

IN THE COURT OF SHAKESPEARE

FACTUM OF THE RESPONDENT

There's matter in these sighs, these profound heaves;
You must translate. 'Tis fit we understand them.

Part I - Facts

Part II – Issues

Part III – Arguments

1. Mr. Pedersen is responsible for his assault on Ms. du Parc

1.1 The fact of Mr. Pedersen's intoxication at the time of the assault does not absolve him of liability.

1.1.1 Madness in Shakespeare provides a relevant interpretive parallel to intoxication.

1.1.2 Agency is the critical element in absolving responsibility in states of madness.

1.1.3 Drunkenness entails a deliberate deference of agency.

supra

chooses

1.1.4 The deliberate suspension of agency without good reason does not absolve the individual of responsibility for his or her actions.

Heinrich

good reason

Heinrich

Attorney General of Canada v. Pears, Britton & Ors,

contingent

2.1.4 Application of contingency in this case: distinguishing obligation.

2.2 As an experienced seaman, Mr. Pedersen is obliged to ensure the safety of Ms. du Parcq.

2.2.1 Shakespeare asks us to evaluate the pragmatics of knowledge.

29.

Hamlet

Hamlet

2.3.2 Shakespeare values intervention, but above all, values adherence to one's own judgement.

King Lear.

The Winter's Tale

Hamlet

2.3.3 Shakespeare cautions against punishing inaction.

King Lear
Ibid
Ibid

nothing

nothing

something

Part V – Authorities

Shakespeare and the Sea

Poetic Justice: The Literary Imagination and Public Life

Hamlet