Is Law a Humanity?

David Howarth says (2004):

…lawyers make social devices and structures for their clients just as engineers make physical devices and structures. Just as engineers can usefully draw on scientific knowledge, lawyers can usefully draw on the Social Sciences and the Humanities in making their devices, but lawyers, like engineers, also have their own autonomous concerns about design and effectiveness. Legal education, however, tends to stress only one element in legal design, the validity of legal rules. The position of judges and academic lawyers has a special feature that, unlike practicing lawyers, their client is the whole of society or the whole of humanity…. 

I. Introduction

When John Grisham began writing his first novel, he never dreamed that he would become one of America's bestselling novelists. Yet the appeal of his legal thrillers such as the The Firm, The Pelican Brief, and The Client have been so great that the reading public regularly buys millions of copies of his books, and nearly all of his novels have been turned into major motion pictures. The following are some voter comments:
"I like this author because of the legal background of the author and the characters are trying to resolve issues in their lives."

"Write books that aren't too spicy but are easy to enjoy."

"Suspense. I can't predict the endings."

"He keeps the reader interested. He makes the story believable. He turns the law into something interesting."

John Grisham, Jr. was born in Jonesboro, Arkansas, in 1955. Twelve years later, his father, a cotton farmer, moved with his family to Southaven, Mississippi. Grisham graduated from Southaven High School in 1973. He attended Northwest Junior College, Senatobia, Mississippi; Delta State University, Cleveland, Mississippi; and finally enrolled in the accounting program at Mississippi State University. He received a B.S. in accounting in 1977. Grisham then studied tax law at the University of Mississippi, Oxford, Mississippi. He soon discovered that he did not enjoy his chosen specialty. Once again he changed course and turned his attention to criminal law. In 1981, he earned his law degree and soon after opened a law practice in Southaven. As a criminal lawyer he had opportunity to experience the drama and pathos of the courtroom. He also saw lawyers and judges at their best and worst.

II. Lesson Plan—*The Client*

*(written by John Grisham, retold by Janet McAlpin, published by Penguin Readers,)*

This lesson plan is designed for EFL instructors who teach low-intermediate to intermediate English language learners. It is based on an authentic, contemporary fiction by an accomplished American writer. The lesson plan includes various tasks and activities designed to assist you, the instructor, in developing your students’
English language skills as well as increasing their understanding of Humanity and Law. Students will study fiction, complete tasks both individually and in pairs or groups, and participate in activities that develop listening, speaking, reading, and writing skills. The lesson is divided into five steps: Preparing to Read, Reading the Text, Understanding the Text, Making Connections beyond the Text, and Integrating Language Skills.

**Step 1: Introduce the Lesson**

Explain to your students that they will first read *The Client* completely through. Tell them that they might not fully understand this essay the first time they read it, but after reading it again and analyzing the novel, they will gain a better understanding of the writer’s message and will experience opportunities to communicate in English and improve their language skills.

**Step 2: Reading the Text (30–40 minutes each week in English class)**

A. Review with your students the during-reading tasks below. Then ask them to complete the tasks as they read the essay silently.

1. Circle unfamiliar words or expressions
2. Underline ideas they do not understand
3. Make notes in the margins about sections of the fiction they would like to discuss or ask about

B. Looking up the unfamiliar words in a dictionary

If they have access to the Internet, students can use one of the following on-line dictionary sites.
C. Asking your students to carefully read the essay a second time for better understanding

Step 3: Understanding the Text

You may assign the following questions for class or group discussion, as journal or essay topics to be written in class, or for homework. To prepare your students for oral discussion, follow the steps listed below.

1. Arrange your students into pairs or groups of three to four students.
   a. Ask each pair or group to choose one student to read the questions aloud.
   b. Ask each pair or group to choose one student to record the answers.
   c. Ask each group to choose other members to present the answers to the class.
2. Give your students a fixed time period to discuss the questions and complete the tasks in Step 3 before presenting their responses to the class.
3. Call on each group to present their responses to the class.

Step 4: Making Connections Beyond the Text

You may have students to raise their questions for class or group discussion, as journal or essay topics to be written in class, or for homework.
**Step 5: Integrating Language Skills**

You may assign your students the following report to complete individually or in a group of three or four students. Ask your students to complete their report as written reports or to prepare oral presentations.

**Guide Lines** for report:

1. Making a general Introduction of the story
2. Analysis of Characters
3. Insight into the Story
4. Questions for Asking
5. Survey the Question

**III. An Example for Integrating Language Skills**

The following is an example of the report for integrated reading, students are asked to make PowerPoint by individual. The instructor all the time should remember modeling is the key to successful teaching. Before I give my instruction in fiction reading, I already set up some process learning so that I am sure my pupils can catch up my requirement. Roman is not built in one day.
Introduction

One day, when the brothers, Mark and Rocky, talked about the rules between them in the secret place they knew only, they saw someone attempted suicide and then they knew the truth about the Mafia murder by chance. After that, Mark was shocked to call the police with no name. Therefore, many people wanted to talk to him later in order to realize the truth of the murder, like the cops, the reporters, the government lawyer and so on. Else, there was a killer hired by Barry to kill him. Mark was frightened to the horrible events as he was just an eleven-year-old child after all. So, he asked the lawyer Reggie for help. Reggie taught him what to say while he answered the questions which the FBI asked and how to solve the problems calmly. Then, the news about the event traveled fast from city to city by the newspapers badly and Mark was caught into the children's court to be checked up what he knew. In that time, he was confused about whether he should tell the truth or not. Eventually, when the water subsides the rocks emerge by Mark and Reggie's wisdom, he and his family moved to the other place safely. And happily, his younger brother was out of the terrible mood finally. There was a beautiful ending, wasn't it?
Mark Sway
The lead of this story. He was a clever and brave boy. He knew the secret about a murder. Then, he was cared with the FBI, the killer and the reporter. He thought he was in danger and he was nervous every day.

Larry Trumann & Jason McThune
They worked for Federal Bureau of Investigation. They had to make Mark tell the truth. Therefore, they had met Mark many times in order to know the dead truth.

Jerome Clifford
All the fearfulness with Mark were from him. Because, he told a secret about the Mafia murder to Mark before he killed himself.

Roy Foltrigg
He was a US government lawyer. He knew about the death wanted to prove that Barry killed the senator and founded out where the body was hidden.

Ricky
He was Mark’s younger brother. Since he had seen a man died, he stayed at the hospital and shocked with his thumb in the mouth.

Reggie
She was Mark’s lawyer. She was kind and wise. She advised Mark what to do when the FBI wanted to talk to him.

Dianne
She was Mark’s mother. She was nice to her son, Mark and Ricky. She stayed in the hospital with Ricky day and night. She was nervous, too.

Barry the Blade
He was the client of Clifford. He killed a senator and hid the dead body in Clifford’s garage.

Jonny
He was Barry’s uncle. He knew what Barry did and where the dead body was hidden.

Slick Moeller
He was a reporter. He gathered the news about crimes. When he knew some news about what Mark did, he would publish that on the newspaper quickly.

Gronke
His career was a killer. He had to make Mark fell afraid with Barry and not to say anything about the murder, or he would kill him.

Insight into the story

I believe that some people knows the rights what we need while don’t know how to use them at the right time. However, I also accept some people know how to use them easily for their evil acts, like businessman, administrators and so forth. To protect ourselves, we have to gain our knowledge more. After all, there are not lots of people kindly and friendly like you and me.

Mark was just a eleven-year-old child. How he solve the problems ensuing? Let me tell you, just be calm and then think about what can you do. Or, you can ask someone you believe for help. Of course, your family is the best choice.

I think this story is telling us everyone has to know how to protect our rights at the right time and be calm when something happens. Remember not to be a chicken.
My Questions

• 1. How did the cops know the fingerprints in the car were Mark’s?
• 2. Who caught the fire in Mark’s home?
• 3. How did Mark escape from the hospital?

Answers for Questions

<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Opinion</th>
</tr>
</thead>
<tbody>
<tr>
<td>Q1-1</td>
<td>胡心研</td>
<td>Because, they got Mark’s fingerprints from a coke.</td>
</tr>
<tr>
<td>Q1-2</td>
<td>郭心蘭</td>
<td>Because, they had a coke which had Mark’s fingerprints, then checked it to the cars’.</td>
</tr>
<tr>
<td>Q2-1</td>
<td>李琪安</td>
<td>The killer who was hired by Barry caught the fire.</td>
</tr>
<tr>
<td>Q2-2</td>
<td>許庭瑋</td>
<td>Gronke caught the fire for warming Mark.</td>
</tr>
<tr>
<td>Q3-1</td>
<td>石靖</td>
<td>He covered him as a sick boy.</td>
</tr>
<tr>
<td>Q3-2</td>
<td>高樹嫻</td>
<td>He lied to the keeper.</td>
</tr>
</tbody>
</table>

*Pearl did not make any corrections of the writing and she would like to show English teachers that students actually are full of potentials.
法治教育（Legal Education）

一、基本意涵

法治教育是針對非法律專業人士，使他們具備有關法律相關知識與技能的教育，用以培養身為未來公民所應具備的法律價值、思辨能力為基礎的相關知識。它的重點在於使民眾學習「知法」之後，內化為「守法」的思想理念，所以法治教育的內容應該包含法律知識、人權議題、民主素養…等主題，使每個人能明瞭現代法治社會的權利和責任，並能適應、參與法治社會的運作。

二、教材教法（建議）

法治教育強調法律中最基礎觀念的建立，它像是基礎建設，使學生能瞭解各法律主題領域中的基本精神及觀念，進而培養學生獨立思考並建立法治思維。教師在授課時應以生活經驗為基礎、法律條文為經緯，結合生活與法律，融入授課教材，透過多元化的教學方式使學生明白相法律的相關概念。

人權教育（Humanity Education）

人權教育的內涵可定義為：「藉由教育的設計與作為，讓每一個人能夠且願意主張自己的權利，同時也能夠且願意尊重他人的權利；建立人權文化的社會，並進而關心整體政治、經濟、文化的發展，形塑一個逐漸趨近正義的社會。」

將這項人權教育的內涵解析開來，可以包含以下五項：
（一）能夠主張（尊重）自己的權利：個人明確知道自己於各種社會情境下的權利，同時也能夠（有足夠的社會技巧與相關能力）主張自己的權利。

（二）願意主張（尊重）自己的權利：知道自己的權利與能夠主張自己的權利之外，還需要有足夠的意願（動機）促發自己主張自己的權利。

（三）能夠尊重（接受他人主張）他人的權利：個人明確知道他人於各種社會情境下的權利，同時也能夠（有足夠的社會技巧與相關能力）接受他人主張其權利。

（四）願意尊重（接受他人主張）他人的權利：有足夠的意願（動機）促發自己接受他人主張其權利。

（五）關心整體政治、經濟、文化的發展，形成一個逐漸趨近社會正義的社會：個人「知道」、「能夠」，且「願意」關心整體的政治、經濟、文化等各方面的發展，藉以使整個社會逐步朝向具正義的社會。

（資料來源: 91年教育部編印人權教育推廣與深耕）

教材應具備如下的概念傳達：

1. 法律素養概念
   例如：法律認知、憲法概念、守法與責任、公平與正義、執法與公權力…等。

2. 權利義務概念
   例如：權利義務概念；自由權；平等權；受益權；參政權…等。

3. 生活法律知識概念
   例如：民法、刑法、少年事件處理法的意涵；其他生活法律…等。

4. 法律責任概念
   例如：違法概念；民事、刑事、少年法律責任；維護社會秩序責任…等。

5. 訴訟與救濟概念
例如：民刑事訴訟概念；權利救濟的途徑…等。

Reference


人權教育 91年教育部編印人權教育推廣與深耕