

### TOPIC III:

**Directions:** You will have 45 minutes to plan and write an essay on the topic assigned below. Before you begin writing, read the passage carefully and plan what you will say. Your essay should be as well organized and as carefully written as you can make it.

"Recently, major tobacco companies agreed to pay a financial settlement to several states, including California, for health problems caused by cigarette smoking and other kinds of tobacco addiction. If this course of action is right for tobacco companies, then manufacturers of other legal but harmful products such as alcohol and guns should also have to pay financial settlements in return for the problems they cause."

--Irving Coffman

Explain Coffman's argument and discuss the extent to which you agree or disagree with his analysis. Support your position, providing reasons and examples from your own experience, observations, or reading.

### Sample student essay with a score of 6:

To what extent are manufacturers of harmful products liable for the damage their products cause? Tobacco litigation, which pays out large sums from tobacco companies to victims of smoking-related illnesses, would give the precedent that producers are liable completely for said damage despite the fact that the consumer chose to use the product. Following this mindset, Irving Coffman and other opinionated speakers believe that manufacturers of other similarly hazardous products should incur the same judgments as tobacco companies. While Coffman's all-inclusive argument may be ethically sound at first glance and spurring a whole new wave of punitive litigation, it remains implausible and avoids the truth of the issue by instead aiming for the obvious target.

In John Grisham's *The Runaway Jury*, the worth of the fictional Pynex Corporation, a tobacco manufacturer being sued for a smoker's death, is given by the prosecuting attorney as eight hundred million dollars. Jury foreman Nicholas Easter correctly deduces that to make a real impact on Pynex, the jury must award a large settlement that will shake the company. Assuming that this holds true for manufacturers of guns and alcohol, if such settlements were made, it would be impossible for these companies to remain financially solvent. Before considering their collapse as a benefit, Coffman and his concurring parties must remember that these companies are also conglomerates with far-reaching effects. Anheuser-Busch, which is a leading alcohol producer, also owns a

nationwide string of educational parks. We cannot bankrupt the evil of a company without capsizing the whole, and with that collapse goes employment, education, and more. Coffman does not consider how implausible it is to crush economic mainstays in the name of moral right and thus by extension harm the people he it is crusading for, making his plan detrimental at least.

Back in Grisham's jury room, the second flaw in Coffman's plan it is on display. Several members of the Wood v. Pynex jury are smokers; one even starts during the due process of the trial. ON the day where they witness what lung cancer caused by cigarettes did to Jacob Wood, all these people are disgusted but keep smoking. They cannot magically quit. Coffman's theory does not comprehend that smoking and alcoholism are addictions which money can't solve. The money will go to purchasing alcohol if given to the "harmed" alcoholic because that it is the nature of addiction. Coffman merely funds what he seeks to defeat.

Coffman also lacks a true grasp on the ideas of danger and choice. He forgets that everything is potentially dangerous and it is the person using it who makes it one way or the other. When Martin Blank kills a man with a pen in *Grosse Pointe Blank*, does Coffman want a payout from the pen company and/or the realtor who gave Martin the pen? His scope of liability it is undefined and unfocused, making it difficult to enforce. The largest void, however, lies again with Grisham's jurors, who have a hard time delivering a plaintiff's verdict because of freedom of choice. Jacob Wood heard all the warnings they heard about smoking and its hazards, and he chose to smoke. Companies do not hold responsibility for wrongful death if, against their warnings, the victim persists in the harmful activity. They control the product; the person controls himself or herself.

Irving Coffman wants what seems to be a true good by holding companies accountable for the wrongs of their products. But if he damages the economy while funding these vices inadvertently, and can't quantify who to blame but won't hold those individual participants responsible for their own lives, it is his idea of hazardous product liability really a good or simply a narrow-minded extreme?

**Comments on the "6" essay:** *This essay represents superior writing. The writer of this essay demonstrates a thorough critical understanding of the passage and develops an insightful response. He provides coherent organization, beginning the essay with a question, the answer to which provides his response to Coffman's argument: "To what extent are manufacturers of harmful products liable for the damage their products cause?" He then attempts to show that Coffman's argument is flawed by discussing a complex liability case in a John Grisham novel that raises these issues.*

*The writer explores the issues thoughtfully and in depth. He argues that we must look beyond the harm to victims and see the harm done to the economy when*

*manufacturing restrictions are in place. While many readers might not agree with his position, he supports that position well. The writer has a remarkable grasp of the issues, a sophisticated vocabulary, a fluent style, and mature sentence structures. The achievement is remarkable given the fact that the student only had 45 minutes to write this first draft.*

### **Sample student essay with a score of 5:**

Thousands of people die each year due to tobacco addictions and many people have died due to guns and alcohol addiction each year too. So what's the difference? Should these different "killers" be treated the same? Irving Coffman thinks they should, but I definitely would have to disagree. There is no way that you can classify these different problem causers in the same category. Throughout my life I have seen many negative repercussions that tobacco addiction can cause and these outcomes are far worse than any other. Therefore, I disagree with Coffman that these different companies should have to pay for problems they cause because they are different and tobacco addiction is far worse than the rest.

Guns are used for safety, to protect yourself, family, and others. These devices come with strict guidelines but unfortunately are not always followed. Many accidents have resulted in death because people leave loaded guns out or are haphazardly playing with them. Although guns are deadly and have caused many problems, I do not feel that the companies should have to pay financial settlements because of these problems. Guns were invented for safety purposes and it is the American public who is to blame for not following the rules. The companies do not produce these so that civilians can kill each other for no reason. They are meant for emergency and for protection. Also, for the police who look out for our well being and military men who are fighting for our country. Gun problems are far different than alcohol or tobacco addiction because these companies are not out to get you addicted or to kill people to make a buck.

Although alcohol is a very addictive product, you can stop. To fight the addiction of alcoholism is a tough one, but there are ways to end it, like AA meetings, "cold turkey," or near death experiences due to being under the influence. The problems that are caused by alcohol are bad and definitely life threatening, but I do not feel that it is to the extreme that tobacco addiction is. I have seen what alcohol addiction can do to a person, how it can take over their lives, but I feel that there is still hope to end that addiction. Once again, I do not feel that the companies should be treated in the same manner as tobacco companies, because although it is deadly and addictive, the American public is not following the rules provided by the companies and the laws set by the states.

Although all three products are life threatening, none are like tobacco and its addiction. In my life, I have seen slight addictions, teenagers fighting to fit in

addictions, and deadly addictions. My grandfather, who lives three hours away, whom I seldom see, was unable to come to our recent family reunion. He was unable to come because he cannot walk more than a block without sitting down and resting. Due to a tobacco addiction one of his lungs collapsed, which now makes it very difficult for him to breathe. Yet he keeps smoking. Knowing that an addiction like that can stop you from be present at significant family gatherings just kills me inside. all these tobacco companies want is money! They do not care about how many people they kill each year. They just want to be filthy rich and get more people "hooked." I feel that this is the difference between tobacco companies and the others. they do not care about anything but their own well being and financial status. I feel that they should definitely have to pay many financial settlements because maybe it will be an eye opener and they will realize how horrible they are.

Guns, alcohol, and tobacco; three products our country could live without but three products that make our economy turn. Although guns were intended for safety, those rules are not followed and alcohol was intended to relax you but that is also taken overboard. These companies have warned us and tried to help us, but not tobacco companies. They suck the American public for all its worth, taking our family members away from us and blackening our lungs. I disagree with Coffman and I feel that we should do all we can to close tobacco companies and save the future health of America.

**Comments on the "5" essay:** *This essay demonstrates clear competence in writing. The writer addresses the topic clearly; she disagrees with Coffman's position and provides substantial reasons to defend her own position. The essay shows some depth and complexity of thought. The essay is very well-organized, with separate paragraphs devoted to the discussion of guns, alcohol, and tobacco. The essay has a few errors in spelling and mechanics, but these errors are not serious enough to distract or confuse the reader.*

#### **Sample student essay with a score of 4**

Irving Coffman's argument is stating that the tobacco companies are responsible for the health problems of consumers. In Coffman's argument, he states that other manufacturers that produce harmful and legal products should also have to pay restitutions because they are also responsible. Coffman finds that the alcohol companies and the gun makers are responsible for the problems that they cause.

In some ways, I agree with Coffman. I do agree that other manufacturers should pay financial settlements. The manufacturers make a product that they know will produce health issues. I agree that manufacturers who do such a thing should be and are responsible for the damage inflicted.

Where I do disagree is with the extent of the responsibility. The tobacco companies had to pay financial settlements because they were selling a product that was known to be addicting. Now, if they were producing a product that wasn't addicting and the consumer can stop using the product at anytime, then the responsibility lies within the consumer. Also, if the cigarette companies were neglectful and forgot to post warnings on their products about the health consequences, then they are also liable. Alcohol is another substance that can become addicting, and so the alcohol companies should pay lawsuits. But gun manufacturers, those are not an addictive product, the harm caused is either in defense or in the wrong hands. In the situation of guns, the responsibility lies within the person who pulled the trigger.

Another point to bring up is about the warning labels. If maybe, the tobacco and alcohol companies did accept the facts that their products are addictive and warned consumers about their product being addictive, then where does the responsibility lie? it is between the consumer and the producer.

In conclusion, I agree with the opinion that Coffman has made. I agree that manufacturers of such deadly products should be responsible for financial restitutions. But where I disagree is how far do we blame. The responsibility belongs to those who produce an addictive product that causes health problems. Tobacco and alcohol manufacturers are at blame for any health problems caused to addicted consumers. But with guns, the blame goes to the trigger finger.

**Comments on the "4" essay:** *This essay is adequate. It does not display the facility with language and the development of ideas that characterize the 5 and 6 papers, but the writer does demonstrate a generally accurate understanding of the passage and has a clear sense of his agreement and disagreement with Coffman's position. The organization is adequate but not strong: it seems that the writer did not think through the organization before beginning the essay (e.g., "Another point to bring up is..."). The essay does have some errors, but the writer generally demonstrates control of grammar, usage, and mechanics.*

### **Sample student essay with a score of 3:**

There is not one day in our society in which we find a world empty of drugs, alcohol, and guns. You can walk down your neighborhood and see how many people you know that smoke, go to the park and people are smoking there too, enjoying a nice day at the beach walking barefooted over a whole stack of cigarette butts. When going to buy groceries for your grandmother you find rows of liquor bottles and young people trying to get away with buying them, and when you go to your friends house you see the great big collection of hunting rifles and hand guns their parents own. Why is our society so interested in the most dangerous things? And when an "accident" happens we ask ourselves the most ingenious questions as to how the accident could have been prevented.

Tobacco companies over the years have used many techniques to lure young adults. Most of the time they have succeeded in converting innocent young adults into raging tobacco addicts. When the years pass by these customers become the industries number ones with smoking more than one pack a day. There always comes a time when their best customers become their enemies since they get hit with lung disease and are very ill. By receiving money these sick people will not gain the twenty years they could of had. Tobacco companies want to make the sick people believe that a cash settlement is wonderful just how they made them believe in cigarettes.

When you are seventeen and in high school you begin to realize who you are and where you can take your goals. When you live in a culture different from the American you feel pressured to become stronger in all the aspects of life. You see other teenagers trying things out so you want to also. When you experience that first time smoking you wish to have taken it back. Limiting it is the only way out. Knowing that around your parents it is not possible to smoke, for a smart person you would be able to get to know your parents more and know that without them aware of you trying to quit they are helping. Only by imagining that in twenty or thirty years you could end up real sick and even die before your elders it is when you realize who you are.

Any company that in any way produces harmful items should think in what their lives could end up to be if an accident would occur and what they would feel towards their life if it was hurt by something very much preventable.

**Comments on the "3" essay:** *This essay demonstrates developing competence. The writer demonstrates some understanding of the passage, but she doesn't use it as a framework for her response (no mention of Coffman or his argument). Her ability to control syntax is inconsistent. Occasionally, as in the last sentence, the syntax is so garbled that the reader has difficulty making out the meaning.*

### **Sample student essay with a score of 2:**

If the tobacco companies pay a financial settlement, that would be good. For other companies would be good that they pay a financial settlement. Also if they pay that, it could be better or helpful for the people.

it is a good idea that the tobacco companies pay a financial settlement because they know that, the cigarettes are not good for people's health. That money could help people who have cancer for smoking cigarettes. If they are agreed to pay a financial settlement, that is a good step.

For other companies who produces alcohol, guns, etc. will be good for the society that they pay a financial settlement. That will be good because there will not be more violence. The point of this is that, those companies are not already agreed.

If all the companies who produces adictions for people. There were no more people who die for that products who kills people. Also those products makes the people change in their personality. If they a financiel settlement for everything that their products causes, they maybe will produce less products.

The point is that they produce things that are no good for people's health. I hope that they pay for damage for every person that makes people die.

**Comments on the "2" essay:** *This essay is seriously flawed. The thinking is simplistic, and the writer does not use the passage appropriately in developing a response. The vocabulary is very limited (the writer's favorite word is "good"), and he has inadequate control of syntax. The essay is marred by numerous errors in sentence structure, grammar, usage, and mechanics.*

### **Sample student essay with a score of 1:**

In this essay are opposing point of view because the tobacco effects human longs and can cause death.

If a women it is pregnant they could cause birdth effect to there children.

So health problems caused by cigarette smoking and other kind of tobacco adiction.

Sometimes alcohol cant cause serious problems one of the most important it is depression and when your under the influence of alcohol you can commite suicide or other things. also alcohol can name you a violent person and a person without respect to nobody even itself.

That it is why I think that alcohol and tobacco have to be illegal, because this two cause serious problems fsical and mentally

**Comments on the "1" essay:** *This essay demonstrates fundamental deficiencies in writing skills. The student has little sense of how to go about composing an essay. The student's writing is unfocused and at times incoherent. The essay contains serious and persistent errors in grammar, usage, and mechanics that severely interfere with meaning.*