

# OF CODES & CROWNS

## The Development of Law

### Third Edition

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# Lesson 1

## The Empire Builder

### Overview

This two-day lesson introduces students to Hammurabi, his Mesopotamian empire, and the concept of *lex talionis*.

On day one, students read and discuss two readings introducing Hammurabi’s Babylonian empire and Babylonian concepts of property, trade, and justice (especially *lex talionis*).

On day two, students read about and discuss the need for and the development of Hammurabi’s laws. Then in pairs, students apply the principle of *lex talionis* to modern situations.

### Objectives

Students will be able to:

- Identify Hammurabi as a Mesopotamian king and creator of a law code.
- Describe the barter system.
- Explain the concept of *lex talionis*.
- Apply the concept of *lex talionis* to modern situations.

### Preparation

#### *Day One*

Readings in the student text:

- “The Empire Builder,” pp. 6–8
- “Mesopotamia,” p. 9

#### *Day Two*

Reading in the student text: “The Empire Ruler,” p. 10

Activity in the student text: “The Counselors of Hammurabi,” p. 11

Handout: 1A: The Counselors—1 per student. This handout is provided to help students organize their responses.

## Procedure

### Day One

#### I. Focus Discussion

- A. Ask students: Why is law important?

**Accept different answers from students (such as law helps keep society orderly, settle disputes among people, prevent injustices, protect individual rights, make people behave well, etc.).**

- B. Inform students that they can learn a lot about a society through its laws. Tell them that they are going to learn about one of the earliest civilizations, its laws, and its most important king.

#### II. Reading and Discussion—The Empire Builder

- A. Distribute *Of Codes and Crowns* (student edition). Tell students that at the front of each unit is a map of the area under study and a list of vocabulary words with pronunciations and definitions. Tell them to consult the map and vocabulary as needed.

- B. Ask students to look at the map of Mesopotamia on page 6. Inform students that Iraq in ancient times was known as Mesopotamia, “the land between the rivers.” Have students identify the rivers and find Babylon. Tell students that the story they will read takes place in Babylon almost 4,000 years ago.

- C. Ask students to read “The Empire Builder,” pages 6–8. Ask students to look for:

- What life was like in Mesopotamia.
- What the king has accomplished.
- What problem the king faces.

- D. When students finish reading, hold a discussion using the questions on page 8.

1. Who is the king in the story? Describe his life.

**Hammurabi, king of a Mesopotamian empire centered in Babylon.**

**His reign began about 1792 B.C. He spent roughly the first 30 years of his reign conquering neighboring city-states and building an empire. His reign lasted until about 1750 B.C. (This last date is mentioned later in the text. All the dates are approximate and are based on those used in the *Encyclopedia Britannica*. An academic debate still exists over the dates of Hammurabi, some argue for much earlier and others for much later dates.)**

2. What was Babylon like 3,800 years ago?

**A fortified city on the banks of Euphrates River with a huge marketplace for spices, grains, and cloth in its center. Streets filled with monuments, “brightly painted houses,” and temples. The city is surrounded by two walls, between them is a broad field of grain.**

3. What is a city-state?

**A political unit with all the trappings of a modern nation (army, government, laws) but with the territory (in size) of a modern city.**

4. What was war like in ancient Mesopotamia?

**Brutal; fought with chariots, bows and arrows, spears and swords; no quarter was given to the losing side.**

5. In the story, the king has a problem. What do you think his problem is?

**Though it is not explicitly stated in the text, students should infer that Hammurabi is finding it difficult to run the empire he has built.**

### III. Reading and Discussion—Mesopotamia

- A. Tell students that people in different city-states in Mesopotamia shared the same basic ideas about economics and justice. Ask students to read “Mesopotamia” on page 9. Ask students to look for what Mesopotamians believed about economics and justice.

- B. When students finish reading, hold a discussion using the questions on page 9.

1. According to the early Mesopotamians, who owned all the property within a city-state?

**The city-state’s god, as represented by the priests and/or ruler.**

2. How had this idea changed by Hammurabi’s time?

**The idea of private ownership had taken over.**

3. What is a barter system?

**A kind of trading in which goods of equal value are exchanged without the use of money.**

4. What is *lex talionis*?

**A belief about justice, widely accepted by many ancient peoples, which operates on the principle of equal retaliation for injury, “an eye for an eye.”**

5. When Hammurabi came to power, two important changes were taking place in Mesopotamian ideas about *lex talionis*. What were they?

a. **The government was taking responsibility for punishment away from families of the injured parties.**

b. **Payments were being substituted for physical punishments.**

### Day Two

#### IV. Focus Activity

- A. Remind students that previously they read about Mesopotamia and King Hammurabi. To review briefly, ask them:

- Who was Hammurabi? When and where did he live?

**Hammurabi, king of a Mesopotamian empire centered in Babylon.**

**His reign began about 1792 B.C.**

**Mesopotamia, “the land between the rivers,” was located where the modern nation of Iraq is today.**

- What kind of an economy did Mesopotamia have?

**Mesopotamia had developed a system of private property.**

**Trade was conducted by barter.**

- What ideas about justice did the Mesopotamians have?

**Justice was based on the principle of *lex talionis*, an “eye for an eye.”**

- B. Inform students that they are going to learn about how Hammurabi went about uniting his empire.

## V. Reading and Discussion—The Empire Ruler

- A. Ask students to read “The Empire Ruler” on page 10. Ask students to look for the ways Hammurabi united his empire.

- B. When students finish reading, hold a discussion using the questions on page 10.

1. Why was it difficult for Hammurabi to hold his empire together?

**Though all the city-states held the same basic beliefs about economics and justice, each city-state had different economic and judicial practices. This caused confusion and disagreement.**

**The city-states were recent enemies and didn’t trust each other.**

2. What did Hammurabi do to put his empire in order?

**He intervened in disputes between city-states; supervised new construction throughout the realm; instituted a uniform calendar; imposed uniform laws to control both trade and justice.**

3. How did making all the city-states obey the same set of laws help Hammurabi rule his empire? Why was this such an important step?

**He settled trade and other disagreements between city-states, thus removing a major cause of disputes.**

**He gave the people throughout his empire a uniform set of rules, backed by the emperor’s power. This eliminated mistrust and established order throughout the realm.**

## VI. Paired Activity—The Counselors of Hammurabi

- A. Explain that although *lex talionis* seems like a simple concept, it can be difficult to apply into law. Tell students that they are going to get the opportunity to create some laws using the concept of *lex talionis*.

- B. Divide the class into pairs. Distribute **Handout 1A: The Counselors** to each student. Ask students to read “Activity: The Counselors of Hammurabi” on page 11. After answering any questions that students may have, give them a set amount of time to complete the assignment.

- C. When students finish, call on one pair to report on law #1. Ask other pairs if they had different answers. Discuss the law. Repeat this process for the seven laws. The following points should be made for each law:

1. If one boy tears another boy’s shirt in a fight, then . . .

**Wrongdoer and injured party are obvious. According to strict *lex talionis*, the injured boy should rip the wrongdoing boy’s shirt.**

2. If a girl kicks a soccer ball through a neighbor's window and the flying glass cuts the neighbor's arm, then . . .

**The girl is the wrongdoer. The neighbor suffered two injuries: a cut on the arm and a broken window. Strict *lex talionis* would require the neighbor to break the girl's window and cut her arm. If the girl doesn't own a window, something of equal value would have to be substituted. Would it be better if the girl had to replace the window and pay all the medical bills for the arm?**

3. If a boy tells a lie about his sister, and because of that lie, their parents punish the girl by taking away a month's allowance, then . . .

**The brother is the wrongdoer. The girl is the injured party (and the person lied to is also injured). According to *lex talionis*, the boy should lose a month's allowance, but some other punishment must be substituted for the lie itself. (Letting the girl tell a lie about her brother wouldn't be adequate recompense.)**

4. If a babysitter leaves a young child alone in the living room for a long time and the child breaks an expensive lamp, then . . .

**The wrongdoer is the babysitter. The child's parents are the injured party, again for two reasons: their lamp was broken and their child wasn't properly cared for. Unless the babysitter owns an expensive lamp and has a child, strict *lex talionis* won't work and other goods must be substituted. Would it be better for the babysitter to replace the lamp and pay the parents something to make up for neglecting the child?**

5. If a girl has no bicycle and borrows one from a friend and, because she's careless, runs into a tree, then . . .

**The girl is the wrongdoer; her friend is the injured party. According to *lex talionis*, the friend should damage the wrongdoer's bicycle. But the wrongdoer doesn't own a bicycle. Something else must be substituted for the bicycle; or the wrongdoer must pay to repair the bicycle.**

6. If a boy cheats on a test and gets an "A," then . . .

**The boy is the wrongdoer. His school, the other students in his class, and his teacher are all injured parties. In effect, the boy stole a grade (something of value) from the injured parties. This is another case where substitution is necessary.**

7. If a young boy is killed in a car accident because the driver failed to see him chase a ball into the street, then . . .

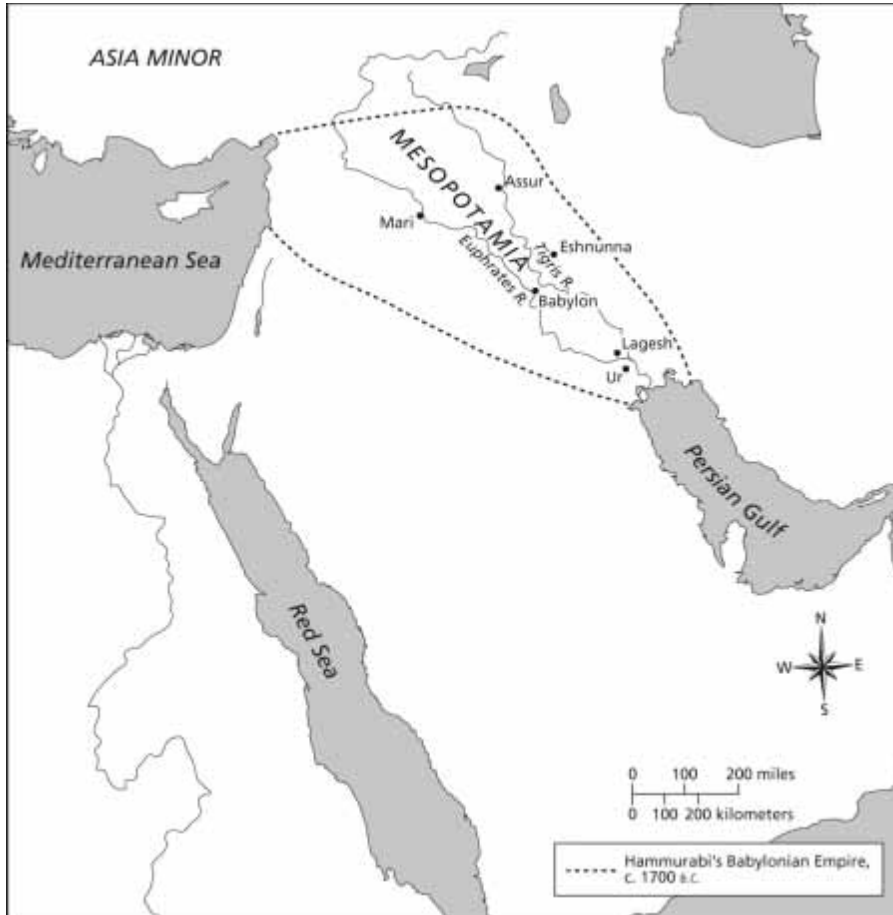
**The young boy and his family are the injured parties in this incident, but the identity of the wrongdoer is debatable. Perhaps the driver is the wrongdoer (for failing to stop); perhaps it's the young boy (for running out into the road). If the driver is the wrongdoer, he/she should lose his/her life—or he/she should lose a child—according to strict *lex talionis*. However, should a substitution be made? What if the young boy is the wrongdoer? How could his family repay the driver?**

# The Counselors

Law	Wrongdoer	Injured Party
1. If a boy tears another boy's shirt in a fight, then . . .		
2. If a girl kicks a soccer ball through a neighbor's window and the flying glass cuts the neighbor's arm, then . . .		
3. If a boy tells a lie about his sister and because of that lie, their parents punish the girl by taking away a month's allowance, then . . .		
4. If a babysitter leaves a young child alone in the living room for a long time and the child breaks an expensive lamp, then . . .		
5. If a girl has no bicycle and borrows one from her friend and because she's careless runs into a tree, then . . .		
6. If a boy cheats on a test and gets an "A," then . . .		
7. If a young boy is killed by a car because the driver failed to see him chase a ball into the street, then . . .		

# Unit 1

## Hammurabi's Treasure



### The Empire Builder

Mounds of rubble and broken brick bake in the Iraqi sun. You idly gouge the dirt with your toe and stoop to sift the sand through your fingers. Forty centuries ago, a broad avenue covered this same dirt. Each day, hundreds of people crossed this very spot. They lounged in the alleys between massive brick palaces. They marveled at painted temples and gilded statues. They rested in cool hidden gardens. Once, this empty desert was Babylon, the mightiest city on Earth.

You squint at the horizon. A hot wind begins to whip the sand. There is no shelter left in this city.

The wind and the sand and the sun have won. Touch the crumbling dust which once was a powerful wall and think back . . .

Dusk slowly filled the royal chamber as the old king suddenly rose from his throne. He dismissed his nobles with a flick of his hand. They bowed deeply as he crossed the room. Some of them smiled secretly. Now that King Hammurabi was gone, they could relax. It had been a long day.

The king, too, was tired. Slaves scurried around him as he passed down the long brick hallways of his palace. Along the walls, oil lamps sputtered to life. Deep in the heart of the palace, more slaves cooked an evening meal for the 1,000 soldiers in



## Vocabulary

**Babylon** (BAB ə lon) An ancient city in Mesopotamia, on the eastern bank of the Euphrates River.

**barter** (BAR ter) v. To trade goods without the use of money. n. The act or practice of bartering.

**cataract** (CAT ə rak) n. A block or growth in the lens of the eye that causes partial or total blindness.

**city-state** n. A city that governs itself (has its own laws, army, etc.) and operates like a nation does today.

**cuneiform** (KŪ nē ə form) n. A kind of writing used by people in ancient Assyria, Sumeria, Babylon, and Persia. Made by forcing the edge of a chisel into clay or stone, all the symbols are wedge-shaped, like the end of a chisel. (Cuneiform means “wedge-shaped” in Latin.)

**Euphrates** (ū FRA tēz) A river that flows through Iraq, joins the Tigris River, and empties into the Persian Gulf.

**gilded** (GIL dəd) adj. Covered with a thin layer of gold.

**lex talionis** (LEKS TĀ lē ōn əs) The legal principle of “an eye for an eye.” Laws based on *lex talionis* punish criminals by making them suffer exactly what their victim suffered. (The words *lex talionis* are Latin for “the law of retaliation.”)

**Mesopotamia** (mes ə pō TĀ mē ə) An ancient land located between the Tigris and Euphrates rivers in what is today Iraq.

**motive** (MŌ təv) n. The reason a person does something.

**perjury** (PER jər ē) n. Lying under oath; giving false, misleading testimony when one has sworn to tell the truth.

**realm** (RELM) n. A kingdom or empire.

**Tigris** (TĪ gris) A river in Iraq, east of the Euphrates River. The two rivers join and empty into the Persian Gulf.

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**Pronunciation Key:** bat, āte, are, dāre, den, ēgo, new, her, bit, ĩce, ĩrritate, box, nō, born, oil, out, but, ūse, chum, she, thin, tbe, zh sound in treasure or mirage; ə is the uh sound in unaccented syllables.

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the king’s personal bodyguard. Then the nobles must be fed. Finally, the slaves themselves must eat. Evening was a busy time in the palace.

Today, the king took no notice of the hustle and bustle around him. He was lost in thought. “I’m getting old,” he muttered. “What will happen when I’m gone?”

The king stepped onto the smooth, cool tile of the great terrace overlooking his city. He inhaled the soothing air of twilight. The sun slipped behind the vast plains to the west. Its gold and silver threads danced across the waters of the Euphrates River and sparkled on the roofs of Babylon.

Viewed from the great terrace, the city was an impressive sight. A huge marketplace teemed with shopkeepers folding away their cloth, putting lids on their spice jars, closing up for the night. Elaborate monuments, huge temples, and brightly painted houses lined the city’s streets.

The king glanced down his city’s main road, through the massive gate in the first city wall, and across a broad grain field to Babylon’s second wall. His eye rested on its large bronze gate. “Thirty years ago, when I became king,” he thought to himself, “that gate was the limit of my power.”

Thinking of his youth, the old man sighed. Things had seemed so clear then. He’d been so

sure about what to do. How he'd planned! How he'd plotted! How he'd struggled! Looking back, the early years of his reign seemed like one long war.

In those early years, many powerful cities dotted the wide Mesopotamian plain between the Tigris and Euphrates rivers. Each city had its own army, its own rulers, and its own laws. Each was a separate political unit, like a nation is today. Because of this, Babylon and its enemies, cities like Assur, Mari, and Lagesh, are usually called city-states rather than cities.

When Hammurabi took over Babylon about 1792 B.C., he wanted to unite all the separate city-states in Mesopotamia under one man's control—his own. He saw two ways of reaching this goal. One way was through politics. Hammurabi and the rulers of other city-states lied and cheated each other, pretended friendship and then suddenly attacked, made treaties and immediately broke them. Politics was a tricky game, played without any rules.

Hammurabi's other, and most important, way of taking power was by war. These brutal wars usually completely destroyed the loser. Imagine two masses of 50,000 men slowly advancing toward each other across a flat, dusty plain. When the signal comes to attack, each army sends a fleet of war chariots to drive a wedge through the enemy troops. Next come the archers, whose arrows fill the air like a cloud of dust. Finally, the orderly attack breaks into chaotic hand-to-hand combat.

Combat was fierce. Spear clashed against spear; sword clashed against sword. Thousands died, but the fighting continued until one side destroyed the other. Losing soldiers expected no mercy. Those not killed in battle were executed by their captors or bound into slavery.

After defeating a city-state's army, the victor turned on the city itself. An Assyrian king, who lived many years after Hammurabi, described his attack on a city called Lachish like this:

I besieged and captured the city by using a well-packed ramp, the blows of battering

rams, and an infantry attack by means of breaches [holes in the city walls], mines, and scaling ladders. Two hundred thousand, one hundred fifty people—old, young, male and female—and their horses, mules, camels, cattle, and sheep without number, I brought away and counted as spoil.

If Hammurabi had lost just one of his wars, his people would have received the same brutal treatment. But Hammurabi didn't lose. By the middle of his reign, Babylon was the center of a vast empire.

Leaning against his terrace wall, the old king sighed again. "If I'd only known." Hammurabi shook his head. "Building an empire is one thing. Running an empire is something else entirely."

## For Discussion

1. Who is the king in the story? Describe his life.
2. Locate Mesopotamia on a map. Now find Babylon. What was this city like 3,800 years ago?
3. What is a city-state?
4. What was war like in ancient Mesopotamia?
5. In the story, the king has a problem. What do you think his problem is?

# Mesopotamia

The city-states that Hammurabi conquered had many things in common. Their ideas about economics—how goods, services, and property should be owned and exchanged—were basically the same. So were their ideas about justice.

Long before Hammurabi's time, the early Mesopotamians believed that all the land, goods, and people within a city-state belonged to the city-state's god. The priests or kings who represented that god controlled all the city-state's property. Ordinary people couldn't buy, sell, or trade goods. Most things they ate, used, or made were owned by their god.

This idea slowly changed. Individuals began to think of the tools they used, the crops they harvested, and the land they worked as their own, not their god's. When they found they owned extra spices, cloth, livestock, or weapons, they traded them for goods they lacked.

This kind of trade is called a barter system. In a barter system, goods of equal value are exchanged without the use of money. When Hammurabi came to power, all Mesopotamia was busily bartering. Individuals bartered with others in their own city-states, with the citizens of other city-states, and even with people in distant lands.

The people who lived between the Tigris and Euphrates rivers also shared the same concept of justice. They believed that a person who injures another should be punished by suffering the same injury. Today, this idea of justice is called *lex talionis*, or an "eye for an eye."

The idea of *lex talionis* was widespread among ancient people living around the Mediterranean Sea. The ancient Hebrews, the ancient Greeks, and many others practiced this belief. It still influences our thought about law today.

Originally, *lex talionis* meant that when one person was harmed by another, the injured person could pay back the attackers in kind. Say Jennifer attacks Karen and breaks her leg. Then Karen, or a member of her family, has the right to break

Jennifer's leg. If Karen can't find Jennifer, she can break Jennifer's brother's leg.

The Mesopotamians' ideas about *lex talionis* slowly changed, however, just like their ideas about owning property. When Hammurabi took over, two important changes were taking place. First, injured people and their families were losing the right to punish their attackers. Instead, punishing wrongdoers was becoming the government's responsibility. Second, people were substituting payments of gold, silver, or property for physical punishments.

Both changes made sense. The government was more powerful than most families. It could capture wrongdoers and make sure they received the punishment they deserved, no more and no less.

Though the old system of physical punishments satisfied people's desire for revenge, it did nothing to help the injured person. What if, instead of having her leg broken, Jennifer must give Karen three young camels? Jennifer still suffers. And Karen and her family are at least partially repaid for the trouble Jennifer caused.

## For Discussion

1. According to the early Mesopotamians, who owned all the property within a city-state?
2. How had this idea changed by Hammurabi's time?
3. What is a barter system?
4. What is *lex talionis*?
5. When Hammurabi came to power, two important changes were taking place in Mesopotamian ideas about *lex talionis*. What were they?

# The Empire Ruler

**H**ammurabi ruled Babylon for 42 years (until 1750 B.C.). During the first part of his reign, he made war. He conquered other Mesopotamian city-states and added them to his empire. Although he could build his empire with armies, he quickly realized the armies alone could not run his empire.

The Mesopotamian city-states shared basic beliefs, but each practiced those beliefs in a different way. Each worshiped its own god. Each carried out *lex talionis* in its own way. Each followed its own rules about bartering.

Hammurabi wanted the city-states to trade with each other. The differences between each city-state's practices made this difficult. A grain grower in far-off Assur couldn't be certain of fair treatment from merchants in the empire's capital.

Questions about trade were always cropping up. What was a fair price for four baskets of barley—one or two sheepskins? If a barge filled with a merchant's clay pots sank in midstream, who suffered the loss—the merchant who owned the pots or the man who owned the barge?

Questions about justice also had to be settled. If a farmer's oxen strayed into a neighbor's field, how should the damage be repaired? If a man from one city-state struck a man in another, which city-state's rules should settle the fight?

Before Hammurabi conquered them, most of the city-states had been deadly enemies. They didn't trust each other. They looked for excuses to fight. The tiniest disagreement could turn into another full-scale war.



A stone carving, c. 2060 B.C., depicts a Mesopotamian king making an offering to the moon god.

To hold this empire together, Hammurabi had to find some way of ironing out these differences. From his letters, we know he attacked this job with enthusiasm and energy. He settled arguments between city-states. He built temples and monuments throughout his realm. He even rearranged the calendar so all Mesopotamia could agree on what day it was.

Hammurabi took another important step to unite his empire. He made all the city-states obey the same set of laws. Because he took this step, he has been remembered for the past 3,800 years.

## For Discussion

1. Why was it difficult for Hammurabi to hold his empire together?
2. What did Hammurabi do to put his empire in order?
3. How did making all the city-states obey the same set of laws help Hammurabi rule his empire? Why was this such an important step?

## ACTIVITY

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### The Counselors of Hammurabi

The laws Hammurabi wrote for his empire were based on his people's belief in *lex talionis*, "an eye for an eye." Can these ancient beliefs about justice be applied to life in the modern world? How would they work?

Imagine that you are a counselor to the mighty king of Babylon. He reigns today in your community. He has asked you to help him write his laws. Each of the seven statements in the opposite column describes a situation in which one person injures another. Do the following:

1. Identify the injured party and the wrongdoer.
2. Then create a law by completing each sentence and describing what should happen to the person who caused the injury.
3. Write the entire law on a separate sheet of paper.

Your laws should be fair. The wrongdoer should be punished. The injured person should feel that justice has been done, that he or she has received "an eye for an eye."

### Situations

1. If one boy tears another boy's shirt in a fight, then . . .
2. If a girl kicks a soccer ball through a neighbor's window and the flying glass cuts the neighbor's arm, then . . .
3. If a boy tells a lie about his sister, and because of that lie, their parents punish the girl by taking away a month's allowance, then . . .
4. If a babysitter leaves a young child alone in the living room for a long time and the child breaks an expensive lamp, then . . .
5. If a girl has no bicycle and borrows one from a friend and, because she's careless, runs into a tree, then . . .
6. If a boy cheats on a test and gets an "A," then . . .
7. If a young boy is killed in a car accident because the driver failed to see him chase a ball into the street, then . . .