



Activity One: Video One

This worksheet contains questions based on the first video. There are clues or answers within the videos and the explorations materials but try to think about the answers, rather than just try to look them up. It certainly makes it more interesting for you and it might also help to get your mind thinking like a lawyer.

1. When should a person who causes harm have to pay you for that harm? In other words, what are the reasons why we should pay for the harm we cause?
2. Why do you think “twisted” comes to mean “wrong”?
3. Other than property damage (damage to a bike being one example) what other kinds of harm do you think the law of tort protects against?
4. If tort law primarily resolves cases by the use of a monetary award, what might we have when trying to put a price on everything?
5. Someone bumps into you, causing you to drop the shopping you are carrying, cracking eggs and breaking some bottles. The question is, what reasons are there for why that person should pay for the damage done?
 - a. A reasonable starting point might be to check the alternative, which is that every time another person damages the shopping, that person must pay you for the shopping. The question is whether another person caused harm to you, right? That sounds reasonable, doesn't it? Let's just take a few examples.
 - i. First, the bumper bumped only because he was pushed by an idiotic passer-by: the bumper was not in control of his body and only just avoided being hurt. That is, *the bumper was not in control of himself at the time, he was not acting voluntarily*. Should the bumper pay you for the damage?
 - ii. Second, the bumper did indeed bump you, but only because you stepped out into the road without looking, and thus the fact that the bumper bumped was entirely your responsibility. That is, *you were the cause of the accident*. Should the bumper pay you for the damage?
 - iii. Third, the bumper bumped only because he slipped on some black ice which was not reasonably visible; the bumper otherwise took appropriate care while walking along. That is, *the bumper was acting reasonably and was not at fault in causing the harm*. Should the bumper pay you for the damage?
 - iv. Fourth and finally, you were carrying the shopping to the check-out counter in a supermarket when the bumper bumped in order to buy it. That is, *you were not the owner of the shopping yet*. Should the bumper pay you for the damage? Or pay someone else?
6. What do you think it means to describe someone as “negligent”? What are the other words you might use for that? Are there other levels of fault you might consider greater or less serious than *negligence*?
7. What do you think of the Learned Hand Formula, found in the American case of *US v Carroll Towing*? Do you think the right outcome was reached? Do you think the right reasoning was used to reach it? <https://h2o.law.harvard.edu/collages/2923>
8. Can you think of any circumstances which would make calculating what a reasonable person would do difficult?