**A black and white drawing of a chair

AI-generated content may be incorrect.The Chair and the Stick (Part 1)***Analysis from Multiple Perspectives*

**thinkStarter**

Should you ever be allowed to hit someone without getting into trouble?

Why or why not?

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| Reasons to hit someone | Why should this reason keep you from getting into trouble? |
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**thinkStarter Summary**

**Battery** is when you purposely cause physical harm to another person without permission. Something as simple as a push or a punch could be considered battery. If you commit battery and get sued, you will be the **defendant**, and the **plaintiff**, the person wronged or hurt, could win a lawsuit against you. If the plaintiff wins, you will be liable for battery, which means you must pay them money for the harm you caused.

**thinkHypothesis**

There are four elements that make hitting someone a battery. A battery must meet all four elements.

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| 1. Intentional (on purpose) |
| 1. Contact with another person |
| 1. Harmful or offensive |
| 1. Cause damages |

**The Chair Case (Garrett v. Daily, Washington, 1956)**

Brian was five years old, and his aunt sued him for battery. His aunt claimed that Brian saw she was about to sit down in a chair. Brian pulled the chair away from her just as she was going to sit down.

As a result, she fell on the floor. She seriously hurt her hip and had to pay $11,000 in hospital bills.

**Do you think Brian is liable for battery?**

*Did Brian’s actions meet all 4 requirements?*

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| Element 1: Brian’s act was on purpose. | |
| How will Brian’s aunt argue that Brian’s act was on purpose? | How will Brian’s aunt argue that Brian’s act was on purpose? |
| Which evidence is stronger? Why? | |
| Element 2: Brian’s act involved contact with another person. | |
| How will Brian’s aunt argue that Brian’s act involved contact with another person? | How will Brian’s aunt argue that Brian’s act involved contact with another person? |
| Which evidence is stronger? Why? | |
| Element 3: Brian’s act was harmful or offensive. | | |
| How will Brian’s aunt argue that Brian’s act was harmful or offensive? | | How will Brian’s aunt argue that Brian’s act was harmful or offensive? |
| Which Evidence is stronger? Why? | | |
| Element 4: Brian’s act caused damages. | | |
| How will Brian’s aunt argue that Brian’s act caused damages? | | How will Brian’s aunt argue that Brian’s act caused damages? |
| Which Evidence is stronger? Why? | | |

**thinkBigPicture**

Would you sue your 5-year-old nephew if he did this to you?   
Why or why not?

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Why do you really think she is suing her own family member?

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Do you think Brian is liable for battery?

* Yes
* No

**NEW FACTS:** Write down the most interesting or weird information you learn from the new facts.

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Do these new facts hurt or help Brian’s case? Why?

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Does this change your mind about whether Brian is responsible? Why or why not?

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Do you think Brian is liable (responsible) for battery?

* Yes
* No

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| Your teacher will tell you what happened in the real case. What do you think about the decision? |

**thinkBigger** (Menagh v. Breitman, New York, 2010)

On a busy sidewalk in New York City, 4-year-old Juliet and her 5-year-old friend Jacob raced their bikes. Juliet and Jacob’s mothers were watching them. Their bikes still had training wheels. The children crashed into Claire, an 87-year-old woman who was walking on the sidewalk. Claire broke her hip.

Should Juliet and Jacob be liable for battery against Claire? Why or why not?

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Are Juliet’s and Jacob’s actions worse than Brian’s in *The* *Chair Case*? Why or why not? (Compare specific facts from *The* *Chair Case* to this case in your answer).

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