or why not?
6. Should Tonya be allowed anyone to speak for her in the hearing? Who? Why?
7. What facts are missing in this case that would be helpful to you in determining what consequence is appropriate?
8. Do you have any personal knowledge of a case similar to this one? If so, how does it influence your decision-making?

An additional option would be to have a mock disciplinary hearing with students playing the roles and using the procedures actually used in your school. Students could write questions for each witness to be asked at the hearing. Students watching could write a description of what happened and whether they agree with the outcome.

**Lesson Objectives:**

1. To evaluate the seriousness of a wrong or an injury.
2. To evaluate various aggravating and mitigating circumstances
3. To compare laws from two different countries with different legal systems.
4. To take a position on a person's level of responsibility for an improper action.

**Prior Knowledge:**

Completed "A Tale in Two Courts" lesson in class or have students read the appropriate materials from both scripted mock trials in the lesson outside of class.

**Time to Complete:** One 90 minute Block or two 45 minutes classes

**Materials Needed:**

1. Copies of "A Tale in Two Courts" for each student or copies of the testimony from both scripted mock trials from the lesson.
2. Copies of student handouts
3. Transparencies of Overheads One, Two and Three A and B.
4. Copies of the Assessment

## Lesson Procedure Steps:

1. For **Focus** use Overhead One with excerpts from *Elements of Democracy* 5 minutes
  - a. Discuss concept of Corrective Justice. Ask for examples of fair and unfair responses to a violation of a rule or a law. ( Example: destroying school property)
  - b. Ask why it's important to consider whether the person intended or did not intend to commit the wrong.
  - c. Highlight issues of wrongs and injuries. Have students give examples of each.
  - d. Discuss how a wrong might not cause an injury (You run a red light but no one is coming in the other direction, so no one is hurt)
  - e. Discuss how an injury might not involve a wrong (You accidentally break your leg by falling)
  
2. **Pairs and Small Groups** 20 minutes
  - a. Have students individually read **Student Handout I: Prosecuting and Sentencing Snow-white Bird**. Discuss the reading. **Ask students to describe what happened?** Make sure all key information is covered, including Bird's assistance to the police.
  - b. Break the class into pairs. Have one member of the pair read from the American Trial, pages 32 - 34 and the other member of the pair read from the Croatian Trial, pages 56 – 57, (Snow-white Bird's testimony in the two trials). **The appropriate pages are included at the end of the Lesson Procedure.** They should discuss with each other what Snow-white Bird said in the two trials.
  - c. Join two pairs together to create a group of four. Give each student copies of **Student Handouts 2A and 2B**
  - d. Ask each group to decide whether any of these laws apply to Snow-white Bird and if so, what charges the prosecutor could bring against Snow-white Bird under Croatian and Delaware's laws. They should list all the wrongs and injuries committed, if any.

Note to the Teacher: *Students will probably choose Aiding and Abetting and/or Endangering the Welfare of a Child as charges. You want the discussion to include the concept of intent and motive. Students should consider whether we have any proof that Snow-white Bird knew what the Witch planned to do. What did Bird know and when did he or she know it? Does the fact that the bird was hungry affect the students' thinking about the Bird's level of responsibility for the death of the children?*

### 3. Whole Group

20 minutes

a. Use **Overhead Two**, cover up the bottom portion while students give suggestions. Read the Essential Question, **"What is our personal and civic responsibility for the actions of another?"**

1. Ask students what they think we mean by personal and civic responsibility and ask for examples of personal responsibility and civic responsibility. After students give suggestions, show the bottom of the Overhead and discuss.

**For Personal:** taking care of one's self, caring for family and others, accepting responsibility for your actions, following morals principles, fulfilling commitments, considering the interests of others.

**For Civil:** obeying the law, being informed on public issues, monitoring political leaders, paying taxes, voting.

2. Ask what personal and civic responsibilities Snow-white Bird might have had for the children in the story.

b. Show students **Overheads Three A and Three B**. Give students copies of each (Student Handout 3A and 3B).

1. Read and review **Overhead Three A**. This is called "A General Rule on the selection of the Type and Range of Punishment." It gives an excellent overview of the issues.

Explain that these considerations are focused on the severity of the punishment that might be a fair and just response to Snow-white Bird's actions. Ask students to

underline and explain what is meant by each of the key terms in this overhead:

- Purpose of Punishment
- Mitigating or aggravating circumstances
- Degree of culpability
- Motives
- Degree of peril or injury
- Circumstances
- Conditions under which perpetrator had lived
- Conduct after offense

2. Read and review **Overhead Three B**. Discuss the concept of aggravating and mitigating factors. Discuss how this concept helps us give a fair and just response to a wrong or an injury. Get examples that might apply to Snow-white Bird.

## **BREAK FOR 45 MINUTE CLASS**

4. **Pairs** 30 minutes  
( 15 minutes in pairs: 15 minutes Presentation)

- a. Have participants break into pairs again. Ask them look at Student Handout 4: "Intellectual Tool Chart for Issues of Corrective Justice. The team should fill out the Tool Chart. As they go through the Tool Chart they should refer to their other Handouts for discussion of questions on the Chart.
- b. Ask each team to present a portion of the analysis. Discuss agreements and disagreements between pairs.
- c. Vote on whether Snow-white Bird is guilty of "Aiding and Abetting" in the murder of the children. Discuss vote.

5. **Whole Group Discussion:** 10 minutes

- a. Ask the following questions:
  1. What was the most difficult issue with finding a fair and just response to Snow-white Bird's actions?



2. When is it fair to be held responsible for the actions of another

- b. Discuss how the need to “set things right” might conflict with other values. (Recognizing that Bird needed to survive since it too was starving, Bird’s chance to be rehabilitated etc.)

**6. Assessment:**

**5 minutes**

Give out and explain assessment as homework assignment. Go over incident and what students are expected to do.

AMERICAN MOCK TRIAL

STATE OF GRIMM

v.

GRETHEL

Prosecutor: For my next witness, the state calls Snow-white Bird to the stand.

Snow-white Bird: (*Walks to the Bailiff.*)

Bailiff: Please raise your right wing. (*Snow-white Bird raises right wing.*)  
Do you swear or affirm that the testimony that you give today is the truth and nothing but the truth?

Snow-white Bird: I do. (*Sits down.*)

Prosecutor: Please state your name.

Snow-white Bird: Snow-white Bird.

Prosecutor: Where do you live?

Snow-white Bird: I live in the woods that are really treacherous. I think the place is called Deep Famine Woods.

Prosecutor: What happened on April 5, 1816, the Year without a Summer?

Snow-white Bird: Oh, it was a year without a summer. There was a horrible widespread famine throughout Europe that year. Anyhow, that day in particular, I was flying about when I noticed two children wandering about in the woods.

Prosecutor: What happened when you saw these children?

Snow-white Bird: Well, they looked very skinny and hungry. I also noticed that they looked like they were lost.

Counsel for Defense: Objection, Your Honor. How can Mr./Ms. Bird know what state the children were in?

Prosecutor: Your Honor, Mr./Ms. Bird is just stating what she observed.

Judge: Sustained. Let's stick to your actual observations, Ms. Bird.

Prosecutor: After you saw the skinny children what did you do?

Snow-white Bird: I didn't think the children noticed me, so I began to sing them a song.

Prosecutor: Why did you do that?

Snow-white Bird: They were very close to Ms. Sweet-Tooth Witch's house, and she always gave me food, so I thought she would feed the children.

Prosecutor: And the children followed you to her house, didn't they?

Counsel for Defense: Objection, he is leading the witness.

Prosecutor: I'll rephrase. What did the children do next?

Snow-white Bird: They followed me all the way to Ms. Sweet-Tooth Witch's house.

Prosecutor: Did you see what happened when they arrived?

Snow-white Bird: Yes. Ms. Sweet-Tooth Witch took them inside and led them to a table topped with milk, and pancakes with sugar, apples, and nuts.

Prosecutor: No further questions, Your Honor.

Judge: Does the defense have any questions for this witness?

Counsel for Defendant: Yes. Thank you, Your Honor. Ms./ Mr. Bird, is this the first time you led children to Ms. Witch's house?

Prosecutor: Objection, relevance.

Counsel for Defendant: I will make the connection, Your Honor.

Judge: I'll allow it, so long as there is a connection.

Snow-white Bird: No.

Counsel for Defendant: And how many times have you lead children to Ms. Witch's house?

Snow-white Bird: Prior to this time, five times.

Counsel for Defendant: You never saw any of those children leave, did you?

Snow-white Bird: No, but I wasn't there all... *(being cut-off by attorney)*

Counsel for Defendant: Your Honor, would you please direct the witness to limit her/his answer to a simple yes or no is sufficient.

Judge: Yes or no, Mr./ Ms. Bird?

Snow-white Bird: No.

Counsel for Defendant: I have no further questions for this witness, Your Honor.

Judge: Snow-white Bird, you may step down and return to your seat. *(Snow-white Bird returns to his seat.)* Any other witnesses, Mr./ Ms. - \_\_\_\_\_ *(insert last name of attorney for the State.)*

Prosecutor: Yes, one more, Your Honor. I call Mr./Ms. Duck to the stand.

Duck: *(Raises and walks to the stand.)*

Bailiff: Please raise your right wing. *(Duck raises his right wing.)* Do you swear or affirm that the evidence that you are about to give is the truth, the whole truth, and nothing but the truth?

Duck: I do. *(Sits down.)*

Prosecutor: Please state your name.

Duck: Mr./ Ms. Duck.

Prosecutor: Where do you live?

Duck: I reside on the river in Deep Famine Woods.

Prosecutor: What did you observe on April 19, 1816?

**CROATIAN MOCK TRIAL**

**DISTRICT OF GRIMM**

**v.**

**GRETHEL**



Snow-white Bird: I am a musical bird and I live in Deep Famine Woods which are very treacherous. I am not related to the Defendant.

Presiding Judge: You shall be heard as a witness and you have a duty to tell the truth and to present everything known to you relating to the case. Making a false testimony is a criminal offense. You are not under any duty to answer particular questions if it is likely that the answer would expose you or your close relatives to serious disgrace, considerable damage or criminal prosecution. Do you understand that?

Snow-white Bird: Yes.

Presiding Judge: You may proceed.

Prosecutor: What did you see in the woods on April 5, 1816?

Snow-white Bird: Well, I saw these skinny children roaming about so I began to sing a song so that they would follow me to Ms. Sweet-Tooth's house.

Prosecutor: What happened when they arrived at Ms. Sweet-Tooth's house?

Snow-white Bird: She took them in and fed them a marvelous meal.

Prosecutor: I have no further questions.

Presiding Judge: Thank you. (Turns to Counsel for Defense)

Counsel for Defendant: Thank you, Your Honor. (Turn to witness) Did you lead children to the witch's house before?

Presiding Judge: Counsel, Snow-white Bird is not on trial here. Why are you starting with this question?

Counsel for Defendant: I am trying to establish a pattern. To put it bluntly, I believe that Snow-white Bird intentionally led children to the witch's house to be eaten. It is essential for establishing our self-defense claim.

Presiding Judge: You may answer the question. Did you lead children to Ms. Sweet-Tooth's house on prior occasions?

Snow-white Bird: Yes.

Counsel for Defendant: Did any of those children ever leave her house?

Snow-white Bird: Well, I don't know.

Counsel for Defendant: Did you ever see any of those children leave her house?

Snow-white Bird: No.

Counsel for Defendant: I have no further questions.

Professional Judge 2: Why did Ms. Sweet-Tooth Witch allow you to eat her roof?

Snow-white Bird: I suppose it was because she enjoyed my singing.

Presiding Judge: Did she let you feed on her roof before you brought her children?

Snow-white Bird: No, but that doesn't mean anything. She was doing those kids a favor. She was feeding them during the year without a summer, when no one had any food.

Presiding Judge: How many times did you lead children to her house?

Snow-white Bird: Maybe five times.

Presiding Judge: And you never saw any of those children leave her house?

Snow-white Bird: No.

Professional Judge 2: Did you ever think of waiting to see if they would leave the house?

Snow-white Bird: It looked like they were being cared for so I didn't wait around from them to leave.

Presiding Judge: Any other question for the witness?

Judges: No, Your Honor.



**Assessment Handout:**

**Writing Assignment – Position Paper (Can be given as homework or in class)**

Analyze the situation described below using Student Handout 4. You are to **decide whether Tonya should be suspended from school for five days**. Write a three paragraph position paper that answers the five questions posed by the Intellectual Tool Chart in Student Handout 4. and take a position on whether the five day suspension of Tonya is appropriate and fair. Explain your reasons for taking your position.

*Marian and Tonya sit beside each other in their math class. After a pop quiz, Marian asked to borrow Tonya's cell phone. She said she needed to text her mother about a time to pick her up after school. Tonya loaned Marian her cell phone. Students were moving around the classroom after the quiz to prepare for a group activity and the teacher didn't see the exchange. During the next class, the teacher gave the same pop quiz. As she looked around the room she noticed that Jerri was copying the answers from a sheet of paper. When the teacher confronted Jerri, she confessed that Marian had texted her the questions for the quiz and she had looked up the answers. Marian and Jerri were both called to the Principal's office. Since Marian's parents had not requested that she be allowed to bring her cell phone to school, the Principal knew she had used another student's phone. Marian admitted that she had used Tonya's phone. The Principal suspended all three students for five days.*

**Cape Forest High School has the following rules:**

***Students are allowed to carry cell phone in school, but they must not be used in class and must be turned off so they will not receive calls. Parents must request in writing that their child be allowed to carry a cell phone and must agree to the limits on its use in school. Violation of this rule may result in a three to five day suspension.***

***Anyone guilty of cheating may be suspended for one to five days.***

## Student Handout 4 For Assessment

*This material is based on the Tool Chart in "Foundations of Democracy: Justice", Middle School Edition page 209, created by the Center for Civic Education © 1993, Calabasas, California, and is used with their permission.*

### Intellectual Tool Chart for Issues of Corrective Justice:

Questions	Answers
<p><b>1. Identify the wrong or injury</b></p> <ul style="list-style-type: none"> <li>a. What was the wrong, if any?</li> <li>b. What was the injury, if any?</li> <li>c. How serious was the wrong or injury? Consider:               <ul style="list-style-type: none"> <li>(1) extent</li> <li>(2) duration</li> <li>(3) impact</li> <li>(4) offensiveness</li> </ul> </li> </ul>	
<p><b>2. Identify important characteristics of the person causing the wrong or injury:</b></p> <ul style="list-style-type: none"> <li>a. What was the person's state of mind? Consider:               <ul style="list-style-type: none"> <li>(1) intent</li> <li>(2) recklessness</li> <li>(3) carelessness</li> <li>(4) knowledge of possible consequences</li> <li>(5) control or choice</li> <li>(6) duty or obligation</li> <li>(7) important values, interests or responsibilities</li> </ul> </li> </ul>	
<p><b>3. Examine common responses to wrongs and injuries and their purposes:</b></p> <ul style="list-style-type: none"> <li>a. Should we overlook or ignore the wrong or injury? Why?</li> </ul>	

<ul style="list-style-type: none"> <li>b. Should we forgive or pardon the person for causing the wrong or injury? Why?</li> <li>c. Should we punish the person for causing the wrong or injury? Why?</li> <li>d. Should we require the person to restore what was taken or damaged? Why?</li> <li>e. Should we require the person to compensate for causing the wrong or injury? Why?</li> <li>f. Should we provide treatment or education? Why?</li> </ul>	
<p><b>4. Consider related values and interests</b></p> <ul style="list-style-type: none"> <li>a. What response would correct the wrong or injury?</li> <li>b. What response would deter or prevent future wrongs or injuries?</li> <li>c. What response would preserve human dignity?</li> <li>d. What response would promote the value of human life?</li> <li>e. What responses are practical given the resources available?</li> <li>f. What responses would promote freedom, both of the wrongdoer and of other members of society?</li> <li>g. What responses would be in proportion to the seriousness of the wrong or injury?</li> <li>h. What responses might satisfy the desire for retribution?</li> </ul>	

## Rubric for Grading the Position Paper

The Rubric for grading the Position Paper will be:

### *A score of 4*

1. Uses **each of the 5 questions** to evaluate Tonya's level of responsibility for the rule violation.
2. Discusses whether the punishment seems appropriate **and** whether all the students should receive the same punishment.
3. Gives **at least two reasons** for their position.

### *A score of 3*

1. Uses **most of the 5 questions** to evaluate Tonya's level of responsibility for the rule violation.
2. Discusses whether the punishment seems appropriate **and/or** whether all the students should receive the same punishment.
3. Gives at least **one or two** reasons for their position.

### *A score of 2*

1. Uses **some of the 5 questions** to evaluate Tonya's level of responsibility for the rule violation.
2. Discusses whether the punishment seems appropriate **or** whether all the students should receive the same punishment.
3. Gives at least **one** reason for their position.

### *A score of 1*

1. Uses a **few** of the 5 questions to evaluate Tonya's level of responsibility for the rule violation.

**Or**

2. Discusses whether the punishment seems appropriate **or** whether all the students should receive the same punishment.

**Or**

3. Gives at least **one** reason for your position.

**Student Handouts  
and  
Overheads**

## Overhead One

### Corrective Justice

*The following excerpts are from the "Elements of Democracy" a textbook written by the Center for Civic Education, © 2007 Calabasas, California, page 65, and is used with the Center's permission.*

**"Corrective justice is concerned with the fair or proper responses to *wrongs* and *injuries*. In all societies there are situations in which one individual or group wrongs or injures another. In some cases the wrong or injury might be accidental and in other cases intentional. Since the earliest civilization, people have felt that if someone commits a wrong or causes an injury to another, things should be set right in some way. "**

**"There are important differences between the idea of a wrong and that of an injury:**

- **A *wrong* is conduct that violates a duty or responsibility imposed by laws, rules, customs, or moral principles.**
- **An *injury* is harm or damage to persons or property or a violation of a person's rights.**
- **A wrong might or might not cause an injury. And an injury might or might not involve wrong**

## Overhead Two

**“What is our personal and civic responsibility for the actions of another?”**

**For Personal:** taking care of one's self, caring for family and others, accepting responsibility for your actions, following morals principles, fulfilling commitments, considering the interests of others.

**For Civil:** obeying the law, being informed on public issues, monitoring political leaders, paying taxes, voting.

## **Overhead Three A and Student Handout 3A**

### **From the Criminal Code of the Republic of Croatia**

#### **A General Rule on the Selection of the Type and Range of Punishment Article 56**

In determining the type and range of punishment within the limits established by law for the committed criminal offense, the court, bearing in mind the purpose of punishment, shall take into consideration all the circumstances which resulted in a less or more serious punishment for the perpetrator of a criminal offense (the mitigating or aggravating circumstances) and in particular the following: the degree of culpability, motives for committing the criminal offense, the degree of peril or injury to the protected good, the circumstances under which the criminal offense was committed, the conditions in which the perpetrator had lived prior to committing the criminal offense and his abidance by the laws, the circumstances he lives in and his conduct after the perpetration of the criminal offense, particularly his relation toward the injured person and his efforts to compensate for the damage caused by the criminal offense, as well as the totality of social and personal grounds which contribute to the perpetration of the criminal offense.



## Overhead Three B and Student Handout 3B

### Delaware Standards for Sentencing: Aggravating and Mitigating Factors

Following are some examples of Factors used by the Court that are relevant to our case:

#### Aggravating

#### Mitigating

Excessive Cruelty

Victim involvement

Prior Violent Conduct

Under Duress or Compulsion

Repetitive Criminal Conduct

Inducement by others

Lack of Remorse

Physical/Mental Impairment

Betrayal of Public Trust

Concern for Victim

Vulnerability of Victim

No Prior Convictions

Offense against Child

Assistance to Prosecution

## **Student Handout 1**

### **Issues of Corrective Justice: Prosecuting and Sentencing Snow-white Bird**

After the trial of Grethel, the police decided to investigate the possibility that Ms. Sweet-tooth Witch was involved in the disappearance of other children in Grimm. A number of young children had simply gone into the Deep Famine Woods and never been found. It was assumed that animals had killed them, but now it was unclear. After a careful police investigation of Ms. Witch's house and the grounds around her house, remains of several of the missing children were found. Snow-white Bird suggested several places for the police to look for the remains, since Snow-white Bird said he/she saw Ms. Witch digging in the forest.

While it was not possible to prosecute Ms. Witch, there was discussion about the role Snow-white Bird might have played in the disappearance and death of the children. Certain evidence had been uncovered during Grethel's trial that suggested that Snow-white Bird was in some way involved.

If you review Snow-white Bird's testimony on pages 32 – 34 and pages 56 – 57, you might have some questions about her/his culpability in the crime. You may assume that if Ms. Witch were still alive she would be charged with murder and that murder is the underlying offense in this case. How would you charge Mr. /Ms. Bird and, if found guilty, what would be an appropriate response to the offense?

# Student Handout 2B

## Criminal Code of Delaware

### Section 271: Liability for the conduct of another – Generally

A person is guilty of an offense committed by another person when:

- (1) Acting with the state of mind that is sufficient for commission of the offense, the person causes an innocent or irresponsible person to engage in conduct constituting the offense; or
- (2) Intending to promote or facilitate the commission of the offense the person:
  - a. Solicits, requests, commands, importunes or otherwise attempts to cause the other person to commit it; or
  - b. Aids, counsels or agrees or attempts to aid the other person in planning or committing it; or
  - c. Having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so; or
- (3) The person's conduct is expressly declared by this Criminal Code or another statute to establish the person's complicity.

### Section 1102. Endangering the welfare of a child; (Portion of Section)

(a) A person is guilty of endangering the welfare of a child when:

- (1) Being a parent, guardian or any other person who has assumed responsibility for the care or supervision of a child less than 18 years old the person:
  - a. Knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of the child; or
  - b. Intentionally does or fails to do any act, with the result that the child becomes a neglected child; or
- (2) The person knowingly contributes to the delinquency of any child less than 18 years old by doing or failing to do any act, alone or in conjunction with other acts or circumstances, with the result that the child becomes a delinquent child; or
- (3) The person knowingly encourages, aids, abets or conspires with the child to run away from the home of the child's parents, guardian or custodian; or the person knowingly and illegally harbors a child who has run away from home;

## **Student Handout 2A**

### **Criminal Code of the Republic of Croatia**

#### **The Principal and the Accomplices Article 35**

- (1) The principal is a person who commits a criminal offense by his own act or omission or through another agent
- (2) Co-principals of a criminal offense are two or more persons who, on the basis of a joint decision, commit a criminal offense in such a way that each of them participates in the perpetration or, in some other way, substantially contributes to the perpetration of a criminal offense.
- (3) Accomplices are: the instigator and the aider or abettor.
- (4) The instigator and aider or abettor are accomplices who, without control over the perpetration of a criminal offense, contribute to its perpetration by instigation or by aiding and abetting.

#### **Aiding and Abetting Article 38**

- (1) Whoever intentionally aids and abets another in the perpetration of a criminal offense shall be punished as if he himself committed it, but the punishment may also be mitigated.
- (2) The following shall in particular be deemed acts of aiding and abetting: giving advice or instructions on how to commit a criminal offense. providing the perpetrator with the means for the perpetration of a criminal offense, removing obstacles for the perpetration of a criminal offense, giving an advance promise to conceal the criminal offense, the perpetrator, or the means by which the criminal offense was committed, as well as concealing the traces of a criminal offense or objects procured by the criminal offense.

#### **Intent Article 44**

- (1) A criminal offense may be committed with direct or indirect intent.
- (2) The perpetrator acts with direct intent when he is aware of his conduct and desires its perpetration.

## Student Handout 4

*This material is based on the Tool Chart in "Foundations of Democracy: Justice", Middle School Edition page 209, created by the Center for Civic Education © 1993, Calabasas, California, and is used with their permission.*

### Intellectual Tool Chart for Issues of Corrective Justice:

Questions	Answers
<p><b>5. Identify the wrong or injury</b></p> <ul style="list-style-type: none"> <li>a. What was the wrong, if any?</li> <li>b. What was the injury, if any?</li> <li>c. How serious was the wrong or injury? Consider:               <ul style="list-style-type: none"> <li>(1) extent</li> <li>(2) duration</li> <li>(3) impact</li> <li>(4) offensiveness</li> </ul> </li> </ul>	
<p><b>6. Identify important characteristics of the person causing the wrong or injury:</b></p> <ul style="list-style-type: none"> <li>a. What was the person's state of mind? Consider:               <ul style="list-style-type: none"> <li>(1) intent</li> <li>(2) recklessness</li> <li>(3) carelessness</li> <li>(4) knowledge of possible consequences</li> <li>(5) control or choice</li> <li>(6) duty or obligation</li> <li>(7) important values, interests or responsibilities</li> </ul> </li> </ul>	
<p><b>7. Examine common responses to wrongs and injuries and their</b></p>	

<p><b>purposes:</b></p> <ul style="list-style-type: none"> <li>a. Should we overlook or ignore the wrong or injury? Why?</li> <li>b. Should we forgive or pardon the person for causing the wrong or injury? Why?</li> <li>c. Should we punish the person for causing the wrong or injury? Why?</li> <li>d. Should we require the person to restore what was taken or damaged? Why?</li> <li>e. Should we require the person to compensate for causing the wrong or injury? Why?</li> <li>f. Should we provide treatment or education? Why?</li> </ul>	
<p><b>8. Consider related values and interests</b></p> <ul style="list-style-type: none"> <li>a. What response would correct the wrong or injury?</li> <li>b. What response would deter or prevent future wrongs or injuries?</li> <li>c. What response would preserve human dignity?</li> <li>d. What response would promote the value of human life?</li> <li>e. What responses are practical given the resources available?</li> <li>f. What responses would promote freedom, both of the wrongdoer and of other members of society?</li> <li>g. What responses would be in proportion to the seriousness of the wrong or injury?</li> <li>h. What responses might satisfy the desire for retribution?</li> </ul>	