

Question 8 : Stimulus



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JUST JUDGE TEXT

Refer to the story A Just Judge to answer the questions which follow it.

A JUST JUDGE

An Algerian king named Bauakas wanted to find out whether or not it was true, as he had been told, that in one of his cities lived a just judge who could instantly discern the truth, and from whom no rogue was ever able to conceal himself. Bauakas exchanged clothes with a merchant and went on horseback to the city where the judge lived.

At the entrance to the city a cripple approached the king and begged alms of him. Bauakas gave him money and was about to continue on his way, but the cripple clung to his clothing.

"What do you wish?" asked the king. "Haven't I given you money?"

"You gave me alms," said the cripple, "now grant me one favour. Let me ride with you as far as the city square, otherwise the horses and camels may trample me."

Bauakas sat the cripple behind him on the horse and took him as far as the city square. There he halted his horse, but the cripple refused to dismount.

"We have arrived at the square, why don't you get off?" asked Bauakas.

"Why should I?" the beggar replied. "This horse belongs to me. If you are unwilling to return it, we shall have to go to court."

Hearing their quarrel, people gathered around them shouting:

"Go to the judge! He will decide between you!"

Bauakas and the cripple went to the judge. There were others in court, and the judge called upon each one in turn. Before he came to Bauakas and the cripple he heard a scholar and a peasant. They had come to court over a woman: the peasant said she was his wife, and the scholar said she was his. The judge heard them both, remained silent for a moment, and then said:

"Leave the woman here with me, and come back tomorrow."

When they had gone, a butcher and an oil merchant came before the judge. The butcher was covered with blood, and the oil merchant with oil. In his hand the butcher held some money, and the oil merchant held onto the butcher's hand.

"I was buying oil from this man," the butcher said, "and when I took out my purse to pay him, he seized me by the hand and tried to take all my money away from me. That is why we have come to you-I holding onto my purse, and he holding onto my hand. But the money is mine, and he is a thief."

Then the oil merchant spoke. "That is not true," he said. "The butcher came to me to buy oil, and after I had poured him a full jug, he asked me to change a gold piece for him. When I took out my money and placed it on a bench, he seized it and tried to run off. I caught him by the hand, as you see, and brought him here to you."

The judge remained silent for a moment, then said: "Leave the money here with me, and come back tomorrow."

When his turn came, Bauakas told what had happened. The judge listened to him, and then asked the beggar to speak.

"All that he said is untrue," said the beggar. "He was sitting on the ground, and as I rode through the city he asked me to let him ride with me. I sat him on my horse and took him where he wanted to go. But when we got there he refused to get off and said that the horse was his, which is not true."

The judge thought for a moment, then said, "Leave the horse here with me, and come back tomorrow."

The following day many people gathered in court to hear the judge's decisions.

First came the scholar and the peasant.

"Take your wife," the judge said to the scholar, "and the peasant shall be given fifty strokes of the lash."

The scholar took his wife, and the peasant was given his punishment. Then the judge called the butcher.

"The money is yours," he said to him. And pointing to the oil merchant he said: "Give him fifty strokes of the lash."

He next called Bauakas and the cripple.

"Would you be able to recognise your horse among twenty others?" he asked Bauakas.

"I would," he replied.

"And you?" he asked the cripple.

"I would," said the cripple.

"Come with me," the judge said to Bauakas.

They went to the stable. Bauakas instantly pointed out his horse among the twenty others. Then the judge called the cripple to the stable and told him to point out the horse. The cripple recognised the horse and pointed to it. The judge then returned to his seat.

"Take the horse, it is yours," he said to Bauakas. "Give the beggar fifty strokes of the lash."

When the judge left the court and went home, Bauakas followed him.

"What do you want?" asked the judge. "Are you not satisfied with my decision?"

"I am satisfied," said Bauakas. "But I should like to learn how you knew that the woman was the wife of the scholar, that the money belonged to the butcher, and that the horse was mine and not the beggar's."

"This is how I knew about the woman: in the morning I sent for her and said: 'Please fill my inkwell.' She took the inkwell, washed it quickly and deftly, and filled it with ink; therefore it was work she was accustomed to. If she had been the wife of the peasant she would not have known how to do it. This showed me that the scholar was telling the truth.

"And this is how I knew about the money: I put it into a cup full of water, and in the morning I looked to see if any oil had risen to the surface. If the money had belonged to the oil merchant it would have been soiled by his oily hands. There was no oil on the water; therefore, the butcher was telling the truth.

"It was more difficult to find out about the horse. The cripple recognised it among twenty others, even as you did. However, I did not take you both to the stable to see which of you knew the horse, but to see which of you the horse knew. When you approached it, it turned its head and stretched its neck toward you; but when the cripple touched it, it laid back its ears and lifted one hoof. Therefore I knew that you were the horse's real master."

Then Bauakas said to the judge: "I am not a merchant, but King Bauakas, I came here in order to see if what is said of you is true. I see now that you are a wise judge. Ask whatever you wish of me, and you shall have it as reward."

"I need no reward," replied the judge. "I am content that my king has praised me."

Source: "A Just Judge" by Leo Tolstoy from *Fables and Fairytales*, translated by Ann Dunnigan.

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How did the judge know that the woman was the wife of the scholar?

By observing her appearance and seeing that she did not look like a peasant's wife.

By the way the scholar and the peasant told their stories in court.

By the way she reacted to the peasant and the scholar in court.

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Question 11: A Just Judge

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For this question you need to compare law and justice in your country with the law and justice shown in the story.

In the story crimes are punished under the law. What is another way in which law and justice in your country are **SIMILAR** to the kind of law and justice shown in this story?

In the story the judge gives fifty strokes of the lash for all the crimes. Apart from the kind of punishment, what is one way in which law and justice in your country are **DIFFERENT** to the kind of law and justice shown in this story?

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SCORING JUST JUDGE: QUESTION 11

QUESTION INTENT: Reflecting on the Content of a Text: drawing comparisons between concepts represented in the story and own knowledge.

Consider the first part of the response only ("similar"). Enter Code for R109Q09a.

Code 1: Describes one similarity. Shows accurate comprehension of the story. Comparison with a feature of the national legal system is either explicitly stated or

may be readily inferred. Accurate knowledge of national legal systems is not essential, but take into account what background knowledge about the law in your country it would be reasonable to expect of a 15 year old.

- Rulings made on evidence.
- Both sides allowed to give their version of the truth.
- Equality before the law (it doesn't matter who you are).
- There is a judge presiding over the court.
- The same punishment is given for similar offences.

Code 0: Other, including vague, inaccurate and irrelevant answers.

- Don't know right from wrong.
- Even important rulers of countries can be called to court.
- Punishment. [excluded by the question]

Code 8: Off task

Code 9: Missing

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