

Debating, a persuasive Art	
<p><i>L'art du débat (axe 1, thème 3), Mise en scène de soi (Axe 2, thème 2)</i></p> <p>Traditionally, people have called argument any attempt that uses logic to incite a person to take action or to change an opinion or belief. Persuasion is considered to be the same call to action or to change an opinion or belief, but based on appealing to emotion and feeling. And sometimes, that might not be enough.</p>	
	To what extend is persuasion an art?
At the end of the Unit, I will	- know more about the legal system in the USA - learn about the many greats lawful victories
What vocabulary will I need ?	- court - protest - opinion
What grammatical structure will I need ?	- expressing opposition - subjunctive
What documents will be used ?	<p>1- A Legal world 1a- The Usa Federal Court System 1b- England and Wales Legal System 1c- Courtroom orators, <i>Where the Crawdads Sing</i>, Delia Owens, 2018 1c- Making Big Money, <i>The True Stella Awards</i>, Randy Cassingham, 2006 1d- The Story behind the True Stella Award, <i>stellaawards.com</i>, Randy Cassingham, 2020</p> <p>2- the Art of Debating 2a- 8 ways to win an argument, Professor Chris Reed www.bbc.co.uk 2b- Taking part in a debate (manuel <i>Projects Terminale</i>, Didier, 2009) 2c- How to win an argument, <i>britishcouncil.com</i>, Hitham Elhimmali 02 March 2017 2d- The Owl and the Nightingale, anonymous, dated to 1189-1216</p> <p>3- the Art of Persuasion 3a- Little Britain serie 1, episode 1, BBC 2003 3b- What women want (document 1, 2, 3 4) 3c- fighting for a future, Jodi Picoult, <i>My Sister's keeper</i>, 2004</p> <p>4- Memorable fights 4a- Emmeline Pankhurst's Freedom or death speech, Connecticut, 1913 4b- Sit-ins, <i>cuttting edge in a war on bias</i>, Greensboro, N.C, 1960 4c- Brown v. Board of Education, 1954</p>

	<p>5- Affirmative action : when persuasion is not enough 5a- What is Affirmative Action? By Alicia W. Stewart, CNN ,<i>Updated October 10, 2012</i> 5b- “It worked for me”, Bryan K. Fair, <i>Notes of a Racial Caste Baby</i>, 1999 5c- The issues tackled by affirmative action 5d- Is reservation action an affirmative action? Cartoon by Mike Keye for the Denver Post, 2003 5d Why race-based affirmative action is still needed in college admissions, Valerie Strauss for the Washington Post, Jan 30 2022</p>
What will I learn about ?	<p>- the legal system in the US - how to try to seduce and persuade someone</p>
Final Task	<p>- you will take part to a debate, the subject of which will be given randomly, just like your debating partner.</p>

Instructions for your Final Task :

- 1- You will have no preparation time
- 2- You will be picked up randomly, as well as your partner
- 3- You will be given either a theme or a picture on which to base your arguments
- 4- Your “opinion” will imposed to you, whether in favor or against: be ready to debate accordingly.
- 5- You will need to convince as many people in your class as possible.

Thème: True Stella Award – winning an argument – prohibition – medecin babies – fight for woman's right – school opportunity – giving a help for job opportunity – right to choose medical decisions – affirmative action – cartoon Kamala Harris / Suffragette – une photo de sit-ins

1- A Legal world

1a- The Usa Federal Court System

1b- England and Wales Legal System

appropriation des différents systèmes et comparaison: chacun regarde les documents (textes et dessin) puis s'expliquent ce qu'ils ont compris

1c- Courtroom orators, *Where the Crawdads Sing*, Delia Owens, 2018: travail sur le texte, tel que décrit dan

s le manuel

1c- Making Big Money, *The True Stella Awards*, Randy Cassingham, 2006: texte + image :

qu'est-ce qu'on comprend du texte, pourquoi les True stella Awards?

- a. Read the text and explain in your own words the purpose of the True Stella Awards.
- b. Which problem do these awards point to?
- c. What vision of lawyers is presented here?
- d. **ROLEPLAY:** You want to start handing out True Stella Awards again. Explain your motivation.

Did you know?

The True Stella Awards rewarded frivolous cases from 2002 to 2007. The whole purpose was to be entertaining, but beyond that, it meant to question the judicial system itself: are the people who file these suits using the court looking for justice or extortion?

Imaginer quel pourrait être la pire affaire demandé aux USA

Puis

1d- The Story behind the True Stella Award, *stellaawards.com*, Randy Cassingham : ½ classe a le texte décrivant l'affaire du 1er point de vue, 2nde ½ à l'autre côté de l'affaire appropriation puis discussion => justifié ou pas? Listez en groupe work les + et les -

reprendre les affaires proposées pour le document 1c et faire faire the story behind

2- the Art of Debating

prendre les documents 2a / b / c en temps limité : appropriation puis mise en commun oral: what have you learned?

Écriture d'un guide personnel sur les meilleurs conseils donnés. En trouvez 10 min à appliquer lors de la TF.

2a- 8 ways to win an argument, *www.bbc.co.uk*

2b- Taking part in a debate (manuel *Projets Terminale*, Didier, 2009

2c- How to win an argument, *britishcouncil.com*, Hitham Elhimmali 02 March 2017

2d- The Owl and the Nightingale, anonymous, dated to 1189-1216

travail sur le texte tel que proposé par le manuel

réécriture de façon moderne thème au choix.

3- the Art of Persuasion

3a- Little Britain serie 1, episode 1, BBC 2003: travail sur le texte: une personne lit et décrit de mémoire ce qu'il a compris,

on change les groupes puis les rôles et on dit ce que l'on a compris du texte

on change une 3ème fois de groupe: confrontation entre les idées entre les 2

protagonistes puis on échange en groupe de 4

écriture de la suite sous forme de sketch à jouer.

Faire en sorte que chacun ait un rôle + illustration du thème persuasion

Overview



- 1 What type of text is this?
a scene from a play • a sketch • a real-life dialogue
- 2 Complete this summary with the following verbs. Don't forget to conjugate them!
order • date • realise • have • intend • invite • hypnotise • tell
Kenny Craig ... Cathy and ... her to a restaurant, but when he ... she ... to ... the most expensive things, he ... her so that she ... what he ... her to.

Zoom in



- 1 List all the words related to food and restaurants. What type of restaurant is it?
- 2 Focus on Kenny's first two lines. What is he trying to do?
- 3 Describe Cathy's mood at the beginning.
- 4 Explain what Cathy means when she says "It's funny".
- 5 Why does Kenny decide to hypnotise her? Explain your answer.
- 6 Explain Kenny's technique.
- 7 Is Kenny a good hypnotist? Justify your answer.
- 8 "Hey, hey, whatever you want." (l. 15) Comment on Kenny's behaviour.
- 9 Deduce the meaning of "tap" (l. 31) and justify your choice.
robinet • plate • pétillante
- 10 What does Kenny order? How do you react to that?

3 What if you had Kenny Craig's powers? Who would you hypnotise and what for?

4 Rewrite the dialogue: this time another customer notices Kenny's tactics and interrupts him ...

3b- What women wants (document 1, 2, 3 4)

travail sur le dossier => 4 documents, recap à présenter sur la prohibition, moyen de mise en place, raison pour laquelle elles ont proposé la mise en place
trier les doc du + convainquant au – convainquant,
expliquer les raisons de cet ordre (passage de plusieurs groupes au tableau)
et mise en rouge d'une campagne pro et anti- prohibition => choix du support: photo / tableau silencieux / discours au choix
possibilité de s'aider de l'annexe sur la prohibition

3c- fighting for a future, Jodi Picoult, *My Sister's keeper*, 2004

2 groupes: 1 = focus on the Lawyer : action / emotion / arguments / decision
l'autre groupe focus sur la cliente: action / emotion ./ arguments / decision
confrontation des deux groupes: conclusion: il ne la prend au sérieux que lorsqu'il réalise combien elle connaît le système médical
focus sur le parcours médical: what has been done / what is to be done / what she wishes done

composition de groupe pour écriture d'un mini débat:

- sujet 1 – Lawyer + Anna + Father + Mother
- Sujet 2 – Lawyer + doctor + Father + Mother
- Sujet 3 – Lawyer + Anna + Doctor + doctor
- Sujet 4 – Anna + Father + Mother + Doctor
- Sujet 5 – Anna + Lawyer + 1 parent + Judge

sujet 6 – Lawyer + Father + Mother + judge
sujet 7- Lawyer + judge + doctor + 1 parent
tirage au sort des groupes et des rôles
jeux en classe

4- Memorable fights

4a- Emmeline Pankhurst's Freedom or death speech, Connecticut, 1913 : travail sur le discours: découpage en partie + proposition de titre

confrontation dans le groupe => on garde les meilleurs titres.

Pour chaque sous partie, proposer une question (à laquelle on pourra répondre), échange des feuilles en classe: chacun répond à une question d'un autre autant de question que de sous- partie.

Lecture en classe en exagérant la tonalité:
dramatic – hopeful – mocking – estatic – sad

4b- Sit-ins, *cutting edge in a war on bias*, Greensboro, N.C, 1960:

travail sur l'article de journal => lecture en temps limité puis summary dans son cahier.

Trouver les arguments pour et les arguments contre.

Conclusion sur l'article: neutre? En faveur / contre?

Réécriture de l'article à partir d'une photo avec obligation de défendre une opinion imposée (1 = in favor; 2 = against the white students attitude)

mise en lecture au tableau, vote et classement du plus percutant au moins convainquant

4c- Brown v. Board of Education, 1954

½ Classe a la partie expliquant l'avant procès, ½ classe a la partie expliquant le résultat.

Prise en de connaissance des faits, courts résumé dans son cahier.

Trouver une série de 5 questions sur son texte, échange entre ½ groupe pour s'assurer de la compréhension des éléments puis confrontation à 2 pour avoir la totalité des doc mise en commun par la suite et rédaction de la lettre écrite au directeur après la 1ère journée de Ruby Brown, à partir de la photo de la petite fille.

=> quelles demandes et comment va-t-il les formuler?

5- Affirmative action : when persuasion is not enough

5a- "I survived life on Welfare and food stamps..." *Affirmative Action explained*, Rogers, 2003

5b- "It worked for me", Bryan K. Fair, *Notes of a Racial Caste Baby*, 1999:
lecture du texte et appropriation: tableau: who / background / arguments for / arguments against / reasons and examples for / reasons and arguments against (cette colonne doit normalement rester vide)

travail sur les documents iconographique:

5c- The issues tackled by affirmative action

5d- Is reservation action an affirmative action? Cartoon by Mike Keye for the Denver Post, 2003

½ du groupe reçoit la une des deux images.

Dans chaque groupe, la ½ doit rester silencieux, et l'autre expliquer son image mais sans la décrire => en une phrase, résumé le point de vue de l'image

le ½ groupe silencieux note sur une feuille les personnes avec qui ils pensent matcher

ensuite le ½ groupe silencieux doit décrire son image sans lire les mots dessus, l'autre ½ groupe qui avait parlé en 1er les écoute et doit trouver ses binômes.

Confrontation des 2 groupes: normalement on a les mêmes images

Kenny Craig, a hypnotist, is in a restaurant, sitting opposite a young woman. They are studying their menus.

KENNY: I usually just have a starter¹ and find that's enough.

CATHY: It's nice here. It's funny – I don't remember saying I'd go on a date with you. I don't know what to have. It all looks so nice.

KENNY: The... oh, the set menu is very reasonable.

CATHY: Oh, they do baked lobster². I've never had lobster before. I'll have that.

KENNY: Look into my eyes. Look into my eyes. The eyes. The eyes. Not around the eyes. Don't look around the eyes. Look into my eyes. *(He snaps his fingers.)* You're under. In a moment the waiter will appear, and when he does you will order from the set menu. Three courses, £8.95. You will not order the lobster. Three, two, one... *(He snaps his fingers.)* You're back in the room.

CATHY: Oh, there's lots of things I like on the set menu. You don't mind ordering from the set menu, do you?

KENNY: Hey, hey, whatever you want. You know. That's fine. Do you know what you want to drink yet?

CATHY: Seeing as it's a special occasion, it'd be lovely to have a bottle of bubbly.

KENNY: Look into my eyes. Look into my eyes. The eyes. The eyes. Not around the eyes. Don't look around my eyes. Look into my eyes. *(He snaps his fingers.)* You're under. You will choose a soft drink. You will *not*, repeat *not*, order champagne. I know it's our first date but I don't even fancy you that much and I really resent³ you bleeding me dry⁴ here. Three, two, one... *(He snaps his fingers.)* You're back in the room.

WAITER: Are you ready to order, madam?

CATHY: Yes, I'll order from the set menu, please. I'll have the spring roll and chicken chow mein.

WAITER: And to drink?

CATHY: Just a glass of water.

KENNY: Tap.

WAITER: And for sir?

KENNY: Er, I'm not really hungry. I'll just have the lobster and a bottle of champagne. Thanks.

Anne-Charlotte Legrand – Académie de Versailles

mettre les élèves par groupe de 2/4 et leur faire faire rédiger une conclusion sur leurs images

5d Why race-based affirmative action is still needed in college admissions, Valerie Strauss for the Washington Post, Jan 30 2022

lecture du texte – prise de note au choix => mind mapping

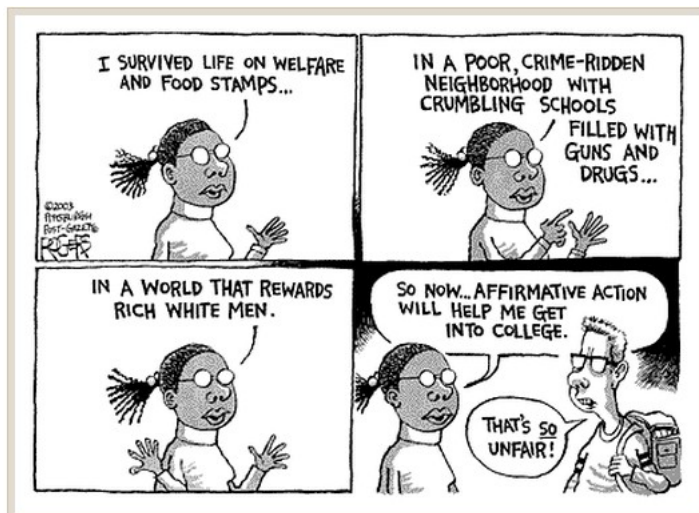
conclusion sur le texte

what have you learn? Conclusion about affirmative action?

What issues does the text raise according to you? Écrire 2 questions sur un papier et chacun vient au tableau en choisissant une question au hasard, doit y répondre pendant au moins 3 minutes (noté?)

annexe: p 58 de Projects et p63

Dst : the lunchon



Making big money!

The True Stella Awards recognize the most frivolous civil lawsuits from the United States, such as a diabetic obese man with high blood pressure and heart disease who sued the fast-food industry for not telling him that it just might not be healthy for him to eat at Mac Donald's everyday as if having two heart attacks weren't enough to convince him. And yes, this is real! Most people simply blame lawyers for that, which only recognizes part of the problem. Yet, most people hate lawyers even then. Is that fair? You bet. Lawsuits can accurately be called an industry in the United States. The lawsuit industry is estimated to bring in more than \$50 billion per year in legal fees to lawyers out of over \$250 billion in total cost to the litigants¹. That's a huge drain² on the country's economy; it represents well over 2% of the US Gross Domestic Product³. By comparison, the United Kingdom "lawsuit load" is less than 1% of its GDP. And it's a growing and accelerating industry.

Randy CASSINGHAM, *The True Stella Awards*, 2006

1. the person who files a lawsuit 2. it affects the economy 3. PIB



The Story behind the Real Stella Award

In 1992, Stella, then 79, spilled a cup of McDonald's coffee onto her own lap, burning herself. A New Mexico jury awarded her \$2.9 million in damages, but that's [not the whole story](#). Ever since, the name "Stella Award" has been applied to any wild, outrageous, or ridiculous lawsuits — including some infamous [bogus cases](#)! Much of the coverage about Stella Liebeck has been grossly unfair. Her lawsuit was filed after the incident.

The Usual Facts Recited

- Stella was not driving when she pulled the lid off her scalding McDonald's coffee. Her grandson was driving the car, and he had pulled over to stop so she could add cream and sugar to the cup.
- Stella was burned badly (some sources say six percent of her skin was burned, other sources say 16 percent was). She needed two years of treatment and rehabilitation, including skin grafts. McDonald's refused an offer to settle with her for \$20,000 in medical costs.
- McDonald's quality control managers specified that its coffee should be served at 180–190 degrees Fahrenheit. Liquids at that temperature can cause third-degree burns in 2-7 seconds. Such burns require skin grafting, debridement and whirlpool treatments to heal, and the resulting scarring is typically permanent.
- From 1982 to 1992, McDonald's coffee burned more than 700 people, usually slightly but sometimes seriously, resulting in some number of other claims and lawsuits.
- Witnesses for McDonald's admitted in court that consumers are unaware of the extent of the risk of serious burns from spilled coffee served at McDonald's required temperature, admitted

that it did not warn customers of this risk, could offer no explanation as to why it did not, and testified that it did not intend to turn down the heat even though it admitted that its coffee is “not fit for consumption” when sold because it is too hot.

But that's just the plaintiff's side : The Neglected Facts

- While Stella was awarded \$200,000 in compensatory damages, this amount was reduced by 20 percent (to \$160,000) because the jury found her 20 percent at fault. She was awarded \$2.7 million in punitive damages — but the judge later reduced that amount to \$480,000. And Liebeck and McDonald's entered into secret settlement negotiations rather than go to appeal. The amount of the settlement is not known — it's *secret!*
- The plaintiffs were apparently able to document 700 cases of burns from McDonald's coffee over 10 years, or 70 burns per year. But that doesn't take into account how many cups are sold *without* incident. In court, a McDonald's consultant pointed out the 700 cases in 10 years represents just 1 injury per *24 million* cups sold! For every injury, no matter how severe, 23,999,999 people managed to drink their coffee without any injury whatever. Isn't that proof that the coffee is not “unreasonably dangerous”?
- Even in the eyes of an obviously sympathetic jury, Stella was judged to be 20 percent at fault — she did, after all, spill the coffee into her lap all by herself. The car was stopped, so she presumably was not bumped to cause the spill. Indeed *she* chose to hold the coffee cup between her knees instead of any number of safer locations as she opened it. Should she have taken more responsibility for her own actions?
- Coffee is *supposed* to be served in the range of 185 degrees! The National Coffee Association recommends coffee be brewed at “between 195-205 degrees Fahrenheit for optimal extraction” and drunk “immediately.” If not drunk immediately, it should be “maintained at 180-185 degrees Fahrenheit.” (Source: [NCAUSA](#).) Exactly what, then, did McDonald's do wrong? Did it exhibit “willful, wanton, reckless or malicious conduct” — the standard in New Mexico for awarding punitive damages?
- As for her injury, one source said that six percent was the third-degree burn area, and 16 percent was “lesser burns.”

The Jury Has Decided

The Court of Public Opinion has issued its verdict: Stella has become an American icon. Rightly or wrongly, she is a symbol of the American Tort system gone wrong, and most have heard of her case — and have an opinion on it. For more than 20 years, the term “Stella Award” has been used to refer to any lawsuit that sounds outrageous. Stella died on August 5, 2004, at 91 years old.

How to win an argument

By Hitham Elhimmali

02 March 2017

Make a logical case

Winning an argument depends on three things: logic, charisma, and team work (in a debate, when you're part of a team).

Logic is one of the fundamental pillars of constructing an argument. If your argument is not logical, you won't convince your audience. What's more, your opponent may spot your flawed logic and target it as a weakness.

Be aware of your body language

It also helps to be charming. Charismatic speakers tend to catch and hold people's

attention. If you can get people to listen to you, you have already done almost half the job of winning them over to your side.

You can appear to **be more confident** by practising your body language and gestures. Some people are blessed to be born with natural confidence, but that doesn't mean that you can't learn to be more charismatic.

Keep your emotions in check and stay calm. Fidgeting or responding in an agitated way to an opponent's claims may be interpreted as weakness. Worse, you might come across as disrespectful.

Never make it personal

Don't attack the person you're debating with. Focus on their argument or the case they have presented. Your attitude defines who you are: never call your opponent names, or say he or she is a liar, even if they did lie.

Prepare before you speak: For a **public debate**, where the topic is announced in advance, you need at least two days to prepare. That's the minimum amount of time you need to hunt for detailed information about the subject and check all the facts. You have to put in this effort if you want to build a solid case, reinforced by evidence-based arguments. If you're in a team, hold a brainstorming session in which you discuss the logic, structure and evidence for your argument, consider counter-arguments that your opponents might make, and think about your individual role in the debate.

Study your opponent

Examine the opposing view of your case, analyse your opponent's tactics

Try to put yourself in your opponent's shoes

Put yourself in the other person's perspective and study their point of view. This helps you spot and understand any weaknesses in your own argument.

You might even agree with a fundamental idea underlying your opponent's argument, but disagree with your opponent's strategy to make their case.

Not all arguments are productive

Sometimes, having an intellectual argument can be fruitful and stimulating: it helps you understand both sides of a situation.

But arguing with people who have an extreme or narrow-minded point of view can be dangerous, especially where I live in Libya. So, depending on the person and their ability to listen to and respect another person's point of view, I make a decision: either we have a healthy discussion, or I withdraw from an argument that would be a waste of time and might create more harm than benefit.

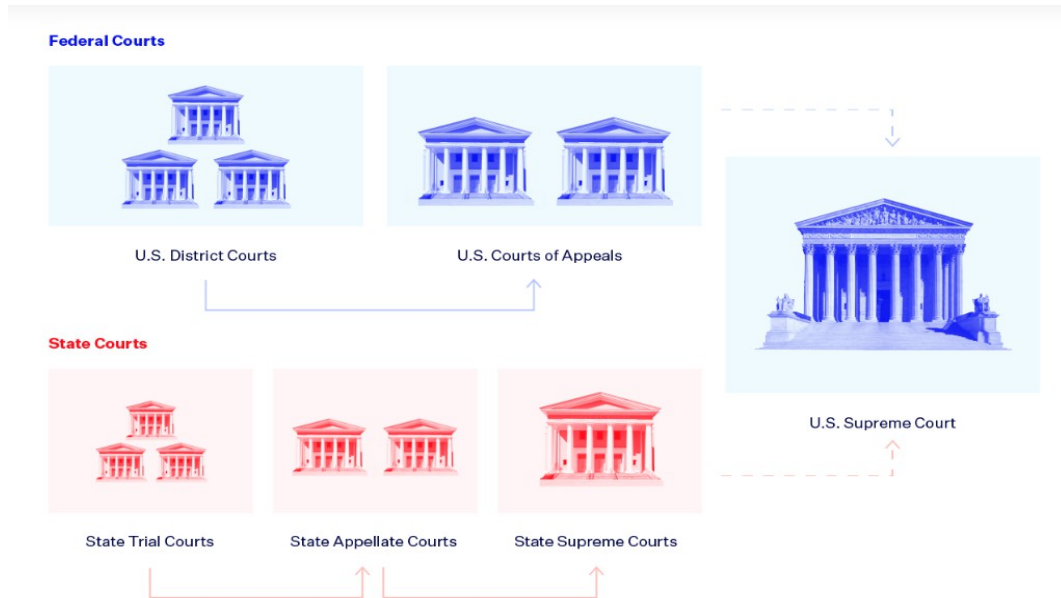
Set ground rules with your opponent

both parties will listen to each other, respect one another, will have a similar amount of time to present their case, and will have the right to respond to each other's argument.

Hitham is the founder and president of the Libyan Organisation of Debates.

The United States is a dual court system where state and federal matters are handled separately.

There are two types of courts in the United States — state and federal. You can think about them as parallel tracks that can (though rarely) end up in the U.S. Supreme Court. Within the two respective tracks, there are three main levels: trial courts, appellate courts and the highest court for that respective track.



- To file a lawsuit in federal court, one must allege that there is a breach of federal law or the U.S. Constitution — these are cases that raise a “federal question.” Federal courts also hear a unique type of case involving “diversity of citizenship” where the case is between citizens of different states and potential damages exceed \$75,000.

- State courts are known as courts of general jurisdiction, meaning that one can raise any claim under state or federal law, except those that are under exclusive jurisdiction of federal courts.

In either federal or state court, a case starts at the lowest level: a U.S. District Court or a state trial court, respectively. If a party disagrees with the outcome at the trial level, they can appeal it to a higher court and eventually petition all the way up to the U.S. Supreme Court.

There are, of course, exceptions to these procedural rules.

The federal court system has three main levels: district courts, circuit courts and the U.S. Supreme Court. Federal judges and Supreme Court justices are appointed by the President and confirmed by the U.S. Senate for a lifetime term.

There are [94 active district courts](#) across the country.

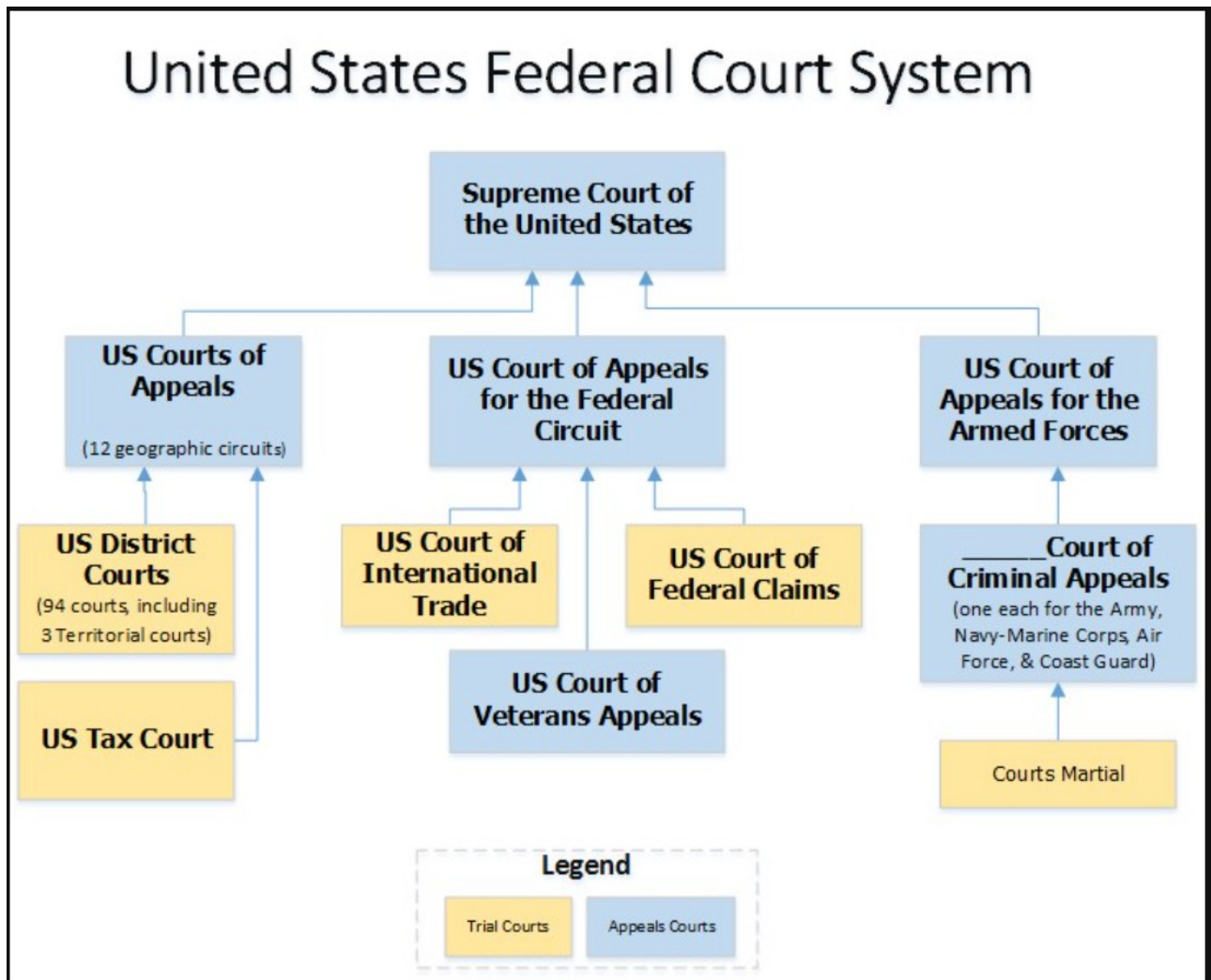
Circuit courts are the first level of appeal. **C**

The U.S. Supreme Court is the highest court and final level of appeal. It chooses which cases it hears.

Parties who disagree with the decision made by a circuit court can petition the U.S. Supreme Court to take the case. Less frequently, parties can petition the U.S. Supreme

Court to review the decision made by a state Supreme Court if the case deals with a federal question.

Unlike intermediate appellate courts, the U.S. Supreme Court is not required to hear cases. Instead, parties ask the court to grant a writ of certiorari. The Supreme Court hears around 80 cases per year, selected from over 7,000 cases that it is asked to review.



England and Wales Court system

England and Wales share a unified court system, based on common law principles, which originated in medieval England. Scotland and Northern Ireland each have their own judicial systems

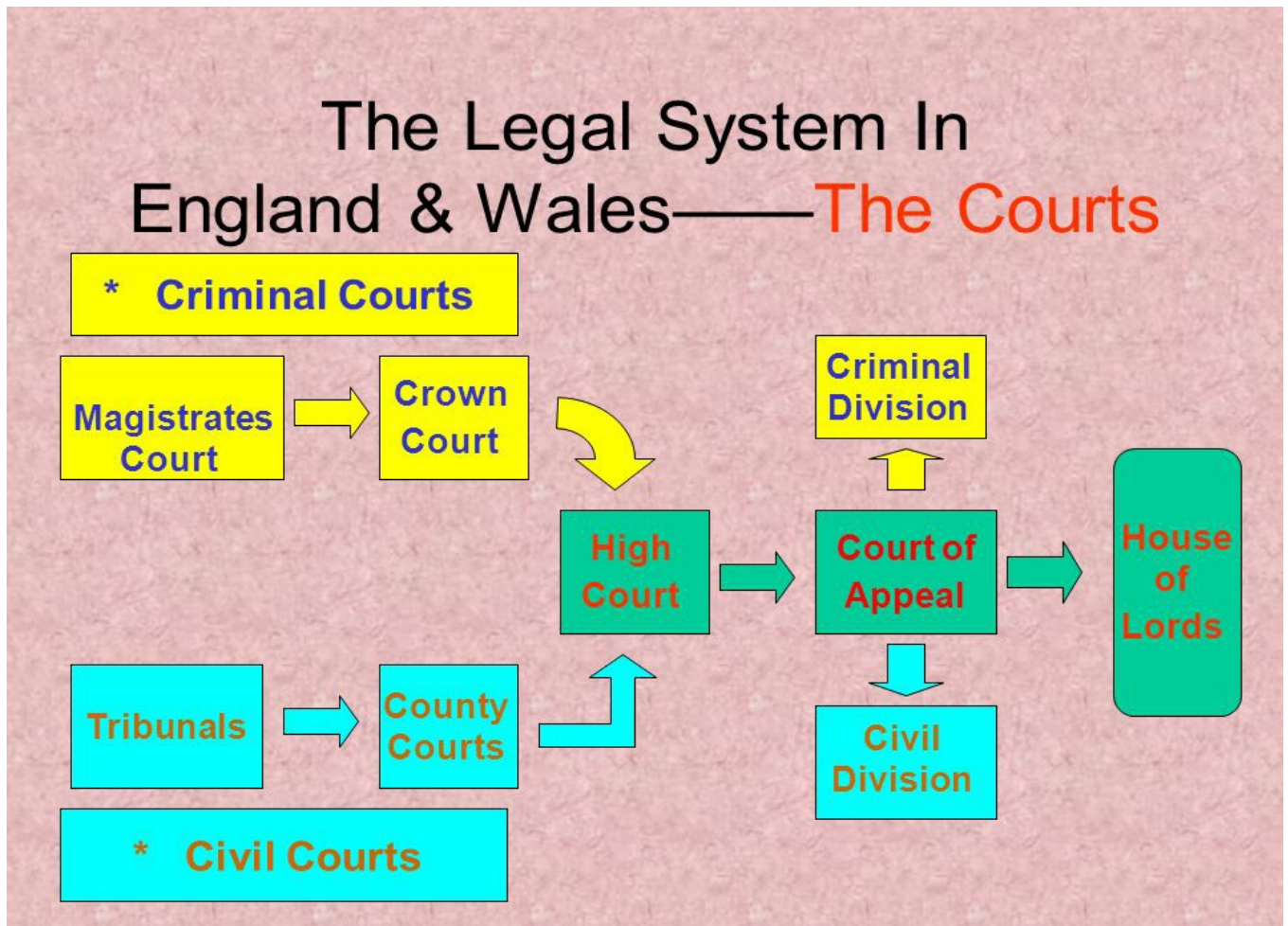
The court system in Northern Ireland closely resembles that of England and Wales, while the Scottish court system is a hybrid model that combines elements of both common and law and civil law systems

In England and Wales, most civil cases are heard in the County Court. Many specialist tribunals have been created to resolve particular types of civil disputes, such as those

involving taxation and employment, as well as immigration and asylum cases. All criminal cases originate in the Magistrates' Court, but more serious offenses are referred to the Crown Court.

The High Court functions as both a court of first instance for high value civil claims and as an appellate court for civil and criminal cases. It consists of three divisions: the Queen's Bench, the Chancery Division, and the Family Division.

The Court of Appeal functions solely as an appellate chamber. The Civil Division hears appeals from the High Court and the County Court, and the Criminal Division hears appeals from the Crown Court.



Emmeline Pankhurst's Freedom or death speech, delivered in Hartford, Connecticut on November 13 1913



I do not come here as an advocate, because whatever position the suffrage movement may occupy in the United States of America, in England it has passed beyond the realm of advocacy and it has entered into the sphere of practical politics. It has become the subject of revolution and civil war, and so tonight I am not here to advocate woman suffrage. American suffragists can do that very well for themselves.

I am here as a soldier who has temporarily left the field of battle in order to explain - I am here as a person who, according to the law courts of my country, it has been decided, is of no value to the community at all; and I am adjudged because of my life to be a dangerous person, under sentence of penal servitude in a convict prison.

Since I am a woman it is necessary to explain why women have adopted revolutionary methods in order to win the rights of citizenship. We women, in trying to make our case clear, always have to make as part of our argument, and urge upon men in our audience the fact - a very simple fact - that women are human beings. (...)

It is about eight years since the word militant was first used to describe what we were doing. (...) We were called militant, and we were quite willing to accept the name. We were determined to press this question of the enfranchisement of women to the point where we were no longer to be ignored by the politicians. (...) Well, they little know what women are. Women are very slow to rouse, but once they are aroused, once they are determined, nothing on earth and nothing in heaven will make women give way; it is impossible. And so this "Cat and Mouse Act" which is being used against women today has failed. There are women lying at death's door, recovering enough strength to undergo operations who have not given in and won't give in, and who will be prepared, as soon as they get up from their sick beds, to go on as before. There are women who are being carried from their sick beds on stretchers into meetings. They are too weak to speak, but they go amongst their fellow workers just to show that their spirits are unquenched, and that their spirit is alive, and they mean to go on as long as life lasts.

Now, I want to say to you who think women cannot succeed, we have brought the government of England to this position, that it has to face this alternative: either women are to be killed or women are to have the vote. I ask American men in this meeting, what would you say if in your state you were faced with that alternative, that you must either kill them or give them their citizenship? Well, there is only one answer to that alternative, there is only one way out - you must give those women the vote.

(...) I come in the intervals of prison appearance. I come after having been four times imprisoned under the "Cat and Mouse Act", probably going back to be rearrested as soon as I set my foot on British soil. I come to ask you to help to win this fight. If we win it, this hardest of all fights, then, to be sure, in the future it is going to be made easier for women

all over the world to win their fight when their time comes.

History - Brown v. Board of Education Re-enactment

The Plessy Decision

Although the Declaration of Independence stated that "All men are created equal," due to the institution of slavery, this statement was not to be grounded in law in the United States until after the Civil War (and, arguably, not completely fulfilled for many years thereafter). In 1865, the Thirteenth Amendment was ratified and finally put an end to slavery. Moreover, the Fourteenth Amendment (1868) strengthened the legal rights of newly freed slaves by stating, among other things, that no state shall deprive anyone of either "due process of law" or of the "equal protection of the law." Finally, the Fifteenth Amendment (1870) further strengthened the legal rights of newly freed slaves by prohibiting states from denying anyone the right to vote due to race.

Despite these Amendments, African Americans were often treated differently than whites in many parts of the country, especially in the South. In fact, many state legislatures enacted laws that led to the legally mandated segregation of the races. In other words, the laws of many states decreed that blacks and whites could not use the same public facilities, ride the same buses, attend the same schools, etc. These laws came to be known as Jim Crow laws. Although many people felt that these laws were unjust, it was not until the 1890s that they were directly challenged in court. In 1892, an African-American man named Homer Plessy refused to give up his seat to a white man on a train in New Orleans, as he was required to do by Louisiana state law. For this action he was arrested. Plessy, contending that the Louisiana law separating blacks from whites on trains violated the "equal protection clause" of the Fourteenth Amendment to the U.S. Constitution, decided to fight his arrest in court. By 1896, his case had made it all the way to the United States Supreme Court. By a vote of 8-1, the Supreme Court ruled against Plessy. In the case of Plessy v. Ferguson, Justice Henry Billings Brown, writing the majority opinion, stated that:

"The object of the [Fourteenth] amendment was undoubtedly to enforce the equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based upon color, or to endorse social, as distinguished from political, equality. . . If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane."

Sadly, as a result of the Plessy decision, in the early twentieth century the Supreme Court continued to uphold the legality of Jim Crow laws and other forms of racial discrimination. In the case of Cumming v. Richmond (Ga.) County Board of Education (1899), for instance, the Court refused to issue an injunction preventing a school board from spending tax money on a white high school when the same school board voted to close down a black high school for financial reasons. Moreover, in Gong Lum v. Rice (1927), the Court upheld a school's decision to bar a person of Chinese descent from a "white" school.

Brown v. Board of Education

Brown v. Board of Education of Topeka was a landmark 1954 Supreme Court case in which the justices ruled unanimously that racial segregation of children in public schools was unconstitutional. Brown v. Board of Education was one of the cornerstones of the civil rights movement, and helped establish the precedent that “separate-but-equal” education and other services were not, in fact, equal at all.

Separate But Equal Doctrine

By the early 1950s, the National Association for the Advancement of Colored People ([NAACP](#)) was working hard to challenge segregation laws in public schools, and had filed lawsuits on behalf of plaintiffs in states such as [South Carolina](#), [Virginia](#) and [Delaware](#).

In the case that would become most famous, a plaintiff named Oliver Brown filed a class-action suit against the Board of Education of Topeka, [Kansas](#), in 1951, after his daughter, [Linda Brown](#), was denied entrance to Topeka’s all-white elementary schools.

In his lawsuit, Brown claimed that schools for Black children were not equal to the white schools, and that segregation violated the so-called “equal protection clause” of the [14th Amendment](#), which holds that no state can “deny to any person within its jurisdiction the equal protection of the laws.”

The case went before the U.S. District Court in Kansas, which agreed that public school segregation had a “detrimental effect upon the colored children” and contributed to “a sense of inferiority,” but still upheld the “separate but equal” doctrine.

Brown v. Board of Education Verdict

When Brown’s case and four other cases related to school segregation first came before the Supreme Court in 1952, the Court combined them into a single case under the name Brown v. Board of Education of Topeka.

[Thurgood Marshall](#), the head of the NAACP Legal Defense and Educational Fund, served as chief attorney for the plaintiffs. (Thirteen years later, President [Lyndon B. Johnson](#) would appoint Marshall as the first Black Supreme Court justice.)

At first, the justices were divided on how to rule on school segregation, with Chief Justice Fred M. Vinson holding the opinion that the Plessy verdict should stand. But in September 1953, before Brown v. Board of Education was to be heard, Vinson died, and President [Dwight D. Eisenhower](#) replaced him with [Earl Warren](#), then governor of [California](#).

Displaying considerable political skill and determination, the new chief justice succeeded in engineering a unanimous verdict against school segregation the following year.

In the decision, issued on May 17, 1954, Warren wrote that “in the field of public education the doctrine of ‘separate but equal’ has no place,” as segregated schools are “inherently unequal.” As a result, the Court ruled that the plaintiffs were being “deprived of the equal protection of the laws guaranteed by the 14th Amendment.”

Why race-based affirmative action is still needed in college admissions

The Supreme Court has agreed to take up a case that will allow it to rule again on whether universities may consider race in admissions decisions — and given the makeup of the conservative-dominated panel, affirmative action supporters are concerned. The case in point involves admissions at Harvard University and the University of North Carolina at Chapel Hill, which use race as a factor in admissions in ways that lower courts

have found compliant with previous Supreme Court rulings. But earlier decisions upholding affirmative action were made before the court's membership tilted firmly to the right during the Trump administration.

For years, race-based affirmative action has been losing support in the United States — but this post explains why it is still important. It's not just to reverse historical discrimination — something that it seems many conservatives would rather have us forget — but also because of the benefits of diversity to individual students and American society.

America historically prided itself on being a melting pot of cultures. Some people may pretend college admissions are based on a meritocracy, but, of course, they aren't, and race-based affirmative action has been a critical mechanism to help create diverse communities at schools.

I asked Natasha Warikoo, professor of sociology at Tufts University, about this issue, and below you can read her analysis about why race-based affirmative action is still important.

By Natasha Warikoo:

1. Simply put, American society continues to suffer from racial inequality, so affirmative action provides more equitable opportunities for a top-notch college education.

Racial inequality in the United States stems partly from the ongoing knock-on effects of past exclusion and discrimination. For example, [White families have](#) had more opportunities over generations to accumulate wealth; that wealth often aids middle-class Whites as they go to buy their first home. The average White family [today holds](#) more than \$170,000 in net assets, compared with just \$17,000 for the average Black family. In turn, middle-class Black families [tend to live](#) in more disadvantaged neighborhoods than middle-class White families. [This affects](#) where their children go to school, and who they go to school with.

But history is not the only driver of racial inequality. Decades of research have shown that unequal opportunities continue to shape the educational experiences of Black, Latino and Native American youths, even within the same schools, and even with well-meaning teachers. To take one example, [when tested](#) for unconscious bias, most teachers show pro-White, anti-Black bias. In turn, [when teachers hold](#) implicit racial bias, their Black students have demonstrably worse learning outcomes. Black youths [also experience](#) more disciplinary surveillance at school and harsher punishments for the same behaviors compared with their White peers.

In contrast, White youths tend to enjoy many privileges in the United States. These privileges include growing up, on average, [in more affluent neighborhoods](#) and [attending higher-performing schools than Black and Latino youths, even of the same social class](#); and having parents with more financial [resources to support their development](#).

Increasingly, Asian Americans, too, [benefit from privileges](#) previously associated with Whites.

Affirmative action helps to account for these historical and contemporary inequities, and makes a difference in the lives of its beneficiaries. Attending an elite college improves future earnings for Black and Latino students. In contrast, [the research is unclear](#) on whether attending an elite college makes a difference for future earnings for White, non-low-income, non-first generation students. Scholars think this difference is because students from families with fewer resources are more likely to draw on the connections they make in college for future opportunities, compared with those whose parents can already provide those connections, no matter where they go to college.

2. Affirmative action benefits all students by exposing them to diverse perspectives on campus.

Residential segregation in the United States means that many kids will grow up with little interaction with kids of other races. This is particularly true for White kids. After Supreme Court Justice Lewis F. Powell Jr. voiced acceptance for the “diversity rationale” in the 1978 *Bakke* decision, social scientists set out to understand just how diverse learning environments shape educational experiences, if at all. We now know the considerable benefits to all students of having a quorum of classmates of all races. It makes students [more likely to socialize with peers of other races](#), which in turn seems to improve their [intellectual engagement and performance](#). It even bolsters their [leadership skills](#). Experiencing a diverse student body in college is associated with having [diverse friendships](#), [greater civic engagement](#) and [positive racial attitudes](#) many years after graduation.

3. Affirmative action leads to more-diverse leadership, which is essential for sound decision-making and legitimacy.

Justice Sandra Day O’Connor, in the 2003 *Grutter v. Bollinger* case, argued that a lack of diversity in leadership of society would delegitimize that leadership in the minds of many citizens. That is, national unity and effective governance required that people of all racial groups should see themselves in the leadership of the country, which signals that people like them are included in social opportunities.

A comparison with Britain, where no affirmative action exists, is informative here. When Barack Obama was elected president in 2008, many in Britain asked why Britain did not have a cadre of potential leaders who are Black like the United States did. Indeed, many U.S. underrepresented minority leaders have pointed to affirmative action as having enabled their social position, including [Supreme Court Justice Sonia Sotomayor](#) and [Obama](#). In contrast, despite about 14 percent of Britain’s population identifying as Black or Asian/South Asian, the country has never had a [prime minister of color](#), nor a [Supreme Court justice of color](#).

Affirmative action is also an effective policy to address the goal of increasing diversity among professionals, such as doctors, lawyers and teachers.

If selective colleges are to adhere to the mission of contributing to the public good that so many of them espouse, they must provide opportunities to talented and eager teens from a range of backgrounds. Affirmative action is one small mechanism to increase the likelihood that Black, Latino and Native American youths have a realistic shot at the privileges that education at the likes of Harvard, the University of North Carolina and other selective colleges can provide. Without it, White and Asian American students, too, will miss out on the opportunity to better understand a wide range of life experiences and perspectives.

Valérie Strauss for [The Washington Post](#), January 30, 2022

What Is Affirmative Action?

Definition

A set of procedures designed to eliminate unlawful discrimination among applicants, remedy the results of such prior discrimination, and prevent such discrimination in the future. Applicants may be seeking admission to an educational program or looking for professional employment. In modern American jurisprudence, it typically imposes

remedies against discrimination on the basis of, at the very least, race, creed, color, and national origin.

In 1961, President John F. Kennedy signed [Executive Order 10925](#), ordering that federally funded projects "take affirmative action to ensure that applicants are employed, and employees are treated during employment, without regard to their race, creed, color, or national origin."

Five decades later, a young white woman and a Texas school's admissions policy stand central to a monumental Supreme Court case. The justices began hearing oral arguments Wednesday over the constitutionality of racial preferences in consideration of the students it accepts.

It could change how schools determine whom they let in and whom they keep out. Affirmative action began as a simple idea to expand equality and has morphed into a charged and divisive topic.

What is affirmative action, and how is it different from when it began?

Here are five things to know.

1. Why it was started: The earliest implementation of affirmative action policies, before Kennedy coined the phrase, began under President Franklin Roosevelt in the second World War. He [banned discrimination](#) in the government and those involved in "war-related" work.

Later, President Lyndon B. Johnson expanded on [Kennedy's order](#) to include women and signed the Civil Rights Act into [law](#). He explained the purpose of affirmative action in [this speech](#) to Howard University's 1965 graduating class:

"And this is the next and the more profound stage of the battle for civil rights. We seek not just freedom, but opportunity. We seek not just legal equity, but human ability; not just equality as a right and a theory, but equality as a fact and equality as a result."

Less known, though, is that President Richard B. Nixon created goals and time frames around the legislation. "We would not impose quotas, but would require federal contractors to show affirmative action' to meet the goals of increasing minority employment," he wrote in his [memoirs](#).

2) Why it is controversial: Quotas. The idea of a limited number of admissions or jobs for members of underrepresented groups and any type of preferential treatment runs counter to how we view our American dream, critics argue.

That idea became central in the Massachusetts Senate race between Scott Brown and Elizabeth Warren. Warren was accused of using her Native American ancestry for jobs but has denied doing so.

[Is she or isn't she Native American?](#)

In 1978, the landmark [Regents of California v. Allan Bakke](#) case made racial quotas unconstitutional. Bakke, a white student, sued after twice being denied admission to medical school, challenging the special admissions used to admit minority groups.

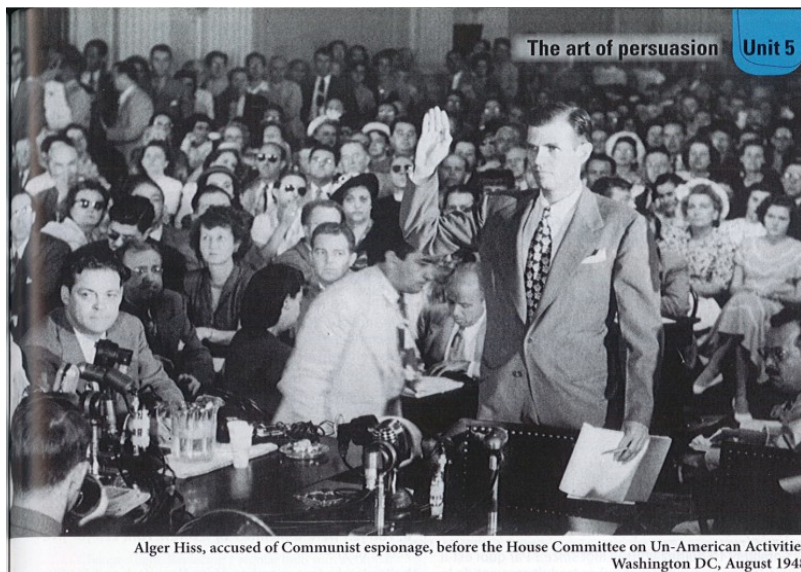
3) How it's changed: While affirmative action is usually spoken of in general terms, there is no singular policy or implementation of the ways in which affirmative action take shape in government organizations, colleges and corporations varies.

Court cases continue to refine interpretations of how race is used at the university level. Some schools have experimented with a variety of ways of **non-race**-based models, like the Top 10 model that the University of Texas employs, to ensure the racial diversity of students.

4) How we feel about it: In a **2009 Pew poll**, the majority of Americans supported affirmative action but strongly disagreed about minority preference. And while most African Americans (58%) and Hispanics (53%) agreed that minorities should get preferential treatment, only 22% of whites agreed.

5) Where it exists: Though quotas have been outlawed in the United States, the European Union **has had a recent push** to punish companies whose boards aren't composed of at least 40% women. And India, Brazil and Malaysia, among other countries, have laws and policies that address affirmative action in schools and throughout society.

By **Alicia W. Stewart**, CNN ,Updated October 10, 2012



New York, 1951¹. Eric Smythe is a TV comedy writer. One day, his boss calls him to a meeting with other TV executives... and an FBI agent.

"Mr Smythe, are you now or have you ever been a member of the Communist Party?"

Without even thinking about it, I instantly said, "No."

Agent Sweet tried to control a smirk as he opened my very substantial file, and said, "You're lying, Mr Smythe. [...] According to our records¹, you joined the Communist Party in March of nineteen thirty-six, and were a member of its New York cell for five years, resigning² only in nineteen forty-one."

"Okay, I confess. For a short period of my life, just after I left college, I was a member of the Party. But that was ten long years ago..." [...]

"So," said the ever-helpful Counselor³ Golden, "you realized Communism was wrong."

He didn't pose that sentence as a question – rather, as a statement. Bert Schmidt shot me this pleading⁴, *don't be stupid here* look. I said, "That's right. I decided Communism was wrong. And evil" [...]

"Given your admirable change of heart on the matter of Communism," Agent Sweet said, "would you call yourself a patriotic American?"

I was also expecting this dumb question. And I knew I'd have to lie. So I assured Agent Sweet – and everyone else at the table – that I loved my country more than life itself [...].

"Then you'd be willing to cooperate?" he asked me.

"Cooperate? What do you mean by *cooperate*?" [...]

"Quite simply," Golden said, "all Agent Sweet needs to know are the names of the people who brought you into the Party, and those individuals who are still active Party members today."

"And," Agent Sweet added, "by naming these names, you will not only be demonstrating your complete lack⁵ of affiliation with present Communist activity... you will also be confirming your patriotism."

"Since when has denouncing innocent people been considered an act of patriotism?" I asked.

"Communists are not innocents," Ross shouted at me.

"The one-time Communists I know certainly are."

"Ah," Agent Sweet said, "then you admit that you do know Communists."

"Former Communists, like me."

"Eric," Frankel said, "if you could just provide⁶ Agent Sweet with a few of their names..."

"And destroy their lives in the process?"

"If they are as innocent as you claim to be, then they have nothing to fear."

"Unless, of course, they also refuse to name names. That's the game here, isn't it?"

Overview

- 1 List the characters present in the text and say who they work for.
- 2 What is the narrator supposed to do?
- 3 Does the narrator do all he is supposed to do?
- 4 Describe the political context, with the help of *Culture Flash*.

Zoom in

Eric

- 1 Focus on lines 1 to 20. Is Eric Smythe taking this interview seriously? Explain your answer.
- 2 Why does Eric Smythe “have to lie” (l. 18)?
- 3 Focus on lines 21 to the end. Does Eric’s attitude change? Look at the type of sentences he makes to help you answer.
- 4 Is Eric Smythe “willing to cooperate”? Say why or why not.

Agent Sweet

- 5 Deduce the meaning of “smirk”.
petit sourire • grimace • bâillement
What does this smirk express?
- 6 How much does the FBI know about Eric Smythe?
- 7 Explain the logic behind Agent Sweet’s arguments.

The TV executives

- 8 True or false? Justify your answers.
 - a. They try to suggest what Eric Smythe should say.
 - b. They try to make things look easy.
 - c. They stand up against Agent Sweet.

Zoom out

- 1 In your opinion, what makes someone patriotic? Give examples.
- 2 Eric Smythe writes to a friend who is a former communist. He tells him about the trouble he’s in.

Translate

Translate lines 4 to 8.
Avoid literal translation of *records, joined, resigning*.

WATCH YOUR WORDS

Eric Smythe: in a predicament: *en situation difficile*
• trapped = cornered • rebel against sb → a rebel → rebellious • doubt /dau/ sth: *douter de qqc* • frame-up: *coup monté, machination*

The TV executives: submissive: *soumis* • be on sb’s side: *être du côté de qqn* • assist sb • helpful • support sb → (un)supportive

Agent Sweet: bully /buli/ sb = intimidate sb • suspect sb of (doing) sth → suspicion → suspicious • make sb understand sth

The girl sitting across from me waits for an answer, one I'm deliberately withholding. She says she wants to sue¹ her parents, like every teenager on the planet. But *she* wants to sue for the rights to her own body. It is exactly the kind of case I avoid like the Black Plague² – one which requires far too much effort and client baby-sitting. With a sigh³, I get up. "What did you say your name was?"

"I didn't." She sits a little straighter. "It's Anna Fitzgerald."

I open the door and bellow for my secretary. "Kerri! Can you get the Planned Parenthood for Ms Fitzgerald?"

"What?" When I turn around, the kid is standing. "Planned Parenthood?"

"Look, Anna, here's a little advice. Instigating a lawsuit because your parents won't let you get birth control pills or go to an abortion clinic is like using a sledgehammer⁴ to kill a mosquito. You can save your allowance money⁵ and go to Planned Parenthood; they're far better equipped to deal with your problem."

For the first time since I've entered my office, I really, truly look at her. Anger glows around this kid like electricity. "My sister is dying, and my mother wants me to donate one of my kidneys⁶ to her," she says hotly. "Somehow I don't think a handful of free condoms⁷ is going to take care of that."

You know how every now and then, you have a moment where your whole life

stretches out ahead of you like a forked road, and even as you choose one gritty path you've got your eyes on the other the whole time, certain that you're making a mistake? Kerri approaches, holding out a strip of paper with the number I've asked for, but I close the door without taking it and walk back to my desk. "No one can make you donate an organ if you don't want to."

"Oh, really?" She leans forward, counting off on her fingers. "The first time I gave something to my sister, it was cord⁸ blood, and I was a newborn. She has leukemia – APL – and my cells put her into remission. The next time she relapsed⁹, I was five and I had lymphocytes drawn from me, three times over, because the doctors never seemed to get enough of them the first time around. When that stopped working, they took bone marrow¹⁰ for a transplant. When Kate got infections, I had to donate granulocytes. When she relapsed again, I had to donate peripheral blood stem cells."

The girl's medical vocabulary would put some of my paid experts to shame. I pull a legal pad out of a drawer. "Obviously, you've agreed to be a donor for your sister before."

She hesitates, then shakes her head. "Nobody ever asked."

"Did you tell your parents you don't want to donate a kidney?"

"They don't listen to me."

"They might if you mentioned this."

She looks down, so that her hair covers her face. "They don't really pay attention to me, except when they need my blood or something. I wouldn't even be alive, if it wasn't for Kate being sick."

An heir and a spare¹¹: this was a custom that went back to my ancestors in England. It sounded callous¹² – having a subsequent child just in case the first one happens to die – yet it had been eminently practical once. Being an afterthought might not sit well with this kid, but the truth is that children are conceived for less than admirable reasons every single day: to glue a bad marriage together; to keep the family name alive; to mold in¹³ a parent's own image. "They had me so that I could save Kate," the girl explains. "They went to special doctors and everything, and picked the embryo that would be a perfect genetic match." [...]

Anyone who tuned in periodically to CNN would know about the controversies of stem cell research. Spare-parts babies, designer infants, the science of tomorrow to save the children of today.

I tap my pen on the desk, and Judge – my dog – sidles closer. "What happens if you don't give your sister a kidney?"

"She'll die."

"And you're okay with that?"

Anna's mouth sets a thin line. "I'm here, aren't I?"

"Yes you are. I'm just trying to figure out what made you want to put your foot down, after all this time."

She looks over at the bookshelf. "Because," she says simply, "it never stops."

Jodi Picoult, *My Sister's Keeper*, 2004

divers: prohibition: Guardians of family virtue

Guardians of family virtue

1 By the late nineteenth century, these temperance reformers emerged with
a new organizational capacity and a new appreciation for state-sponsored
social change. The Woman's Christian Temperance Union (WCTU), estab-
lished in Cleveland, Ohio, in 1874, became the most powerful female reform
5 organization of the late nineteenth and early twentieth century. [...]

These middle-class Protestant reformers, identifying themselves as
guardians of family virtue, saw the abolition of liquor consumption as the
linchpin¹ in an effort to protect vulnerable women and children and discipline
male, and especially working-class, breadwinners. New armies of male
10 wageworkers labored long hours in the nation's burgeoning cotton mills,
machine shops, steel foundries, and coal mines by the end of the nineteenth
century. Their wives labored in their households raising children, cooking,
doing laundry, and sometimes taking in boarders². They relied on their
husbands' wages³ to make ends meet. Working-class women's budgetary
15 challenges were compounded⁴ by spouses' periodic unemployment. Layoffs,
economic downturns, and manufacturers' seasonal production cycles made
bouts of unemployment common for wage earners.

The saloon added insecurity to their home lives: poor women had to fear
that much-needed cash would land in a saloon. To make matters worse,
20 inebriated husbands returning home threatened domestic violence as well
as family destitution. The paternalist Protestant elite women who filled the
ranks of the grassroots crusaders drew upon the well⁵ of earlier temperance
ideas. Their solutions, however, no longer focused on converting individuals
to an abstinent life. They sought social means to promote temperance and
25 launched local-option campaigns and eventually statewide prohibition battles
to abolish the liquor traffic.

The War on Alcohol, by Lisa McGirr, 2016

I walked quickly into my study, picked up the fax phone and called the police. In the seconds before I was connected I realised that I had no idea what to say. A woman's voice came on, laconic and sceptical, hardened against a workaday deluge of panic and woe¹. I spoke in a gruff and reasoned tone of a responsible citizen. "I'd like to report a case of harassment, systematic harassment." I was transferred to a man whose voice showed the same wary calm. I repeated my statement. There was only a fractional hesitation before the first question. "Are you the person being harassed?" "Yes. I've been ..." "And is the person causing the nuisance with you now?" "He's standing outside my place this very minute." "Has he inflicted any physical harm² on you?" "No, but he ..." "Has he threatened you with harm?" "No." I understood that [...] Parry's behaviour had to be generalised into a crime. "Has he made any threats against your property?" "No." "Or against third parties?" "No." "Is he trying to blackmail³ you?" "No." "Do you think you could prove that he intends to cause you distress?" "Er, no." The voice slipped out of official neutrality into a near-genuine query. I thought I caught a Yorkshire accent. "Can you tell me what he's doing then?" "He phones me at all hours. He talks to me in the ..." [...] "Is he using obscene or insulting behaviour?" "No. Look, officer. Why don't you let me explain? He's a crank. He won't let me alone." "Are you aware of what he actually wants?" [...] I said, "He wants to save me." "Save you?" "You know, convert me. He's obsessed. He simply won't leave me alone." The voice cut in, impatience taking hold at last. "I'm sorry caller. This is not a police matter. Unless he harms you, or your property, or threatens the same he's committing no offence. Trying to convert you is not against the law." Then he terminated our emergency conversation with his own little stricture. "We do have religious freedom in this country."

The affirmative action policies dating back to the 1960s were originally developed in the USA to correct decades of discrimination and to give disadvantaged minorities a well-needed boost. But today, many people think such actions are no longer required.

"It worked for me"

In *Notes of a Racial Caste Baby*, Bryan Fair combines American history and his own personal-life to offer a defence of affirmative action.

As a teacher of American constitutional law, I regularly discuss race and gender discrimination cases with my students. In one of my courses, I have the students interview a grandmother, mother, aunt, sister or female friend about gender discrimination in their jobs. For many of these students, gender discrimination means little until it affected close family and friends...

Only by hearing one another's stories can we reach an agreement regarding remedial affirmative action. [...]

I am the eighth of ten children of a single mother born in a black ghetto in Columbus, Ohio, in 1960. My mother sometimes had two jobs, but still, her wages were low, she received no job benefits and none of our fathers helped her. We certainly did need welfare. I can't imagine what we would have done without it. Even with it, my family went weeks without regular meals at home. Sometimes, in order to get something to eat, I had to steal. Sometimes during the frigid, below-zero Ohio winters we had no gas heat. I stay warm, we huddled under blankets or slept in our clothes. A few times, my mother could not pay the electric bill either. I thought we were the poorest people in Columbus. We were not.

When I was seven, I started hustling jobs and for the next eleven years, after school and on weekends, I ran errands², shovelled snow, cut grass, cleared trash, cleaned bathrooms, cooked, stocked groceries, sold candy and cleaned animal cages. My survival depended on those jobs. They enabled me to buy food, a few clothes and school supplies and help my mother pay bills.

I attended elementary school regularly and earned A's and B's in most classes. But when I participated in a busing program during junior high that moved black kids from the ghetto into predominantly white schools, the work seemed much harder and my grades fell. I could not read well and had to struggle to finish my homework.

When I started high school, one of my teachers told me that I didn't know very much. To help he gave me history and literature books to read. Without constantly looking up in the dictionary the many words whose pronunciation and meaning I didn't know, I couldn't make sense of them. I was scared, and angry, and I felt trapped.

Many Blacks in Columbus and elsewhere in America are born into those conditions I have described, and most remain there. I escaped. I am not poor or dependent on welfare. I am now a lawyer, a professor of constitutional law, a university administrator and a published author. I support myself and help support my mother. How did this happen?

One essential factor was remedial affirmative action. It helped me move from the ghetto to more rigorous schools and increasingly nurturing³ environments. So no one can tell me that affirmative action does not work. It worked for me as it has for many other Americans.

My life experiences have convinced me that remedial affirmative action and hard work, plus the support and direction of many people enabled me to escape from that Ohio ghetto. Without the educational opportunities I would have been imprisoned by circumstances and conditions beyond my control. [...]

Everywhere you turn in the United States, remedial affirmative action is under assault. "Innocent", "angry" white men insist they are victims of "reverse discrimination", unfairly losing their jobs and other opportunities because of minority and gender preferences.

Public discussion in the United States often portrays affirmative action as primarily those policies that help "unqualified" blacks or other racial minorities attend schools, gain employment or elect representatives of their choice. Little is said or written about the remedial policies that help white women overcome centuries of economic exclusion or policies that aid small businesses operated by socially or economically disadvantaged persons, including white men.

Bryan K. Fair,
Notes of a Racial Caste Baby (1999)

1. Government financial assistance provided to the poor to meet basic material needs

2. Deliver or collect things for people
3. Caring and encouraging

Taking part in a debate

When you take part in a debate your objective is to gain the support of those listening to you. It is therefore very important to present your arguments clearly and with conviction.

On the CD you can listen to extended versions of the examples given below.



1 Stating the issue at stake and your standpoint

- Remind those who are listening to you of **both** sides of the issue being discussed.
*We all know that there are people who feel strongly about...
Some consider that... while others...
Arguments have existed for many years about... /There are those in favour of...*
- Make it very clear which side of the debate you are defending.
*I intend to show you that.../I am convinced that...
or if you are debating in a team:
We strongly believe that... /We are convinced that...*

2 Introducing your arguments

- Try and mention the opposing argument and then show that it is not true.
*Many people think that... is not important, but in fact it is essential because...
You may think that... but on the contrary...*

3 Answering your opponents' arguments

- It is important to show your opponent that you have heard his/her argument before continuing with yours.
So you think that... is a waste of... but you haven't thought of some of the reasons...
- Using interrogative negative forms adds conviction to your arguments.
Don't you think that it would be better...?
- Giving examples makes your arguments sound more convincing.
The easiest way to see this point is by remembering what happened to... a few years ago... .

4 Concluding

- Remind everyone of the issue, of your standpoint and make a list of your different arguments.
*This debate is to decide whether or not...
We firmly believe that... because... and... . What's more,...*

document 2b en image:

https://s3.amazonaws.com/libapps/accounts/33314/images/Courts_of_England___Wales_Diagram.png

Now Mr Price, you told the sheriff during his investigation that there was a skinny¹ passenger on the bus who could've been a tall woman disguised as a man. Is that correct? Please describe this passenger."

"Yeah, that's right. A young white man. Reckon he was 'bout five ten, and his pants just hung on him like sheets on a fence post. He wore a big bulky cap, blue. Kept his head down, didn't look at anybody."

"And now that you've seen Miss Clark, do you believe it's possible that the skinny man on the bus was Miss Clark in disguise? Could her long hair have been hidden in that bulky² cap?"

"Yeah, I do."

Eric asked the judge to request that Kya stand up, and she did so with Tom Milton by her side.

"You can sit back down, Miss Clark," Eric said, and then to the witness, "Would you say that the young man on the bus was the same height and stature as Miss Clark?"

"I'd say 'bout exactly the same," Mr. Price said.

"So all things considered, would you say that it's likely that the skinny man on the 11:50 P.M. bus traveling from Greenville to Barkley Cove on the night of October 29 of last year was in fact the defendant Miss Clark?"

"Yeah, I'd say that's very possible."

"Thank you, Mr Price. No further questions. Your witness."

Tom stood in front of the witness stand and, after five minutes of questioning Mr. Price, he summed up. "What you've told us is this: one, there was no woman who looked like the defendant on the bus from Greenville to Barkley Cove on the night of October 29, 1969; two, there was a tall, thin man on the bus, but at the time, even though you saw his face very close, you didn't think of him as a woman in disguise; three, this idea of disguise only came to you when the sheriff suggested it."

Tom continued before the witness could respond. "Mr. Price, tell us how you're sure the thin man was on the 11:50 P.M. bus of October 29? Did you take notes, write it down? Maybe it was the night before or the night after. Are you one hundred percent sure it was October 29?"

"Well, I see what you're getting at. And, when the sheriff was jogging my memory, it seemed like that man was on that bus, but now, I reckon I can't be one hundred percent sure."

"Also, Mr. Price, wasn't the bus very late that night? In fact, it was twenty-five minutes late and didn't arrive in Barkley Cove until 1:40 in the morning. Is that correct?"

"Yeah," Mr. Price looked at Eric. "I'm just trying to help out here, do the right thing."

Tom reassured him. "You've been a great help, Mr. Price. Thank you very much. No further questions."

Where the Crawdads Sing, Delia Owens, 2018 ■

1. skinny: very slim - 2. bulky: large

- 1 List the facts put forward by the witness and comment on how he expresses himself.
- 2 Compare the facts with their interpretations by the lawyer. Explain the lawyer's strategy.
- 3 Imagine the effect of this analysis on the jury.
- 4 Comment on the ending of the testimony. What was the lawyer's objective?
- 5 **GROUP WORK.** Make a list of possible counter arguments following this testimony. Write and act the defence lawyer's plea.

Nouns
trial
bar
barrister
caveat: warning

Adjectives
law-abiding
null and void: cancelled
persuasive
assertive

Verbs
acquit
release on bail
testify
assemble a case
sue

Expressions
innocent until proven guilty
take/swear an oath: make a promise
a breach of promise
bona fide: in good faith
contempt of court:
disruption of court

What are the keys to winning an argument?

Here are some top tips from Professor Chris Reed, of Dundee's Centre for Argument Technology for [bbc.com](https://www.bbc.com)

1. Be cogent

When arguing it's important to be convincing and clear. One of the best ways of doing this is by finding evidence to support your claims. Sometimes one piece of evidence is enough, but often it's better to find more than that. The more claims you can make, supported by evidence, the more cogent your argument will be.

2. Build your argument

Go further. Much further. Look at the reasons you believe you're right and find reasons why those reasons are true. Then dig up reasons for those reasons! Analysis conducted on debates tries to build a huge picture mapping the connections between reasons and conclusions all through a debate.

3. Be relevant

Some themes turn out to be at the core of a debate, but others are on the fringes. Try to focus on the heart of the issue and avoid getting side-tracked. Getting side-tracked will weaken your stance. Our analysts rate arguments not just for their logic but also for their ‘centrality’.

4. Counter objections

The best debaters know what their opponents’ arguments are going to be before they even hear them. If you have thought about the attacks that could be launched against your position, you can mention them and deal with them in advance. It might even deter your opponent from using them at all.

5. Look for the weak spots

Different types of arguments can be attacked in different ways – although you don’t need to be hostile, so we prefer the word ‘critique’. For example, if you’re met with “This is what the expert says,” you might want to ask whether the expert is biased or has a vested interest.

6. Listen

Winning an argument is at least as much about listening as it is about talking. Don’t dominate the conversation; let everyone else have their say. The deadliest points tend to be short and sharp.

7. Don’t get bogged down

Too often a debater will get stuck on a single aspect of the problem. You need to widen your area of attack, take on more than one opponent and more than one issue.

8. Break out of the echo chamber

Most of us like to share our opinions, but too often we talk only to others who agree with us. Because our friends on social media share our point of view, it’s too easy to assume it’s obviously correct. You’ve got to break out of that bubble and force yourself to understand why your opponent thinks differently. A good way to do this is to practice arguing for the opposite of what you believe.
