

New Edition

VIEWPOINTS IN LAW

法社会の落とし穴

改訂新版

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はじめに

本書は、事実に基づく裁判劇を素材にした総合英語教材である。取り上げたケースは全部で20件。英国、米国を始め、カナダ、オーストラリア、日本、シンガポールなど、世界各国で実際に起きた訴訟事件が収録されている（ただし、事件の細部には多少の変更が加えられ、人名については仮名が使われている）。

これらの訴訟の中には、よくもあしくも現代の世相が鮮やかに写し出されている。嫌煙権、路上生活者の居住権など、われわれの身近で日頃さかんに論じられているテーマもあれば、PL法（製造物責任法）に基づく告訴や延命治療の是非など、日本でも大いに問題化してきたトピックも取り上げられている。多様な価値観が交錯する現代社会の縮図を間近に見るようで、まことに興味深い。

それぞれの訴訟の経緯は、各章の冒頭に明解な英語で手短かにまとめられている。その末尾は読者自身の考察を促す問いかけの形で終わっており、いずれも短いながら、知的刺激に満ちた含蓄のある読み物になっている。

裁判の結果とその判決理由については音声を取録し、後続のリスニング演習 *The Verdict*（評決）の項で扱っている。本書にはこの他にも、語彙、読解、文法、作文、書き取りなどの多様な演習や課題が各章ごとに豊富に配されており、学習者の総合的な英語力の向上を期している。

日本では訴訟や裁判と言うと、できれば関わりたくない非日常的な世界と受け止められがちである。しかし本書に接することで、学習者のそうした認識も変わるのではないのだろうか。結局のところ法とは、世間の常識からさほどかけ離れたものではなく、この法を公正に解釈・運用するのが裁判所の裁定だということが、本書の判決文を聞くとよく分かるからである。

今日の法治国家は、法を基盤とする社会的ルールの上に成り立っている。だとすれば、いたずらに法を敬遠するのではなく、むしろ個人の正当な権利を守る裏付けとして法を活用していこうとする姿勢こそ望ましい。

本書が法律を専攻する学生のみならず、大学や短大で英語を学ぶ広汎な学習者層に受け入れられることを心から願っている。

本書の構成と使い方

本書は全 20 章から成り、各章の冒頭にはそれぞれ訴訟の経緯を描いた 300 語前後の短いストーリーが掲載されている。学習者には、見開き対向ページにある語彙リスト (Vocabulary) を参照しながらこのストーリーを読み、その内容を十分に理解した上で、後続の各演習に臨んでもらいたい。各章ごとの演習項目の編成は次のようになっている。

- **Comprehension Check:** 1.~5. として記されている 5 つのセンテンスが、それぞれ上述のストーリーの内容に合致するかどうかを問う設問である。
- **For or Against?:** 裁判の当事者に対する擁護論および反論を考えて空欄に書き込む、一種のディベート演習である。学習者はさらに、仲間の学生と意見交換した上で、自説とは異なる他者の見解も同じく空欄に書き込むよう求められる。
- **Discussion:** 賛成か反対かというキーフレーズを使用して、原告と被告の両当事者を表す一連の文を作成して書く。
- **The Verdict:** 裁判の結果およびその判決理由を述べた音声聞いて、その内容に合致するものを 3 つの選択肢の中から選択する。設問は計 3 問。この聞き取り演習はややレベルが高いため、学習者は事前に設問を読んでおき、音声流されたらメモを取りながら聞くのがよいだろう。音声を何回流すかは、それぞれのクラスを受け持つ先生の判断に任されている。なお、音声に現れる重要な語句の意味は、前ページの Vocabulary 欄後半の FOR AUDIO の箇所に明記されている。
- **Point of Law:** 各章のテーマに関連した有用な情報を提供するコーナーである。近年の法解釈をめぐる動きや重要な司法判断などが紹介されていて、大変興味深い。文章の中には計 9 カ所のブランクがあるので、冒頭に記されている 1. ~ 9. の語句の中からいずれか 1 つを選んで、それぞれのブランクを埋めていく。
- **Grammar Check:** 設問は全部で 5 つある。1. ~ 5. として記されている各センテンスの文法・語法上の誤りを指摘する問題、もしくは、特定の文法項目に焦点を当てた基本的な演習問題が収められている。

なお、本書では原則として、先行章で使われた語彙を学習者が理解しているとの前提の下で後続章が執筆されているので、学習に際しては、第 1 章から順次進めていただきたい。

Introduction

This book is written especially with students of college law departments in mind, but the content is suitable for anyone with a general interest in politics, social sciences or current affairs. The English level is appropriate for intermediate students. There are exercises in every lesson covering all four language skills: reading, writing, speaking and listening. The object of each of these is to discuss at least two points of view concerning the case.

Students often think of law as a difficult subject. To some extent this is a reasonable idea since law deals with conflicts between people that are too difficult to solve on a personal level. However the aim of law is generally a simple one: to find a solution which is fair. Common sense is as important as special knowledge, and everyone should be able to form their own opinion about what is fair.

All cases in this book really happened, although some details have been simplified and names changed. They come from eight countries – Australia, Bangladesh, Britain, Canada, Denmark, Japan, Singapore and the United States. As you work your way through the exercises you will be invited to the judge; to find the fairest solution to the problem. By listening to the audio you will then learn what was actually decided in the case.

I would like to thank Shinsuke Suzuki for introducing me to this project and Hiroshi Asano for guiding me through it.

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Suggestions for Teachers

Viewpoints in Law is written to demonstrate to students that law can be an accessible subject which invites open-ended discussion. As the teacher, you may be flexible in the time you spend on each section. You should decide whether your students need more practice in reading, writing, speaking or listening. However, the 20 lessons should be taught in the correct order as it is necessary for the students to have studied the vocabulary in the earlier units in order to understand the latter units.

The main story in each chapter introduces a simplified version of a real legal case, leaving the verdict for students to discuss orally and in writing in the next two exercises. In each story the student is encouraged to identify with one or two main characters without necessarily agreeing with their point of view.

The listening section gives the verdict which was actually reached by the judge, jury or minister in each case. Many Japanese students have weak English listening skills and some of the vocabulary is given in advance to assist listening. Advice about note-taking and reading the questions before listening would be appropriate here. The audio may also be played several times.

The Point of Law section expands on the key legal topic introduced in each lesson. The section uses items of vocabulary from the main story, from previous lessons, and also one or two words which will be introduced in later lessons, thereby encouraging students to guess meaning in context. When completing this exercise, students should be asked to look for a word from the selection which fits in grammatically before they reach for the dictionary.

The final section focuses on grammar. Odd-numbered lessons (1, 3, 5, etc.) target errors commonly found in students' speech and writing; even-numbered lessons (2,4,6, etc.) focus on a particular area of grammar to be practised.

Contents

CASE 1	The Case of the Olive That Bit Back	2
CASE 2	The Case of the Homeless Plaintiff	6
CASE 3	The Case of the Long-Haired Waiter	10
CASE 4	The Case of the Injured Foreign Student	14
CASE 5	The Case of the Religious Objection.....	18
CASE 6	The Case of the Unlucky Rugby Player	22
CASE 7	The Case of the Jury Who Spoke to the Dead	26
CASE 8	The Case of the Non-Smoking Prisoner.....	30
CASE 9	The Case of the Soccer-Crazy Lawyer.....	34
CASE 10	The Case of the Unlicensed Charity Worker.....	38
CASE 11	The Case of the Lottery Mix-Up.....	42
CASE 12	The Case of the Child's Name	46
CASE 13	The Case of the Hostess Club Murder	50
CASE 14	The Case of the Rough Holiday Cruise.....	54
CASE 15	The Case of the Medical Secret.....	58
CASE 16	The Case of the Councillors' Sex Tour	62
CASE 17	The Case of the Dangerous Song	66
CASE 18	The Case of the Organ Donor Who Changed His Mind	70
CASE 19	The Case of the Unoriginal TV Programme	74
CASE 20	The Case of the Needy Father	78



The Case of the Olive That Bit Black

1 George and his wife had been looking forward to celebrating their wedding anniversary at La Gondola, a reputable and rather pricey Italian restaurant. Before the meal they ordered martinis, nice and dry, with an olive in the glass. George took a drink, bit into the olive, and ... crunch. It contained a pit which broke his tooth, causing them

5 to leave the restaurant before eating anything. It also cost him over \$250 in dental bills. George later complained to the owner of La Gondola. "Everyone knows the olives in martinis are pitted. Indeed I could see the hole in this one. I never expected such a high-class restaurant would be careless enough to use olives with pits. Because of your mistake I now owe the dentist \$250 and I'm asking you to pay".

10 "I'm terribly sorry about the tooth", replied the owner. "I don't remember what kind of olives we ordered this time. Nevertheless you really should have been more careful when you bit. Restaurants use both pitted and unpitted olives and it is your own responsibility to check before you bite. If you insist on finding someone to pay why don't you sue the olive company for product liability? After all, they are the ones who left the pit in the

15 olive".

"I will sue them!" was George's angry response. "And I'll sue you too: for misrepresentation and for negligence. Someone's going to pay for my broken tooth, and it's not me"!

20 Is a restaurant which serves olives containing pits, or a manufacturer which sells them, responsible when someone bites into one and breaks a tooth? Or is it up to the consumer to take more care? Just who did end up paying for George's tooth?

COMPREHENSION CHECK

Answer T(=true), F(=false) or N(=not enough information to say).

1. George and his wife regularly visited the restaurant.
2. George didn't expect to find a pit in the olive.
3. The manager refused to accept responsibility for the broken tooth.
4. La Gondola insisted that they pay for the meal.
5. The olive manufacturer was sued by the restaurant.

VOCABULARY

FOR TEXT

- **reputable:** well thought of
- **pit:** a seed or stone in a fruit (>pitted = with the seed removed)
- **to owe:** to be obliged to pay
- **to sue:** to take legal action against someone (=to file a suit)
- **product liability:** a responsibility for the good condition of a product
- **misrepresentation:** inaccurate information
- **negligence:** a lack of care (>which may lead to a suit)
- **consumer:** someone who buys goods or services

FOR AUDIO

- **to appeal:** to ask a court to reconsider a previous decision (>court of appeal = a court which reconsiders legal cases)
- **to hold:** to decide (in a legal case)
- **damages:** money paid to sufferer by someone who causes harm or loss
- **to assume:** to expect
- **defective:** in unsatisfactory condition
- **to be entitled to:** to be legally (or morally) able to

FOR OR AGAINST?

Read the following arguments for and against George. Think of at least one more argument, either for or against, and write it in a box. Then find one more argument by asking a student near you. Write this in too. Each argument should be different.

FOR		AGAINST
The restaurant should take more care with the food it serves.	◆	George should have been more careful when he tried his drink.
The olive manufacturers are liable for the defect in their product.	◆	Consumers cannot expect all products to be perfect.
	◆	
	◆	

DISCUSSION

Write a discussion based on different opinions in the FOR AND AGAINST boxes by using the expressions below to make four sentences.

Some people would say that

On the other hand some people

Other might say

In my opinion

because

THE VERDICT



Listen to the audio to find out what happened. You may want to listen more than once, and to take notes. Then read the statements below and decide whether (a), (b), or (c) is most accurate.

1. The court ruled that

- (a) George should pay the bill himself.
- (b) the restaurant should pay damages.
- (c) George could claim damages from the manufacturers.

2. The court held that

- (a) it was reasonable for consumers to expect pitted olives.
- (b) the manufacturers had made a mistake by leaving a pit.
- (c) La Gondola was wrong to use olives with pits.

3. One reason for the verdict was that

- (a) George's olive had a hole in it.
- (b) the restaurant said they used pitted olives.
- (c) George's wife also found a pit in her olive.

POINT OF LAW: *Product Liability*

Complete the following paragraph by choosing the appropriate words from the list below. Each item may be used only once.

- | | | |
|----------------------|-----------------|------------------------|
| 1. sue | 4. manufacturer | 7. defect |
| 2. rights | 5. prove | 8. explodes |
| 3. product liability | 6. damages | 9. economic efficiency |

() is a rapidly growing area of law, especially in the United States. The American consumer has many () when it comes to making a complaint against the () or the seller of a product. For example, if a new television () and causes a fire in the house, the consumer may be able to recover () not only for the television but for any harm caused in the house. In Japan, however, it can be very difficult to () that a manufacturer is responsible for a (). Sometimes this requires technical information which the consumer is not able to obtain. Japanese courts seem reluctant to encourage consumers to () manufacturers. It is felt that this could reduce (). After all, American firms have to pay big insurance bills every year just in case they face a court case.

GRAMMAR CHECK

Each of the following sentences contains one error. One of them contains two errors. Identify the errors and rewrite the sentences correctly.

- The shop says that the manufacturer are responsible for the defect.

- Consumers should always be care when buying new products.

- I agree the court's verdict, but many people against it.

- It is better to choose a safety car even though it may be pricey.

- She suffered serious harm because the seller's negligence.
