

МІНІСТЕРСТВО ОСВІТИ І НАУКИ,
МОЛОДІ ТА СПОРТУ УКРАЇНИ
ХАРКІВСЬКИЙ НАЦІОНАЛЬНИЙ УНІВЕРСИТЕТ
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СИСТЕМА СУДОЧИНСТВА В АНГЛОМОВНИХ КРАЇНАХ

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Посібник розкриває різні аспекти теми «Система судочинства в англomовних країнах» і рекомендується для викладання усної практики в межах дисципліни «Англійська мова» для студентів IV курсу факультету іноземних мов.

Мета посібника – вдосконалити комунікативні вміння, якими повинні володіти користувачі мови на рівні С-1 за стандартами «Загальноєвропейських рекомендацій з мовної освіти, вивчення, викладання, оцінювання», а також збагатити запас мовних, лінгвокраїнознавчих та соціокультурних знань студентів.

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ВСТУП

Пропонований посібник призначений для вдосконалення таких видів мовленнєвої діяльності, як говоріння, аудіювання та письмо у студентів IV курсу факультету іноземних мов і відповідає робочій програмі з англійської мови в межах викладання аспекту усної практики за темою «Система судочинства в англомовних країнах».

Посібник складається з 5 розділів, які висвітлюють різні аспекти системи судочинства у Сполучених Штатах Америки та Великій Британії. Вони ґрунтуються на автентичних текстах, які супроводжуються розробленими до них передтекстовими та післятекстовими завданнями.

Основною метою передтекстових завдань є стимуляція лінгвістичних асоціацій з опорою на реальний життєвий досвід студентів. У завданнях такого типу екстенсивно використовуються проблемні питання.

Вправи, які надаються безпосередньо після тексту, зорієнтовані на семантизацію та активне використання тематичних лексичних одиниць. До таких вправ належать завдання на пошук відповідностей, заповнення пропусків, побудова та заповнення схем, діаграм і таблиць, інтерпретація статистичних даних тощо.

Післятекстові завдання творчого характеру надають можливість залучити студентів до різних видів комунікативної діяльності. Серед завдань такого типу особливе місце посідають парні та групові дискусії, організація дебатів, презентацій.

Реалізації інтегративного підходу до формування мовленнєвих навичок сприяє також виконання письмових творчих завдань, що завершують тематичні блоки.

До матеріалів додаються рекомендації щодо написання есе та організації дебатів.

UNIT 1. WORLD MAJOR LEGAL SYSTEMS

**“The life of law has not been logic,
It has been experience.”**
(Chief Justice O. W. Holmes)

Task 1. Dwell on the following questions:

1. When do we start thinking about the legal implications of our everyday activities?
2. How can you account for different approaches to settling disputes in various industrialized countries? (E.g. In the US precise written contracts, lawyers and courts of law have become part of daily life; whereas in Japan lawyers are few and people try to rely on informal ways of solving disagreements).
3. Does the system of law function efficiently when we try to reach agreements across social, economic and international barriers?
4. What motives do governments have in making and enforcing laws?



Task 2.

A) The following phrases appear in the text you are going to read. In what way do you think they are related to it? Justify your answers and then look through the text to see if you have guessed right.

- codes of law;
- Roman law of Justinian;
- customary law;
- the age of enlightenment;
- primary source of law;
- accusatory approach;
- presumption of innocence;
- European Convention on Human Rights.

B) Read the text and match the words and expressions (a–cc) with their definitions (1–28) in the table below.

(1) Each country in the world has its own legal system. The systems vary according to social traditions and form of the state government. There are two main traditions of law (a) in the world. One is based on English Common Law, and has been adopted (b) by many Commonwealth countries and most of the United States. The other tradition known as civil law (also called Romano-Germanic or Continental Law) has developed in most of Continental Europe, Latin America and many countries in Asia and Africa which have been strongly influenced by Europe.

(2) The distinction between the two major legal systems has a historical origin. The common law originated in England and was brought to the USA by the colonies. It owes its vitality to the custom, begun in the 17th century, of recording not only the judicial proceedings (c) and decisions but the principles and decisions behind them. Common law had been developed by custom long before any written laws were

known and continued to be applied by courts after their appearance, whereas civil law originated from the Roman law of Justinian¹ incorporated in the Body of Civil Law.

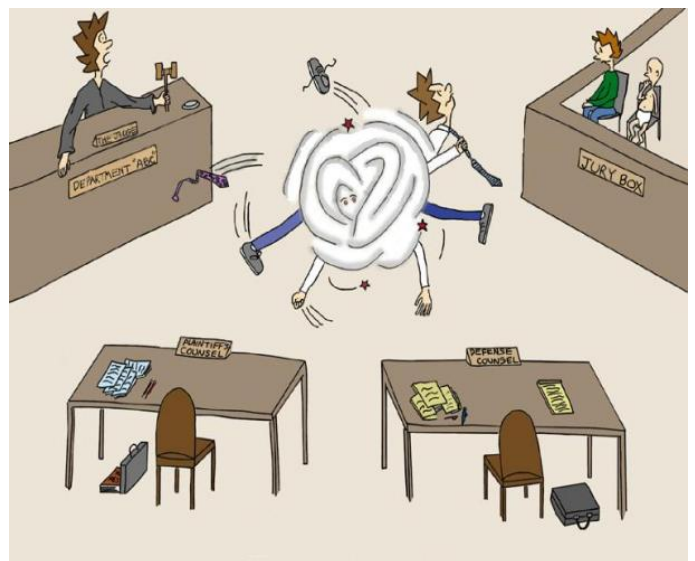
(3) The main difference between the civil and common law systems lies in the styles of legal *reasoning* (d) – that is, common law draws abstract rules from specific cases, while civil law starts with abstract rules, which are to be applied by judges to various cases they hear.

(4) Common law systems are based largely on **case law** – the law established by following judicial decisions given in earlier cases. When a court decides a case and records its decision in a written opinion, that opinion, or case, becomes a “**precedent**”. The doctrine (e) of precedent is still a central feature of modern common law systems. As common law was created by court, it is a product of judicial (f) rather than legislative (g) power.

(5) Continental systems are known as *codified* legal systems based mainly on **statutes (h) (legislative acts (i))**. They have resulted from attempts made by governments to produce a set of codes to govern every legal aspect of a citizen’s life.

(6) The difference between civil law and common law lies not only in the mere fact of codification (g), but in the methodological approach to codes and statutes. In civil law countries, legislation (k) is seen as the primary source of law. Consequently, courts have to reason extensively on the basis of general rules and principles of the code. By contrast, in the common law system cases are the primary source of law, while statutes are only seen as *incursions* into the common law and therefore interpreted narrowly.

(7) Besides the aforesaid, civil law and common law differ in the way a trial is conducted. In common law systems, an adversarial (l) or accusatory (m) approach is used to *adjudicate* guilt or innocence. The assumption (n) is that the truth is more likely to emerge from the open contest between the prosecution (o) and the defence in presenting the evidence and opposing legal arguments with a judge acting as a neutral referee (p) and as the arbiter (q) of the law. In more serious cases,



there is a jury (r) to determine the facts. This polarizes the issues, with each competitor acting in its own self-interest, and so presenting the facts and interpretations of the law in a deliberately *biased* way. The intention is that through a process of argument and counter-argument (s), examination-in-chief (t) and cross-examination (u), each side will test the truthfulness, relevancy and sufficiency of the opponent’s evidence and arguments. To maintain fairness, there is a presumption of innocence with the *burden* of proof (v) lying on the prosecution. The concept of the presumption of innocence instructs a jury to consider a defendant free of wrongdoing until proven guilty on the basis of evidence. For this purpose, most European

countries have become parties to the European Convention on Human Rights which guarantees “the right to a fair trial” and the presumption of innocence.

(8) The majority of the civil law jurisdictions follow an inquisitorial (w) system of adjudication (x), in which the responsibility for supervising the investigation by the police falls on an examining magistrate (y) or judge who then conducts the trial. The assumption is that the truth is more likely to emerge from an *impartial* and exhaustive investigation both before and during the trial itself. The examining magistrate or judge acts as an inquisitor (z) who directs the fact-gathering process by questioning witnesses, interrogating the suspect (aa) and collecting the evidence. The lawyers who represent the interests of the State and the accused have a limited role to offer legal arguments and alternative interpretations to the facts that emerge during the process.

(9) It is important not to exaggerate the difference between these two traditions of law. Many countries have patterned their legal system after both civil law and common law. For instance, Japan and most Latin-American countries have assembled all their private law into a code. However, public law in these countries has been greatly influenced by common law principles, especially those guaranteeing the rights and liberties of the people. The clear distinction between legislature (bb) and judiciary (cc) has weakened in some European countries such as Germany, France and Italy. For example, French courts have produced a great deal of case law *interpreting* codes that became out of date.



¹ Justinian (483–565), Byzantine emperor 527–565; Latin name Flavius Petrus Sabbatius Justinianus. He regained North Africa from the Vandals, Italy from the Ostrogoths, and Spain from the Visigoths. He was the one to codify Roman law in 529.

1	a person thought to be guilty of a crime or offence	2	a person who settles a dispute or has ultimate authority in a matter
3	a person who inquires, esp. deeply, searchingly	4	a body of persons vested with power to make, amend, and repeal laws
5	legal proceeding in a court; a judicial contest to determine and enforce legal rights	6	a body of people sworn to give a verdict in a legal case on the basis of evidence submitted to them in court
7	a principle or body of principles that is taught or advocated	8	a thing that is accepted as true or as certain to happen, without proof
9	formally approved or accepted	10	acts passed by a legislative body
11	a process of drawing conclusions from facts, evidence, etc	12	an argument that makes an opposing point to another argument
13	indicating or suggesting that one believes a person has done something wrong	14	an official who acts as a judge in law courts which deal with minor crimes or disputes

15	a person who is referred to for a decision in a dispute	16	questioning somebody in detail about answers they have already given
17	involving opposing parties or interests in a legal contest	18	denoting criminal procedure in which one party is both prosecutor and judge
19	laws, considered collectively	20	relating to the administration of justice
21	the final judgment in a legal proceeding; the act of pronouncing judgment based on the evidence presented	22	questioning of a witness by the party which has called that witness to give evidence, in support of the case being made
23	the judicial authorities of a country; judges collectively	24	the collection into one body of the principles of a system of law
25	the obligation to prove one's assertion	26	written laws passed by a legislative body
27	the party instituting or conducting legal proceedings against someone in a lawsuit	28	the system of rules that a particular country recognizes as regulating the actions of its members

Task 3. Work in pairs. Look through the text above and fill in the table.

The basic distinctions between the two major legal systems are		The style of legal reasoning in common law implies	
Common law is a product of		Case becomes a precedent	When?
Codified legal systems as distinct from non-codified are based on		Continental systems are known as codified because	
The inquisitorial system of adjudication presupposes		The concept of the presumption of innocence means	
The role of lawyers in common law is different from that of lawyers in civil law	How?	The role of the judge in common law differs from that of the judge in civil law	How?
The methodological approach to codes and statutes in common law consists in		The methodological approach to codes and statutes in civil law lies in	

The adversarial system presupposes		The European Convention on Human Rights ensures	
------------------------------------	--	---	--

Task 4. Decide where you think some of the following pieces of information belong in the table:

- | | |
|---|---|
| 1 | A central importance of enacted law;
B central importance of precedent; |
| 2 | C inductive (reasoning in individual cases leads to general rules);
D deductive (decisions reached by reasoning from general rules to particular cases); |
| 3 | E principles are flexible;
F principles are based on real facts;
G in time fixed principles may not correspond to changing circumstances;
H principles develop in individual cases;
I general enacted principles are applied to individual cases; |
| 4 | J active;
K passive (impartial) arbitrator. |

	Common Law	Civil Law
1 System basic characteristic		
2 Style of legal reasoning		
3 Legal principles		
4 Role of the judge		

Task 5. Work in pairs. Discuss the following issues relying on the information from the text above and your background knowledge.

1. Why is the reliance upon precedent regarded as the hallmark and the strength of the common law?
2. Which style of judicial reasoning do you think is more efficient: deductive or inductive?
3. Which type of law seems more flexible to meet changed social conditions?

4. Is the desire to win in the adversarial system of dispute resolution really more important than the search for truth? Give your reasons to support or refute this statement.
5. Doesn't it seem to you that too much power is concentrated in the hands of a single magistrate who both investigates and adjudicates on the merits of the case in the inquisitorial system of adjudication? Give your reasons to support or refute this statement.
6. How would you define the concept of presumption of innocence?
7. Which of the systems (civil law system or common law system) do you find fairer/more biased? Justify your answer.
8. Can you suggest which tendency in further development of the two major systems will prevail: towards integration or disintegration?
9. Which of the law systems mentioned in the text would you prefer to operate in your country? Give your reasons.

CLASSIFICATION OF LAW

Law may be classified in various ways. The main divisions are as follows:

(a) Criminal Law and Civil Law

Criminal law is a body of rules and statutes that defines conduct prohibited by the government because it threatens and harms public safety and welfare and that establishes punishment to be imposed for the commission of such acts.

Civil Law is a body of rules that delineate private rights and remedies, and govern disputes between individuals in such areas as contracts, property, and Family law;

(b) Public Law and Private Law

Public law is that area of constitutional, administrative, criminal and International law that focuses on the organisation of the government, the relations between the state and its citizens, the responsibilities of government officials, and the relations between sister states. It is concerned with political matters, including the powers, rights, capacities, and duties of various levels of government and government officials.

Public law refers to an act that applies to the public at large, as opposed to a private law that concerns private individual rights, duties, and liabilities.

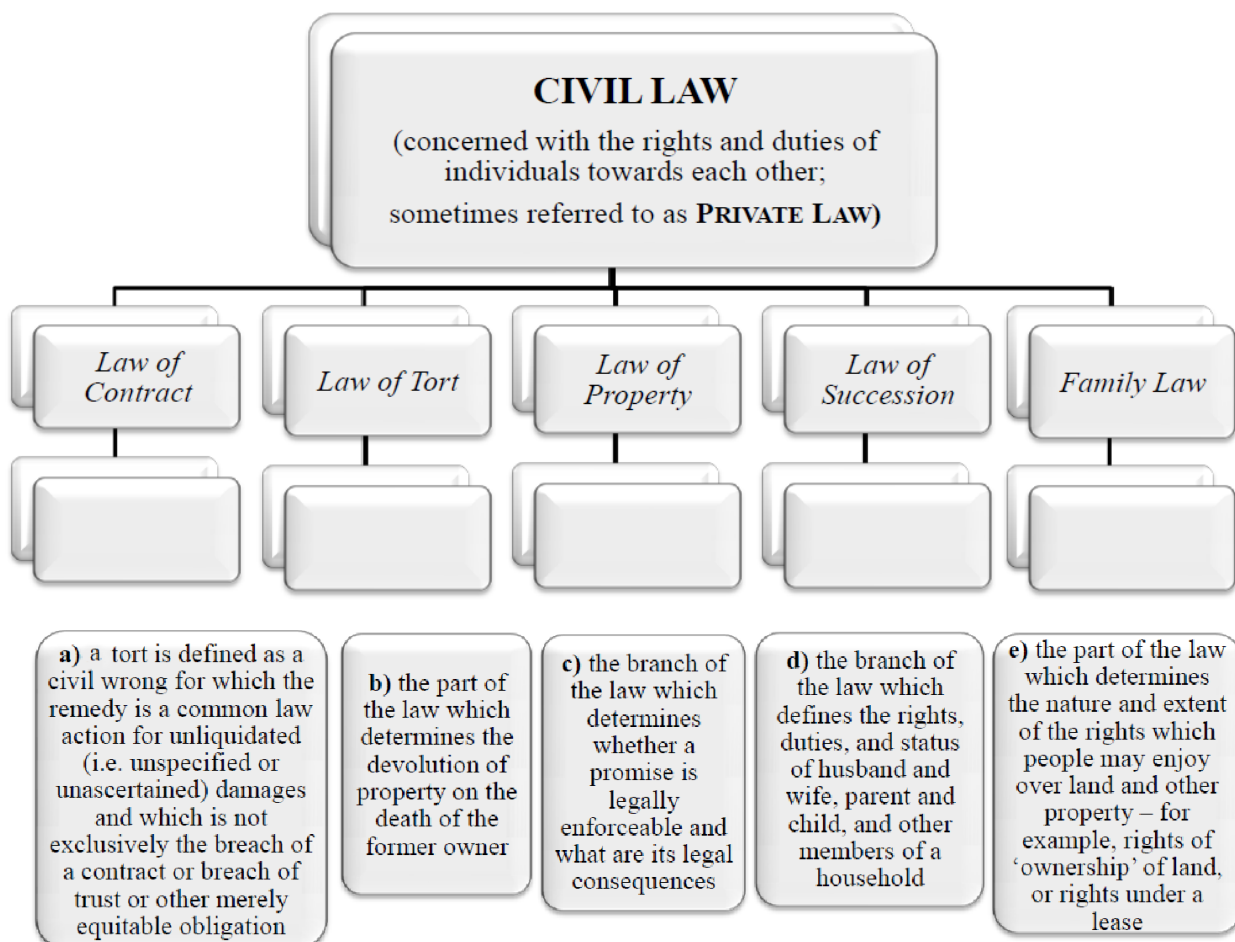
Private law is that portion of the law that defines, regulates, enforces, and administers relationships among individuals, associations, and corporations. As used in distinction to public law, the term means that part of the law that is administered between citizen and citizen, or that is concerned with the definition, regulation, and enforcement of rights in cases where both the person in whom the right inheres and the person upon whom the obligation rests are private individuals.

(from www.legal-dictionary.thefreedictionary.com)

Task 6. Listen to the text on civil and criminal law and complete the table below with their points of difference.

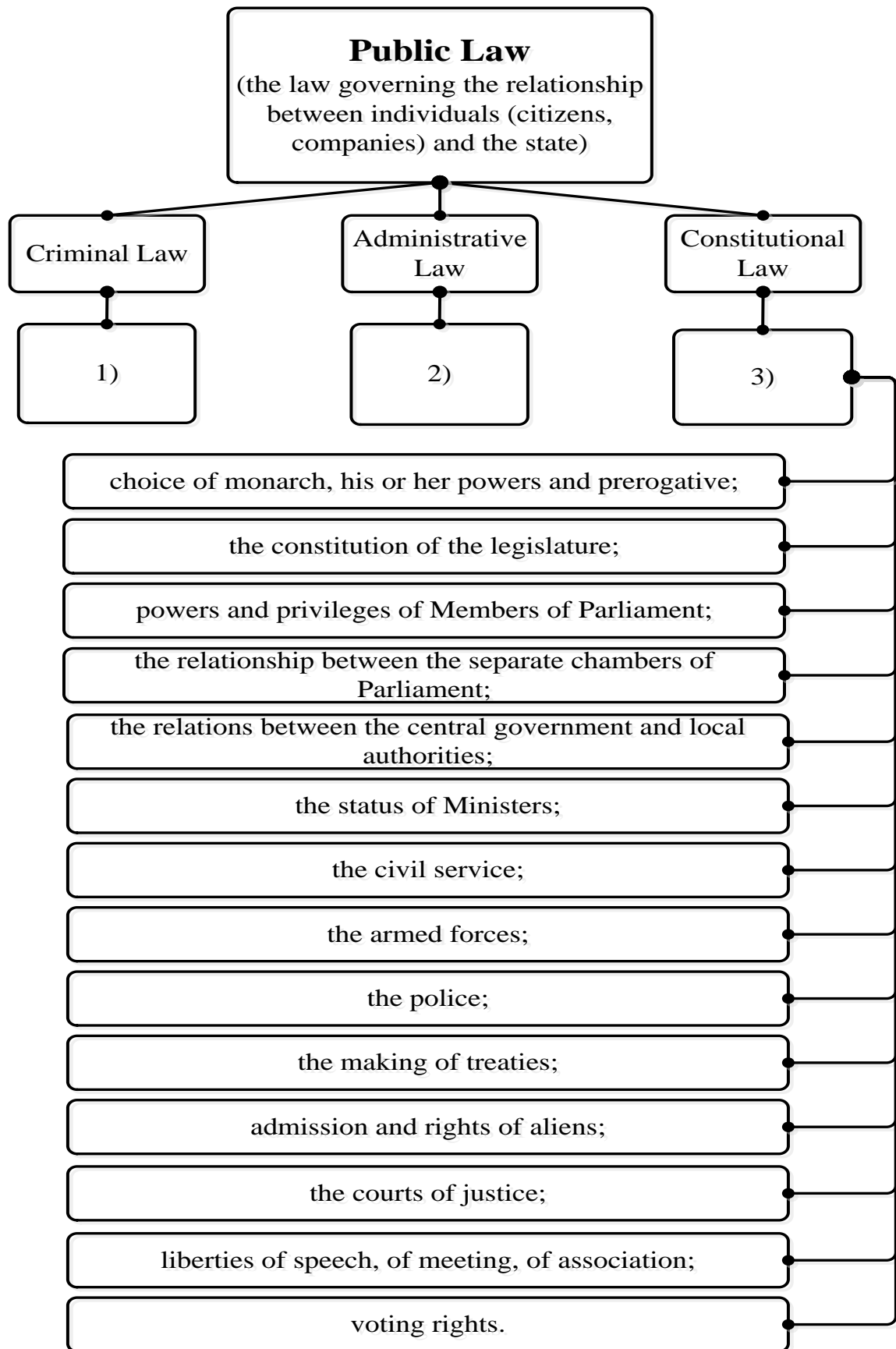
	Civil Law	Common Law
Definition		
Case filed		
Type of punishment		
Type of Defense		
Burden of proof		

Task 7. Complete the diagram below with the missing blocks:



Task 8. Complete the diagram below with the missing blocks:

(b) Public Law



a) the body of legal principles which concerns the rights and duties arising from the impact upon the individual of the actual functioning of the executive instruments of government

b) the rules which regulate the structure of the principal organs of government and their relationship to each other; and determine their principal functions. This subject includes:

c) the part of the law which characterizes certain kinds of wrongdoings as offences against the State, not necessarily violating any private right, and punishable by the State

Task 9. Work in pairs. Discuss which of the branches of law deal(s) with the following legal matters:

- | | | |
|---------------------------|--------------------------------|-------------------------|
| 1) intellectual property; | 6) war crimes; | 11) adoption; |
| 2) wills; | 7) taxation; | 12) manslaughter; |
| 3) employment contracts; | 8) corporate finance; | 13) social welfare; |
| 4) divorce; | 9) civil rights and liberties; | 14) territorial waters. |
| 5) robbery; | 10) traffic accidents; | |

Have you or anyone you know ever been involved in a legal matter? What sort of case was it?

Task 10. Look through the following quotations and write a 250-word essay on one of them. Refer to the Appendices 1 and 2 for the guidelines on writing an essay.

“No written law has ever been more binding than unwritten custom supported by popular opinion.” (Carrie Chapman Catt, woman's suffrage leader, 1859–1947)

“The more laws, the less justice.” (Marcus Tullius Cicero, ancient Roman lawyer, writer, scholar, orator and statesman, 106 BC–43 BC)

“The people's good is the highest law.” (Marcus Tullius Cicero, ancient Roman lawyer, writer, scholar, orator and statesman, 106 BC–43 BC)

“The law will never make men free, it is men that have to make the law free.” (Henry David Thoreau, American essayist, poet and philosopher, 1817–1862)

UNIT 2. CRIMES AND LAWBREAKERS

Task 1. Work with a partner and discuss the following:

1. Are crime levels on the increase in your country? If so, what do you think are the reasons for this?
2. What in your opinion are the most commonly committed crimes where you live?

Task 2. Listen to the following street survey about the rise in crime and fill in the table below. Looking at your notes, give a one-minute talk on the rise in crime contributing your own ideas.

unemployment	• some people may turn to crime as an easy way of _____
advertisements	• some people end up _____ things they want but they can't _____
TV programmes	• too much violence on TV makes young people more likely to act in a _____ way in real life • criminals are shown in a way that makes them and their lifestyle look glamorous and _____
social pressures	• teenagers have to commit petty crimes, such as shoplifting, in order to _____ by the gang • once you begin a life of crime it can be very difficult to _____

Task 3. In annual reports on crime rates in different countries the following factors are usually considered when gauging the relative safety of any city, neighbourhood, or business district. Study the table below and discuss which of the factors contribute most to the crime rate in your city. Support your answers with some examples and reasoning.

Crime-Promoting Factor	General Effect
Residential Population & Population Density	High population leads to higher residential crime rate (residential burglaries, larcenies from motor vehicles, domestic assaults, auto theft). High population density also leads to a higher residential crime rate.
Commercial & Educational Population, number & type of commercial establishments and educational institutions	High commercial population leads to more “business” crimes (commercial burglaries, shoplifting, larcenies from buildings, forgery) and to more crimes against the person often committed in commercial areas (larcenies from the person, larcenies from motor vehicles, larcenies of bicycles, street robbery, auto theft).

Crime-Promoting Factor	General Effect
Age composition of population	A higher population in the “at risk” age of 15–24 leads to a higher crime rate.
Stability of Population	Stable, close-knit populations have a lower overall crime rate than transient populations. Neighbourhoods with more houses and condominiums (generally signifying a more stable population) have a lower crime rate than neighbourhoods with mostly apartments (generally a more transient population).
Street Layout	Areas with major streets offering fast getaways and mass transportation show more crime clusters than neighbourhoods with primarily residential streets.
Proximity to Public Transportation	Criminals are often indigent and cannot afford cars or other expensive forms of transportation. Areas near public transportation, and particularly subways, witness a higher crime rate particularly robbery and larceny-than more inaccessible areas.
Economic conditions, including poverty level and unemployment rate	Again, criminals are often indigent. Areas afflicted by poverty show higher burglary, robbery, and larceny rates than Middle-class or wealthy neighbourhoods.
Family conditions with respect to divorce and family cohesiveness	Family relationships have for some time been considered a major determinant of behaviour. Youths who grow up in a household characterized by conflict and tension, where parents are absent or separated, or where there is a lack of familial love and support, will be susceptible to the crime-promoting forces in the environment.
Climate	Warmer climates and seasons tend to report a higher rate of larceny, auto theft, and juvenile-related crime, while cold seasons and climates report more robberies and murder.
Operational and investigative emphasis of the police department	Problem-oriented, informed police departments have more success controlling certain aspects of crime than other departments.
Attitude of the citizenry toward crime, including its reporting practices	Populations that have “given up” on crime and the police experience an exacerbation of the crime problem.

Task 4. Work with a partner and discuss the following questions.

Some common suggestions for preventing the rise in crime are listed below. Which do you think are effective and which are not? Why?

- having more police patrol cars and officers on the beat;
- improving education and social services for everyone in society;
- imposing harsher punishments on hardened criminals;
- installing more CCTV systems in public places;
- setting up better facilities and systems for rehabilitating young criminals and first offenders;
- setting up neighbourhood watch schemes.

Task 5. Read the text on the substance and nature of crime below to find out the difference between various types of crimes.

SUBSTANCE AND NATURE OF CRIME

Crime is a term that refers to many types of misconduct forbidden by law. The list of acts considered crimes is constantly changing. For instance, people in the United States no longer are charged with witchcraft. Though many were accused of that crime in colonial Massachusetts. Today it is becoming a serious crime to pollute the air and water. In England during the 1700s, it was not a crime for people to steal money entrusted to their care by an employer. Nowadays, this type of theft, called embezzlement, is a crime.

From a legal standpoint, a crime is a violation of the criminal law. Such law deals with actions considered harmful to society. On the other hand, most harmful acts causing injury to another person are violations of the civil law. Some overlapping occurs in this classification. For example, murder and rape are committed against individuals, but the law considers them crimes because they threaten society. For this reason, a crime is regarded as an offence against the state.

An act is viewed as a crime if enough evidence exists to make a police officer, a prosecutor, or a judge believe that a violation of criminal law has taken place. However, the law does not consider accused people to be criminals unless a judge or jury finds them guilty.

Like boxes of soap powder, criminal laws come in an array of shapes and sizes. To determine the seriousness of a charge, it is important to distinguish such types of crimes as a felony, misdemeanour, and infraction:

- Felonies are the most serious kinds of crimes. Generally, a crime is considered a felony when it is punishable by more than a year in a state prison (also called a penitentiary). Examples of felonies are murder, rape, burglary, and the sale of illegal drugs.

- Misdemeanours are less serious crimes, and are typically punishable by up to a year in county jail. Common misdemeanours include shoplifting, drunk driving, assault, and possession of an unregistered firearm. Often an offense that is a misdemeanour the first time a person commits it becomes a felony the second time around.

• Infractions are still less serious violations, like those involving traffic laws that typically subject a person to nothing more than a monetary fine. Defendants charged with infractions usually have no right to a jury trial or to a court-appointed lawyer.

Now, using the information from the text above, decide which of the categories below the following crimes can fall under.

- | | | |
|--------------------------|-------------------------|--------------------------|
| 1) arson; | 8) falsification of | 15) rape; |
| 2) burglary; | information; | 16) robbery; |
| 3) jaywalking; | 9) public intoxication; | 17) treason; |
| 4) kidnapping; | 10) littering; | 18) trespass; |
| 5) disorderly conduct; | 11) manslaughter; | 19) vandalism; |
| 6) disturbing the peace; | 12) murder; | 20) violations of |
| 7) simple assault; | 13) petty theft; | municipal codes (such as |
| | 14) traffic offenses; | building or housing). |

Felonies

Misdemeanours

Infractions

Task 6. Read the text below and find the words denoting crimes. What types of crimes in your opinion do female offenders tend to commit more frequently and why?

CRIME TAKES ON A FEMININE FACE

(1) For more and more women, the legend “home sweet home” is being hung on the walls of a prison cell.

(2) The increase in the rate at which women are going to prison has outpaced that of men. Since 1981, the number of men being put behind bars has gone up 112 per cent; the number of women, 202 per cent.

(3) What's behind these statistics? Are more women being drawn into a life of crime, or is the criminal justice system just getting more adept at catching and sentencing them?

(4) “Both,” says Rita Simon, a sociologist at American University in Washington and author of two books on women and crime. “Part of it is that just as women have more opportunities outside the home, they have more opportunities to fall into crime. And it's also true that in the past, judges tended to be more



lenient with women, especially when they had children. But now justice is becoming more gender-blind.”

(5) In actual numbers, men still far outrank women in every type of crime. FBI spokesman Kurt Crawford speculates that “there are maybe two” female serial killers at large (compared with estimates of as many as 500 males), and women are barely represented in crimes such as kidnapping, hostage-taking or terrorism. “These are just not female types of crimes,” says Harvey Schlossberg, the chief psychologist for the New York/New Jersey Port Authority “Women tend to be motivated by economic concerns, while men are motivated by power and control.”

(6) Nancy Hollander, a past president of the National Association of Criminal Defense lawyers, agrees that economics are at the root of women's fall from legal grace.

(7) That's true of certain crimes, according to Simon, but not all: “Look at white-collar criminals; these are not poor women or abused women. When I tell radical feminists this, they get furious. They believe that women are inherently more moral, that they only steal to feed their children. Well, the data just don't bear that out.”

(8) In fact, white-collar crime is where women seem to be flocking. The primary increase in arrests of women is for property offenses: larceny, fraud, embezzlement and forgery. And it isn't happening only in the United States.

(9) Women who commit white-collar crime almost always act alone, and in this way such crimes stand out from other women's crimes. When a woman breaks the law it is usually through a personal connection – specifically, involvement with a man.

(10) The war on drugs is packing prisons and jails with both male and female inmates. In Washington, D.C., for instance, 60 percent of the women held in jail are there for drug-related offenses. Most of these women are small-time, low-level accomplices who would have gotten probation or short sentences in the past.

(11) In addition to accomplices in drug crimes and theft, there is also what Hollander calls “the most frightening group: women who are accomplices to men who abuse or kill other women or children”.

(12) Family life in general doesn't seem to keep women out of the law's reach. Violent women rarely attack strangers, usually keeping their violent attacks close to home: Two-thirds of violent female offenders have attacked a family member, compared with 17 per cent of violent male inmates.

(13) According to even conservative estimates, about 40 percent of women who are charged with killing an intimate are women who found that deadly force was the only effective counteraction to long-term abuse.

(14) Poverty, drugs and physical abuse are the depressing trinity of women behind bars. The majority of them are mothers, and for many their real problems begin when they get out: finding a job and housing and reclaiming children in the care of relatives or foster parents.



(15) The impact on society goes beyond the costs of incarceration. The children, raised apart from their mothers and often in unstable conditions, are more likely to grow up with a host of problems – including a higher chance of becoming criminals themselves.

(16) Smith, Hollander and other criminologists advocate probation and counselling in place of more expensive jail terms. Because the majority of nonviolent female offenders (aside from white-collar crooks) do seem driven by economic need, such alternatives would probably be more sensible, they say.

(17) “The more people we lock up,” she says, “the fewer parents there are. Do we stop caring about the family' just because these people are poor and troubled? What's going to happen to those children without their parents? We're going to raise a generation of antisocial outcasts.” Counselling does not work in every case, she concedes, but she believes it's worth a try.

(18) “The real truth,” Smith says, “is that you can't shut certain things out of your sight. You can't imprison away addiction or poverty or misery.”

Task 7. Find in the text words and expressions having the following meanings. Use some of them to fill in the gaps in the sentences below.

- declaring the punishment (paragraph 3) _____;
- to come down to unlawful actions (paragraph 4) _____;
- tolerant of (paragraph 4) _____;
- indifferent to gender (paragraph 4) _____;
- people guilty of a series of murders (paragraph 5) _____;
- capturing and keeping a person by somebody wishing to ensure his demands fulfilled (paragraph 5) _____;
- cease to be held in favour (paragraph 6) _____;
- crime relating to work done or people working in an office (paragraph 8) _____;
- a technical word for theft (paragraph 8) _____;
- the crime of gaining money or financial benefits by a trick or by lying (paragraph 8) _____;
- the crime of misappropriating money placed in one's trust or belonging to the organization for which one works (paragraph 8) _____;
- the crime of producing false money, documents, or paintings (paragraph 8) _____;
- people confined to a prison (paragraph 10) _____;
- kept in a place where criminals are kept for punishment (paragraph 10) _____;
- crimes having something to do with narcotics (paragraph 10) _____;
- partner in crime (paragraph 10) _____;
- the release of an offender from detention, subject to a period of good behavior under supervision (paragraph 10) _____;

- the action of stealing (paragraph 11) _____;
- treat with cruelty or violence (paragraph 11) _____;
- beyond legal jurisdiction (paragraph 12) _____;
- people who commit an illegal act (paragraph 12) _____;
- formally accused of something (paragraph 13) _____;
- imprisonment (paragraph 15) _____;
- people conducting scientific study of crime and criminals (paragraph 16) _____;
- publicly support (paragraph 16) _____;
- professional assistance in resolving psychological problems (paragraph 16) _____;
- outlaws hostile to social practices (paragraph 17) _____;
- admits (paragraph 17) _____.

1. A total of 555 _____ including sex attackers, drug dealers and violent murderers, escaped justice after a catastrophic court blunder.

2. _____ have found out that houses on the same side of the street are most likely to be broken into within two months of the initial burglary.

3. He is believed to have links to the former bank clerk arrested last month on suspicion of _____ of £160,000 from the bank.

4. He was _____ to a further 20 hours unpaid work and must pay £50 court costs.

5. Her father was sentenced to 24 months _____, £300 in fines and ordered to attend 50 weeks of domestic violence counseling.

6. If the experts are right and the photos are fakes, they are the most dangerous _____ ever.

7. Officers were tipped off that he had indecent images on his computer and found films of him _____ youngsters.

8. Peter South was arrested today and _____ grand larceny, forgery and conspiracy charges linked to a deed and mortgage fraud scheme.

9. She can't get a visa because, under Japanese law, immigration authorities can deny entry to those who have been convicted of _____ and she was once found guilty of a drug charge.

10. She's expected to spend two weeks under house arrest for the crime of stealing a necklace from a jewellery shop. It will be her fourth _____ after, once again, violating her probation terms over a 2007 drink-driving offence.

11. Soccer ace Brad Lloyds may be questioned by the police investigating the _____ of mobile phones and cash from a nightclub.



12. The Association of Chief Police (Acpo) believes identifying young people who could _____ early on could have a big impact on cutting youth crime.

13. The number of cases of identity _____ has increased by almost seven times in the last six years.

14. The original indictment filed in New York portrays Gilbert as an _____ in the attacks.

15. The sentences are shockingly _____ and again show the judge taking the side of the criminal.

Task 8. Study a fuller list of crimes given below and allocate them under the appropriate categories. Some crimes can be listed under more than one category. One of the words/expressions in the list is not a crime.

1) abduction;	17) contempt of court;	33) money laundering;
2) actual bodily harm;	18) criminal damage	34) murder;
3) aiding and abetting	(vandalism, and sometimes	35) obscenity;
(= assisting) an	also hooliganism);	36) obstruction of the police;
offender;	19) deception or fraud in	37) suicide;
4) arson;	order to obtain property,	38) perjury;
5) assault;	services or pecuniary	39) perverting the course of
6) battery;	advantage;	justice;
7) being equipped to	20) driving without a	40) piracy;
steal;	licence or insurance;	41) possessing something
8) bigamy;	21) drug dealing;	with intent to damage or
9) blackmail;	22) drunk in charge/drink	destroy property;
10) breach of the	driving;	42) possessing weapons;
Official Secrets Act;	23) embezzlement;	43) racial abuse;
11) breaking and	24) espionage;	44) rape;
entering;	25) forgery;	45) robbery;
12) bribery;	26) grievous bodily harm;	46) sedition;
13) burglary;	27) handling stolen goods;	47) terrorism;
14) careless or	28) indecency;	48) theft;
reckless driving;	29) indecent assault;	49) treason;
15) committing a	30) infanticide;	50) unlawful assembly;
breach of the peace;	31) manslaughter;	51) wounding.
16) conspiracy;	32) misuse of drugs;	

Crimes against the person

Crimes against property

Public order offences

Road traffic offences

Sexual offences

Political offences

Offences against justice

Task 9. Answer the following questions. Use the information from the text and your background knowledge.

1. What are the causes of the alarming rise in the “feminization of fraud” in the USA?
2. Do you agree with the lawyers’ point of view that economics are at the root of women’s fall from legal grace?
3. Do you believe that women are inherently more moral than men and they steal to feed their children?
4. Are men and women driven by the same motives when they turn to crime?
5. Why in your opinion has the recent crime legislation become stiffer as regards women?
6. In what way do white-collar crimes committed by women stand out from other women’s crimes?
7. Can one justify female offenders who find that deadly force is the only effective counteraction to the long-term abuse they have experienced in their families?
8. Do you think that ex-offenders can get proper help and support trying to reintegrate into society after being released from prison?



Task 10. Express your opinion on the following statements giving at least three arguments.

1. “Feminization of fraud” is a hallmark of only American society.
2. Imprisonment of women-criminals has the impact on society which goes far beyond the costs of incarceration.
3. The solution to the problem of female offenders is in counselling and probation, not jail.

Task 11. Dwell on the following issues.

1. Do you think there is any joy attached to what a criminal does?
2. If crimes have so many negative consequences, why do some culprits continue to commit them, even after having served their sentence in prison?
3. What are the reasons of our sympathy with the criminals portrayed in films?



Task 12. Match the words denoting lawbreakers with the appropriate definitions and then use some them to fill in the gaps in the sentences below.

1) shoplifter	a) illegally sets fire to property
2) vandal	b) steals from purses and wallets in public places
3) (cat) burglar	c) kills people for political reasons and is often hired to do the deed
4) murderer	d) attacks people or places to steal money
5) kidnapper	e) takes things belonging to another person with the intention of keeping or selling them
6) pickpocket	f) unlawfully seizes and detains a victim (usually for ransom)
7) drug dealer	g) takes things from a shop without paying
8) terrorist	h) counterfeits money, documents, etc
9) assassin	i) performs the unlawful premeditated killing of another human being
10) stowaway	j) betrays his/her country, friend, company, etc
11) thief	k) enters a building with intent to steal
12) hijacker	l) forces another person to have sexual intercourse
13) forger	m) is an unlicensed dealer in illegal drugs
14) robber	n) employs terror as a political weapon
15) smuggler	o) uses force to take over a vehicle (especially an airplane) in order to reach an alternative destination
16) traitor	p) willfully destroys or defaces property
17) gangster	q) hides aboard a ship or plane in the hope of getting free passage
18) rapist	r) enters a marriage when the previous marriage has not been terminated
19) bigamist	s) imports or exports without paying duties
20) arsonist	t) is a member of a gang of violent criminals

1. A _____ was caught after he was found sleeping in one of the four cars he had smashed up, a court has heard.
2. A _____ who committed a series of sexual offences over two decades has been jailed for 20 years.
3. A _____ who created up to 1,000 bogus paintings – selling many to unsuspecting buyers – has been jailed for two years.

4. A _____ who may have been seriously injured attempting to steal electrical cable has been urged to go to hospital by the police.

5. A 25-year-old woman has fought off a _____ who attempted to steal her car at traffic lights.

6. A convicted _____ who then got involved with cocaine has been jailed for five years and one month.

7. A convicted cigarette _____ has been jailed for three years for failing to pay a £500,000 confiscation order.

8. A family of _____ who stole mobile phones and cash from sleeping train passengers between London and Kent, have been jailed.

9. A man who was abducted, stuffed into a car boot and then savagely attacked has become good friends with his _____.

10. An alleged _____ is to stand trial accused of marrying another woman while his wife was alive.

11. An alleged teenage _____ flooded a house while trying to steal copper piping during a three-day drink and drugs binge

12. An armed _____ who admitted raiding a string of bookmakers in fancy dress disguises, including an Elvis Presley outfit, has been jailed for life.

13. John F. Kennedy was killed by _____'s bullet in Dallas in 1963.

14. Six _____ have been found by UK Border Agency officers in a lorry bound for Broxburn in West Lothian.

15. Tests revealed kerosene had been poured through the letterbox and set alight, but the _____ has never been caught.

16. The case has stirred up strong emotions among watching survivors, with some shouting "_____ " and "killer" from the court gallery.

17. The government insists that the massacre was the work of '_____', aiming to derail the peace process and provoke intervention by Western powers.

18. The most destructive known _____ in FBI history, whose 25 years of spying for Moscow helped lead to the deaths of at least two American agents, was jailed for life yesterday.

19. Umbrellas with handles are handy for _____ trying to steal small items. A common tactic is to keep a closed (but not snapped) umbrella hanging on one's elbow or leaning against a counter, and then to drop items into it.



Task 13. Dwell on the following quotations and write a 250-word essay on either of them. Refer to the Appendices 1 and 2 for the guidelines on writing an essay.

"The infectiousness of crime is like that of the plague." (Napoleon Bonaparte (1769–1821))

"Crime and bad lives are the measure of a State's failure, all crime in the end is the crime of the community." (H. G. Wells (1866–1946), British-born American author)

UNIT 3. TYPES OF PUNISHMENT

“Crime and punishment grow out of one stem. Punishment is a fruit that, unsuspected, ripens with the flower of the pleasure that concealed it.”

(Ralph Waldo Emerson (1803–1882),
U.S. poet, essayist and lecturer)

Task 1.

A. Before reading the text think of the possible purposes for the state punishment of criminals. Are they really achieved? In what way could the situation be improved?

B. Read the text and fill in the gaps with the given words or phrases:

THE PURPOSE OF STATE PUNISHMENT

wrongdoer	deterrent	law-abiding
misdeeds	reform	crime doesn't pay
barbaric	retribution	death penalty
humane	rehabilitate	corporal punishment

Punishment is infliction of something negative or unpleasant in response to behaviour considered wrong by an individual or a group. It is authorised imposition of deprivations – of freedom or privacy or other things to which the person otherwise has a right.

What is the purpose of punishment? One purpose is obviously to (1) _____ the offender, to correct the offender's moral attitudes and anti-social behaviour and to (2) _____ him/her, which means to assist the offender to return to normal life as a useful member of community. Punishment can also be seen as (3) _____, because it warns other people of what will happen if they are tempted to break the law and so prevents them from doing so. However, a third purpose of punishment lies, perhaps, in society's desire for (4) _____, which basically means revenge. In other words, don't we feel that a (5) _____ should suffer for his/her (6) _____? The form of punishment should also be considered. On the one hand, some believe that we should “make the punishment fit the crime”. Those who steal from others should be deprived of their own property to ensure that criminals are left in no doubt that “(7) _____”. For those who attack others, (8) _____ should be used. Murderers should be subject to the principle “an eye for an eye and a tooth for a tooth” and automatically receive the (9) _____. On the other hand, it is said that such views are unreasonable, cruel and (10) _____ and that we should show a more (11) _____ attitude to punishment and try to understand why a person commits a crime and how the society has failed to enable him to live a respectable, (12) _____ life.

Task 2. Work with a partner and discuss the following questions.

1. What purpose do prisons fulfil in current society? What purpose should they fulfil? Comment on the points in the list below.

- re-educating and rehabilitating criminals
- punishment
- acting as a deterrent to would-be criminals
- isolating dangerous individuals from the rest of society

2. What kinds of problems do prisoners face, both while they are in jail and after they are released?

3. Why are people sometimes tempted to take the law into their own hands? Are there any circumstances in which this is justifiable?

Useful words and phrases

*depression; humiliation; fear of violence from guards or other inmates;
a blood feud; contact with more experienced and hardened criminals;
drug abuse; ostracism; a vendetta; it has a stigma attached to it;
risk of slipping back into your old ways; the law has failed them;
difficulties in finding housing and employment; justice has not been done;
a code of honour; (to) take revenge on someone for something.*

Task 3. Look at the crimes listed below.

A. What would be the most appropriate penalty for each of the following crimes?

Crimes	Punishments
Drunk-driving	probation
Shoplifting (first offence)	fines (small/stiff/heavy)
Assaulting a police officer	imprisonment (light/long prison sentence)
Rape	life imprisonment
Murder	suspension
Armed robbery	community service
Fraud	death penalty
Arson	corporal punishment
Drug-dealing	other (your ideas)
Hit-and-run manslaughter	
Committing a foul in sport	
Mugging	
Premeditated murder	
Kidnapping	
Vandalism	
Tax evasion	
Burglary	

B. What reasons can you give for choosing the punishments above? Use the following prompts and useful expressions to talk about your choices.

To make the punishment fit the crime
To teach them a lesson
To make them pay for their crimes
To give them a second chance

To deter others
To set an example
To provide an opportunity for rehabilitation
To ease the burden on tax payers

e.g. If someone is found guilty of an assault, I would like to see them given a prison sentence to teach them a lesson and to deter others. Of course, the length of the sentence would depend on...

Task 4. Comment on the ideas expressed in statements in relation to the theme of crime and punishment. What is your reaction to each statement?

Nobody is beyond redemption.

Once a thief, always a thief.

Punishment is lame, but it comes.

Task 5.

A. You are going to hear an English teenager, Neil, speaking on a sense of punishment. Before you listen, think about what you would say to comment on the statements below. Which of the views of punishment below would you agree with? Give reasons.

1. An eye for an eye, a tooth for a tooth.
2. We need punishment as a deterrent to refrain people from offending.
3. The legal justice system should aim to rehabilitate offenders, not take revenge on them.

B. Listen to the recording. Which view of punishment does Neil argue for? Is your opinion the same as his?

C. Now listen again and tick the expressions Neil uses from the list below.

I think (that) ...	<input type="checkbox"/>	So let's look at the alternatives ...	<input type="checkbox"/>
It seems to me that ...	<input type="checkbox"/>	Another related point is that ...	<input type="checkbox"/>
The main argument for ...	<input type="checkbox"/>	Finally, the idea that ... seems to ...	<input type="checkbox"/>
However, the argument against this ...	<input type="checkbox"/>	Some people think that ...	<input type="checkbox"/>
As well as that ...	<input type="checkbox"/>	All in all, I suppose ...	<input type="checkbox"/>

Notice how Neil deals with each point.

He gives opinion.

He gives argument for and against.

He discusses the alternatives and gives reasons for rejecting them.

He summarises – by restarting his original opinion.

Task 6. Here are some examples of crimes, and the penalties chosen by particular judges. Read through them and try to answer these questions:

1. Was justice done?
2. If you had been the judge, would you have given a different sentence?
3. Would you have chosen a lighter sentence or a more severe one?
4. How would you have felt if you had been the victim of the crime?
5. How would you have felt if you had been the defendant?
6. If you had been the judge, what other facts and circumstances would you have wanted to know?

Assault

In 1976 a drunk walked into a supermarket. When the manager asked him to leave, the latter assaulted the former, knocking out a tooth. A policeman who arrived and tried to stop the fight had his jaw broken. The drunk was fined £ 10.

Shoplifting

In June 1980 Lady Isabel Bennett, a well-known TV personality, was convicted of stealing a tin of tuna fish and a carton of cream, total value £ 87, from a small shop. The case was given enormous publicity. She was fined £ 75 and had to pay £ 200 towards the cost of the case. A few days later she killed herself.

Manslaughter

(the act of killing someone, unlawfully, but not intentionally)

In 1981 Marianne Bachmeir, from Lubeck, West Germany, was in court watching the trial of Klaus Grabowski, who had murdered her 17-year-old daughter. Grabowski had a history of attacking children. During the trial, Frau Bachmeir pulled a Beretta 22 pistol from her handbag and fired eight bullets, six of which hit Grabowski, killing him. The defence said she had bought the pistol with the intention of committing suicide, but when she saw Grabowski in court she drew the pistol and pulled the trigger. She was found not guilty of murder, but was given six years imprisonment for manslaughter. West German newspapers reflected the opinion of millions of Germans that she should have been freed, calling her “the avenging mother”.

Fraud

This is an example of a civil case rather than a criminal one. A man had taken out an insurance policy of £ 100,000 on his life. The policy was due to expire at 3 o'clock on a certain day. The man was in serious financial difficulties, and at 2:30 on the expiry day he consulted his solicitor. He then went out and called a taxi. He asked the driver to make a note of the time, 2:50. He then shot himself. Suicide used not to cancel an insurance policy automatically. (It does nowadays.) The company refused to pay the man's wife, and the courts supported them.

Murder

In 1952 two youths in Mitcham, London, decided to rob a dairy. They were Christopher Craig, aged 16, and Derek William Bentley, 19. During the robbery they were disturbed by Sydney Miles, a policeman. Craig produced a gun and killed the policeman. At that time Britain still had the death penalty for certain types of murder, including murder during a robbery. Craig being under 18, he was sentenced to life imprisonment, but Bentley, being over 18, was hanged in 1953 though he had never touched the gun. The case was quoted by opponents of capital punishment, which was abolished in 1965.

Task 7. Below you will see a story of an extraordinary case in British legal history. The affair started in 1949 and was finally closed in 1966.

At the moment, there are a number of gaps in the story. Use the words below to complete it.

trial	confessed	court	custody	guilty
convicted	enquiry (x 2)	sentenced	jury	execution
arrested	innocent	charged	appeal	dropped
pardon	judges	plea	apprehended	hunt
suspect	tried	executed	statements	denied

The story began when a man called Timothy Evans was _____ for the murder of his wife and baby. He was _____ with the double murder, but a short time later one of the charges was _____ and he was _____ for the murder of his daughter only. During the _____ Evans accused the man whose house he had been living in, John Christie, of the crimes, but no attention was paid to him. The _____ found Evans _____ and he was _____ to death. An _____ was turned down and he was _____ in 1950.

Some time later, more women's bodies were discovered in Christie's house: two, three, four, five, six. John Christie was the police's chief _____ and they started a nationwide _____ for him. He was soon _____. Alleged

_____ by Christie while he was in _____ cast doubt on the Evans' hanging. When he went to _____, Christie _____ that he had murdered Mrs. Evans, but in private it was said that he _____ to that crime. His _____ of insanity with regard to other murders was rejected and he was _____ of killing his wife. Soon afterwards there was an _____ into the _____ of Timothy Evans. The _____ decided that justice had been done and Evans had been rightly hanged. It was only in 1966 that another _____ was set up. This time it was decided that Evans had probably been _____ and he was given a free _____. Better late than never, as they say.

Task 8. Here is a quiz on some points of law – English style. The answers may well be different in your country. Simply answer the questions Yes or No.

1. Is it a crime to try and kill yourself?
2. Is it illegal to help somebody to commit suicide?
3. Can you be executed for murdering a policeman?
4. If, after a murder, all the victim's relatives plead: "Please, don't prosecute!" can charges against the suspected culprit be dropped?
5. If two armed thieves break into a house, guns in hand, and one of them shoots and kills the house-owner, is his accomplice guilty of murder?
6. If I surprise an intruder in my lounge at night stealing my millions, have I a legal right to assault him with a weapon?
7. After a divorce or legal separation, can a wife be required to pay alimony to her ex-husband?
8. If I promise to marry my girlfriend and then change my mind shortly before the wedding, can she take me to court?
9. If you said to your teacher in the middle of one of his lessons: "You don't know the first thing about teaching!" could he bring a civil action against you?
10. Would I be in danger of committing an offence if I put an advertisement for my school in the paper saying: "Male white teacher required"?
11. If, as a defendant (or the accused), I am not satisfied with the way my barrister has handled my defence, can I sue him?
12. If you were in my house – uninvited – and the ceiling, which had had a large crack in it for some time, caved in and broke your leg, would it be a good idea to consult your solicitor?
13. Can a person suspected of and charged with rape be allowed bail?

Task 9. Work in groups. Look at these cases. If you were a judge, what sentence would you pass upon these people? Give full details (e.g. a £ 1,000 fine/3 years in prison/one year on probation) and discuss your decision(s).

1. 18-year-old Miranda worked in a shoe-shop. She lost her job when she stole £ 92 from the shop.
2. Nigel is 38. He drank a bottle of wine and then drove home. He had a car accident and killed a 13-year-old boy.

3. Kevin, 15, was caught travelling on the train without a ticket. The correct ticket would have cost £ 1.75.
4. Stacey, aged 22, was caught selling marijuana at a disco. At her flat about 50 g of the drug were found (value: around £ 250).
5. Dean, 17, broke the window of a new Mercedes and stole a mobile phone and four CDs.
6. Samira is 32. She killed her husband with a knife while he was asleep. He had been very cruel and violent with her for more than 10 years, and he often had girlfriends.
7. A teenager hacks into an airline company's computer system and deliberately introduces a virus.
8. A man is attacked by muggers on the subway, defends himself with a gun and shoots his assailants dead.
9. A small business is caught selling pirated DVDs.

Task 10. Divide into 2 groups. Group A – defenders and Group B – opponents of capital punishment. Using the prompts given below organize a debate on the death penalty issue. Support your view points with relevant information and statistics to make them more credible.

1) showing agreement:

I entirely agree...
 I cannot agree more...
 I'm inclined to think/agree...
 I fully support the view point...
 I share the opinion...

2) showing disagreement:

I'm of another opinion...
 I'm afraid I can't agree with the idea...
 I'm not sure I quite agree...
 I must express some disagreement with...

Some useful phrases

Prompts:

violence breeds violence;
 racially divisive;
 racial disparity;
 traumatic experience;
 legal cruelty;
 miscarriage of justice;
 irrevocable sentence;
 retribution and revenge;
 a state-sanctioned murder;
 the major deterrent;
 cruel/uncivilized/barbaric;

realistic alternative punishment (imprisonment);
 discrimination based on race, class or social status;
 execution of innocent people;
 imperfection of the justice system;
 crimes of cold-blooded/heinous murder;
 an emotional impulse for vengeance;
 the "eye for an eye" revenge mentality;
 a sufficient justification for invoking a system of capital punishment;
 brutalizing effect upon society by carrying out executions;

to discourage would-be-criminals from unlawful actions;
 to isolate criminals from the community;

to express the community's condemnation of lawbreakers;
to abolish/to suspend death penalty;
to cheapen/to strengthen the value of human life;
to overrule the basic human right to life;
to involve the pain of dying and the mental anguish of waiting on the death row;

Statistics

In **Canada**, the homicide rate per 100,000 population fell from a peak of 3.09 in 1975, the year before the abolition of the death penalty for murder, to 2.41 in 1980, and since then it has remained relatively stable. In 1993, 17 years after abolition, the homicide rate was 2.19 per 100,000 population, 27 per cent lower than in 1975. The total number of homicides reported in the country fell in 1993 for the second straight year.

In **Great Britain** the rates for unlawful killings in Britain have more than doubled since abolition of capital punishment in 1964 from 0.68 per 100,000 of the population to 1.42 per 100,000.

Figures released in 2009 show that since 1997, 65 prisoners who were released after serving life were convicted of a further crime.

The murder rate in the **U.S.** dropped from 24,562 in 1993 to 18,209 in 1997, the lowest for years (a 26 % reduction) – during a period of increased use of the death penalty.

Though **Texas** where death penalty is not abolished demonstrates a different dynamics. In the year 1980 in there was one murder for every 5,924 Texans. By the year 2000, this had fallen to one murder for every 16,843 people or 35.2 % of the 1980 value. If the 1980 murder rate had been allowed to maintain, there would have been, by interpolation, a total of 61,751 murders. On this basis, 19,968 people are not dead today who would have potentially been homicide victims, representing 78 lives saved for each one of the 256 executions.

In 2000, Texas had 1,238 murders (an average of 23.8 murders per week), but in 2001 only 31 people were given the death sentence and 17 prisoners executed (down from 40 the previous year).

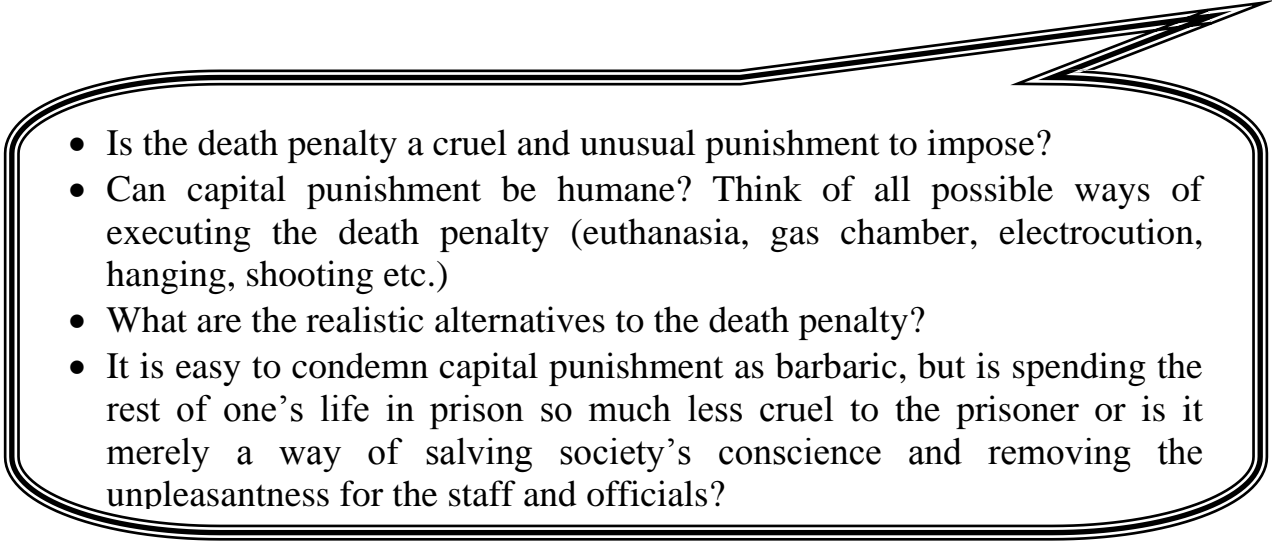
In 1995, **Singapore** hanged an unusually large number of 7 murderers with 4 in 1996, 3 in 1997 and only one in 1998 rising to 6 in 1999 (3 for the same murder).

Background information (October 1, 2007):

- The ultimate punishment, also known as capital punishment or death penalty, is punishment by death for committing a major crime. It is the most controversial penal practice in the modern world.
- Since 2000 capital punishment can be carried out by the following methods :
 - **Beheading** – (in Saudi Arabia, Iraq)
 - **Electrocution** – (in USA)
 - **Hanging** – (in Egypt, Iran, Japan, Jordan, Pakistan, Singapore and other countries)
 - **Lethal injection** – (in China, Guatemala, Philippines, Thailand, USA)

- **Shooting** – (in Belarus, China, Somalia, Taiwan, Uzbekistan, Viet Nam and other countries)
- **Stoning** – (in Afghanistan, Iran)
- **Stabbing** – (in Somalia)
- Two-thirds of the countries in the world have now abolished the death penalty in law or practice. Amnesty International's latest information shows that:
 - **90** countries and territories have abolished the death penalty for **all crimes**;
 - **11** countries have abolished the death penalty for **all but exceptional crimes** such as wartime crimes;
 - **32** countries can be considered **abolitionist in practice**: they retain the death penalty in law but have not carried out any executions for the past 10 years or more making a total of **133** countries which have abolished the death penalty in law or practice.
 - **64** other countries **retain** and use the death penalty, but the number of countries which actually execute prisoners in any one year is much smaller.
- The US stands apart from the general trends on capital punishment. It is the only Western industrialized nation where executions still take place. Both law and practice vary widely in the 50 states. 13 states and the District of Columbia do not practice the death penalty. The other 37 states all provide that some forms of aggravated murder can be punished with death.

Issues to be considered when preparing a debate on capital punishment:

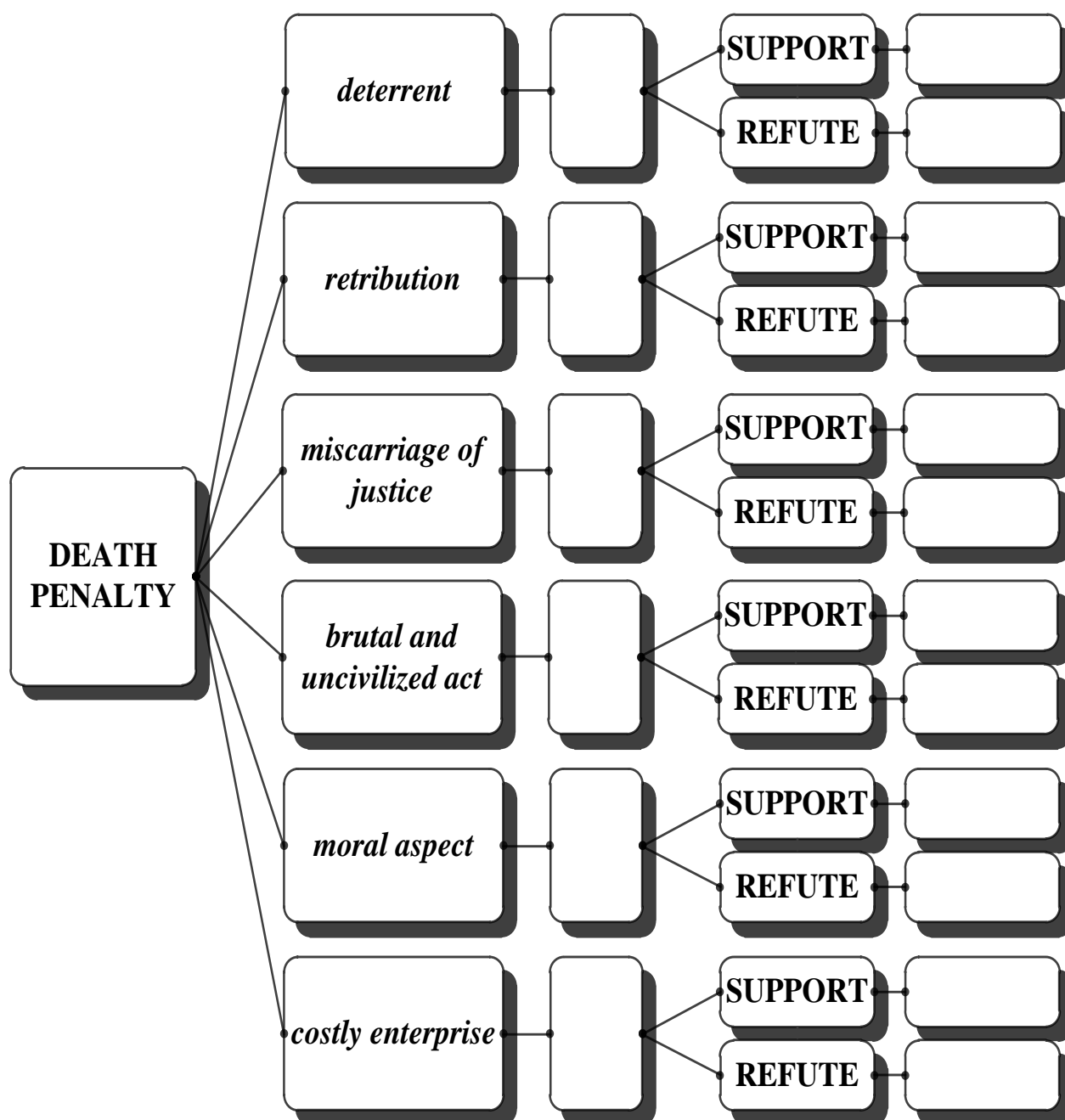
- 
- Is the death penalty a cruel and unusual punishment to impose?
 - Can capital punishment be humane? Think of all possible ways of executing the death penalty (euthanasia, gas chamber, electrocution, hanging, shooting etc.)
 - What are the realistic alternatives to the death penalty?
 - It is easy to condemn capital punishment as barbaric, but is spending the rest of one's life in prison so much less cruel to the prisoner or is it merely a way of salving society's conscience and removing the unpleasantness for the staff and officials?

Task 11. Study the statements below presenting randomly arranged people's views on capital punishment. How would you categorize them? Which of them would you cite in favour of or against death penalty? Fill in and use the diagram on p. 35 to help you answer these questions.

- A. According to Human Right Association capital punishment overrules our most basic human right – the right to life.
- B. Alternative punishment – such as imprisonment – could effectively isolate criminals from the community and express the community's condemnation of those who break the law.

- C. Capital punishment creates, but does not solve problems. Crime can only be drastically reduced by the elimination of social injustice.
- D. Capital punishment is simply state-sanctioned murder.
- E. Death penalty cheapens the value of human life. The 6th Commandment from the Bible (“Thou shalt not commit murder”) proves that capital punishment is divinely proscribed.
- F. Death penalty is not a deterrent because most people who commit murders do not expect to be caught. Moreover, frequently, murders are committed in moments of passion or anger.
- G. Execution is cruel and uncivilized. It involves not only the pain of dying, but also the mental anguish of waiting, sometimes for years, on death row. Suspension of capital punishment is enlightened and civilized.
- H. Hypothetical claims of innocence are usually just delaying tactics to put off the execution as long as possible.
- I. Institutional discrimination based on race, class or social status can also be a factor. Capital punishment is racially divisive because it appears to count white lives as more valuable than black lives as more disparity has existed over the history of death penalty.
- J. It can be easily demonstrated that death penalty strengthens the value of human life. When we lower the penalty for murder, it signals a lessened regard for the value of the victim’s life.
- K. It is false sentimentality to argue that death penalty should be suspended because of an abstract possibility that an innocent person might be executed.
- L. Money is not an inexhaustible commodity and the government may very well better spend our (limited) resources on the old, the young and the sick etc., rather than on the long term imprisonment of murderers, rapists, etc.
- M. One may consider death penalty barbaric, but it must be available to punish crimes of cold-blooded murder cases, in which any other form of punishment would be inadequate and, therefore, unjust.
- N. Retribution is seen by many as an acceptable reason for capital punishment. It has its basis in religious values which historically maintained that it is proper to take “an eye for an eye” and a life for a life.
- O. Society has always used capital punishment as a major deterrent to discourage would-be criminals from unlawful action. If murderers are sentenced to death and executed, potential murderers will think twice before committing a capital offence.
- P. The emotional impulse for revenge is not a sufficient justification for invoking a system of capital punishment.
- Q. The existence of some systemic problems is no reason to abandon the whole death penalty system.
- R. The state has rights that a private individual does not. In a democracy, those rights are given to the state by the electorate.
- S. There is always danger that genuinely innocent people will be executed and there is no way of compensating them for this miscarriage of justice. The justice system is imperfect. Police misconduct, supported evidence, inept legal representation, false testimony, a juror prejudice can lead to wrongful convictions.

- T. Until race and other arbitrary factors, like economics and geography, can be eliminated as a determinant of who lives and who dies, death penalty must not be used.
- U. We as a society have to move away from the “eye for an eye” revenge mentality if civilization is to advance. A revenge philosophy inevitably leads to an endless cycle of violence.
- V. When someone takes a life, the balance of justice is disturbed. Unless that balance is restored, society succumbs to a rule of violence.



Task 12. Divide into two groups and organize a debate on the following motion: “Capital punishment creates but does not solve the problem”. Refer to Appendix 3 for the guidelines on preparing a debate.

UNIT 4. LEGAL SYSTEM IN GREAT BRITAIN

Although the United Kingdom is a unitary state, England and Wales, Scotland and Northern Ireland have their own legal systems and law courts.

There is, however, a similarity between the separate legal systems of England and Wales and of Northern Ireland. The differences between the Scottish system and those of the rest of Britain are more extensive, although there is substantial identity on many points.

Two features common to all the systems are the absence of a complete written legal code and the distinction made between criminal and civil law.

The main sources of law in Great Britain include legislation (Acts of Parliament, orders made by ministers, by-laws made by local government), European Community Law and Common Law, the ancient law of the land deduced from custom and interpreted in court cases by the judges.

Administration of justice in Great Britain rests with the Lord Chancellor as head of the judiciary, the Home Secretary, the Attorney General and the Secretaries of State for Scotland and Northern Ireland.

Task 1. Read the text describing judicial organisation in Great Britain and complete the diagram on p. 44 which shows the hierarchy of the courts in England and Wales.

COURTS IN GREAT BRITAIN

Criminal Courts

The most common type of court in England and Wales is the magistrates' court – an inferior court with limited criminal and civil jurisdiction. There are 700 magistrates' courts and about 30,000 magistrates. Magistrates' courts try the less serious offences (about 95 % of all criminal cases are disposed of in these courts) and conduct preliminary inquiries to determine whether there is enough evidence to justify the trial of a person accused of a serious offence. They may not impose a sentence of more than six months imprisonment or a fine exceeding £2 000.

Magistrates' courts normally consist of a stipendiary magistrate (who receives a salary) or of two or three unpaid lay magistrates (Justices of the Peace or JPs) who are advised on points of law and procedure by a legally qualified clerk. The clerk is either solicitor or barrister. He has the power to inform and persuade the magistrates of what judgements are acceptable under the law. The system of paid magistrates was introduced in the XIX century in London to avoid corruption of judges in the lower courts.

Appointments of magistrates are made by the Lord Chancellor on the recommendation of a local committee for each area. A large number of magistrates are respectable people who are or have been prominent in local government or "public life". Membership of committees is secret. A person convicted by a magistrates' court may appeal to the Crown Court against the sentence and against the conviction itself.

More serious criminal cases go to the Crown Court – which is the lowest superior court. The Crown Court sits at 90 centres. It exercises exclusively criminal jurisdiction and is served by High Court Judges (who try the most serious cases), circuit judges and Recorders (part-time judges). A circuit judge or Recorder sits with between two and four magistrates for appeals and committals for sentences from magistrates' courts. There is no judicial profession in England. All judges are appointed by the Lord Chancellor from among experienced barristers. All trials in the Crown Court are held with a jury of twelve citizens randomly selected from the local electoral rolls. The judge must make sure that the trial is properly conducted, that the counsels for the prosecution and defence comply with the rules regarding the evidence that they produce and the examination of witnesses. The judge also makes a summary of evidence for the jury in a way that indicates the relevant points of law and the critical issues on which they must decide to in order to reach a verdict. Underlying the whole process lies the assumption that the accused is presumed to be innocent unless the prosecution can prove guilt "beyond all reasonable doubt".

It is the jury's responsibility to decide whether the defendant is guilty or innocent. If the jury cannot reach a unanimous verdict, the judge may direct it to bring in a majority verdict. It is necessary for at least ten of twelve jurors to agree. A jury is completely independent of judiciary. They are protected from all interference.

The High Court of Justice is a superior court of both, civil and criminal jurisdiction. It is divided into the Chancery Division, the Queen's Bench Division and the Family Division. The criminal jurisdiction of the High Court is exercised exclusively by the Queen's Bench Division. A divisional court of two or three judges of those Divisions deals with appeals from a Crown Court and magistrates' courts, and also exercises the supervisory jurisdiction of the court.

Appeals in criminal cases in England and Wales may be heard by the Crown Court, the High Court, the Court of Appeal (Criminal Division). The head of the Court of Appeal is Lord Chief Justice. In certain cases, where points of general public importance are involved, by the House of Lords.

The House of Lords is the highest court in the hierarchy which exercises the judicial function of Parliament. In theory an appeal to the House of Lords is an appeal to the whole House but in practice it is referred to an Appellate Committee of the House. It is staffed by the Lord Chancellor, and ten Lords of Appeal in Ordinary or Law Lords. Cases are heard by at least three Lords and usually by a Bench of five. Each Law Lord is entitled to express his own opinion in the form of a speech.

There are rather great differences between Scottish legal system and that of the rest of Britain. In Scotland, minor cases are tried without a jury in the sheriff courts, the principal local courts of criminal jurisdiction, and in district courts. More serious cases are tried by a judge and a jury. The High Court of Justiciary, Scotland's Supreme Criminal Court, is both a trial and an appeal court. There is no final appeal to the House of Lords, where cases are heard by a judge sitting with a jury.

Civil Courts

The main courts of civil jurisdiction in England and Wales are **Magistrates' Courts**, which alongside with criminal jurisdiction have also limited jurisdiction in civil matters relating to domestic issues such as maintenance payments to deserted wives and children, adoption proceedings concerning care of children. Magistrates also have jurisdiction with regard to disputes arising out of statutory debt collection (income tax, national insurance and property tax payments).

County courts unlike Magistrates' Courts have exclusively civil jurisdiction which is limited in extent and area and which is entirely statutory.

There are some 250 **county courts**, which hear most ordinary civil actions. Each court is assigned at least one circuit judge and one district judge. The circuit judge usually hears the high-value claims and matters of greater importance and complexity. The district judge hears uncontested matters and small-value claims. Most small claims are about the money that one person owes to another. For such claims there are special arbitration facilities and simplified procedures.

The High Court deals with more complicated civil cases and with most appeals from the county courts. All three divisions of the High Court can deal with civil jurisdiction: the **Family Division**, for example, is concerned with family law, including adoption, guardianship, probate, and divorce; the **Chancery Division** deals with corporate bankruptcy, disputes in the running of companies, disputes between landlords and tenants, intellectual property matters, interpretation of contested wills; and the **Queen's Bench Division** is concerned with contracts and tort cases.

Appeals from the High Court and county courts are heard in the **Court of Appeal (Civil division)**, and may go on to the **House of Lords**, the final national court of appeal in civil and criminal cases. The Court of Appeal normally consists of three judges. Each one delivers a judgement, and the majority opinion prevails. The Court has the power to order a new trial or the reversal or variation of a judgement.

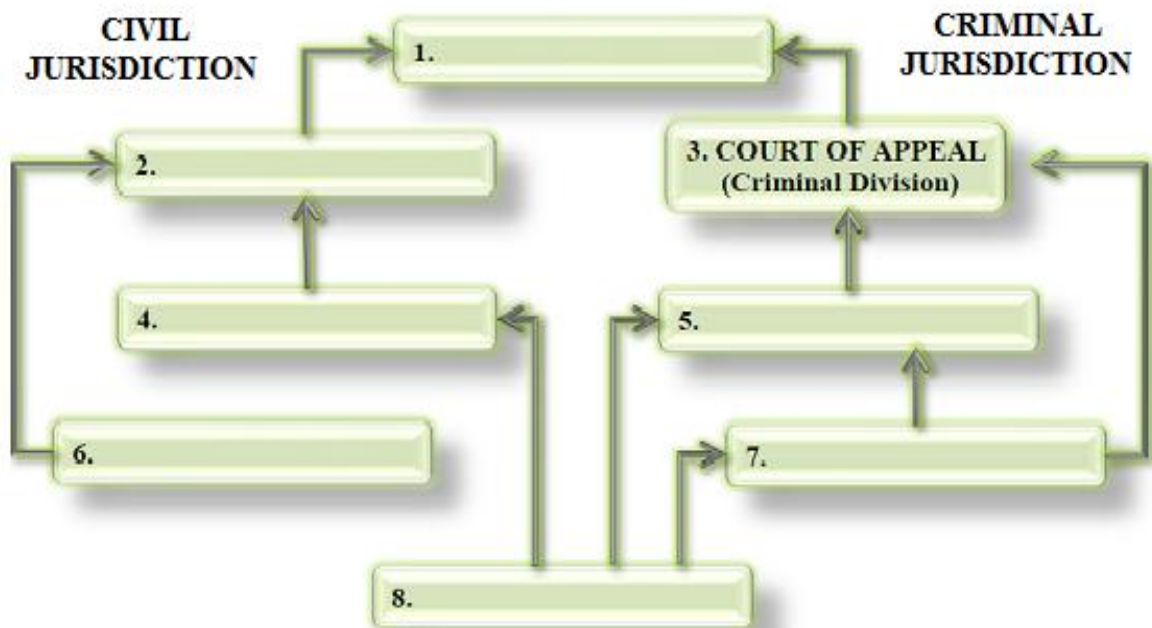
In Scotland civil cases of first instance are heard at the sheriff courts, which in their civil capacity correspond roughly to the county courts in England and Wales, and in the Outer House of the Court of Session, which is the Supreme Court in Scotland.

Appeals are heard by the Inner House of the Court of Session. Trials by jury in civil cases are common practice in Scotland but is rare in the rest of Britain.

Juvenile Courts

In England and Wales cases involving young people under 17 are heard in juvenile courts, specially constituted magistrates' courts which sit apart from other courts, or at a different time. The hearing and the whole atmosphere is less formal, the dock is abolished, the accused youngster and the parents sit near to the magistrate and on the same level. Legal representatives may appear, but if they don't, a parent or guardian may conduct the defence. The court is not open to the public and the press cannot publish any of the actual names of the offenders or write of them in such a way that they would be identifiable with the offender.

The court must tell the parent or guardian what the court proposes to do and then allow the parent to give his view about the proposed course of action.



Task 2. Match words and word combinations with their definitions.

1.	Magistrates' court	a)	the division of the High Court undertaking civil work of many kinds, in particular, business and property related disputes and including some specialist work such as companies, competition, insolvency and patents and other intellectual property
2.	Crown Court	b)	a court of summary jurisdiction held before two or more justices of the peace or a stipendiary magistrate to deal with minor crimes, certain civil actions, and preliminary hearings
3.	High Court of Justice	c)	a court of law that hears appeals against both civil and criminal judgements from the Crown Courts, High Court, and County Courts
4.	Queen's Bench Division of the High Court	d)	a court which deals with crimes committed by young people who are not yet old enough to be considered as adults
5.	Chancery Division of the High Court	e)	a court of criminal jurisdiction, which deals with serious offences and appeals referred from the magistrates' courts
6.	Family Division of the High Court	f)	one of the two divisions of the Supreme Court of Judicature
7.	Court of Appeal	g)	one of the three divisions of the High Court of Justice dealing mainly with claims for damages in respect of personal injury, negligence, breach of contract, and libel and slander (defamation); non-payment of a debt; and possession of land or property.

8.	Inner House of the Court of Session	h)	a committee of specially qualified members of the House of Lords, appointed as the ultimate judicial appeal court of England and Wales
9.	Outer House of the Court of Session	i)	the division of the High Court that has the jurisdiction to deal with all matrimonial matters
10.	House of Lords	j)	a judicial court for civil cases, equivalent to a county court
11.	Sheriff court	k)	this is in essence the appeal court, though it has a small range of first instance business
12.	Juvenile court	l)	consisting of 24 Lords Ordinary sitting alone or, in certain cases, with a civil jury, they hear cases at first instance on a wide range of civil matters, including cases based on delict (tort) and contract, commercial cases and judicial review.

Task 3. Answer the following questions using the information you have learnt from the text above.

1. Why are Magistrates' Courts considered to be the courts of dual jurisdiction? What kind of criminal and civil cases are brought to Magistrates' Courts?
2. Who is the central character of the Magistrates' Court?
3. Do you think that the procedure of magistrates' selection is satisfactory in Great Britain?
4. How important is the role of a legally qualified clerk in Magistrates' Courts?
5. Wouldn't it be more rational to have exclusively professional lawyers in Magistrates' Courts?
6. What is peculiar about the Crown Court? Do you think it is an essential link in the hierarchy of courts?
7. What sort of actions does the jurisdiction of county courts cover?
8. What are the primary functions of the High Court?
9. What kind of civil/criminal court, in your opinion, has a heavy caseload? Why?
10. What is your opinion of the system of appeals? Does it operate efficiently?
11. For what purpose were juvenile courts instituted?
12. Why aren't juvenile courts open to the public?
13. What are the basic distinctions between Scottish legal system and that of the rest of Great Britain? Do they concern the system of law courts, court proceedings, administration of justice?

Task 4. Read the text below and dwell on the following questions.

1. What were the considerations of the government when they made a proposal to eliminate the jury out of the court? Do you think it was justified? Was this plan welcomed by the public? Who voiced the opinion of the public?

2. The journalist maintains that the use of judges and magistrates will make district courts fairer, faster and cheaper. In what sense will that be fairer, faster and cheaper?

MY VERDICT? JURIES ARE AS GUILTY AS HELL...



Jeremy Clarkson

This week, various civil liberty types have been running around as though they are on fire because new government proposals would strip a defendant of his or her automatic right to trial by jury. The plans say that if you are charged with a medium-level offence such as theft or assault or doing 41 mph, then you would be tried by a judge and two magistrates.

What is wrong with that? Whenever I meet someone new I take in the little details, the hair, the shoes, the eyes, and within five seconds have decided whether I like them or not. In normal everyday life it does not matter that nine times out of ten I'm wrong. But it would matter a very great deal if I were to make one of these lightning decisions while serving on a jury.

The defence team could argue until they were blue in the face that their client was in Morocco on the day of the crime. They could show me tickets proving that he was and wheel out David Attenborough and Michael Palin as character witnesses. But I'm sorry, if I didn't like the look of the defendant's trousers then he'd better get used to the idea of communal showers for a while.

I know people, people with bright eyes and clean hair, who have done exactly the same sort of thing while on jury service. They have told me afterwards that they didn't listen to a word that was said because it was obvious, from the moment the defendant walked in, that he was as guilty as sin: "You could tell just by looking at him. He had a beard and everything."

Furthermore, I know people who shouldn't be allowed anywhere near a courtroom because, quite frankly, the inkwells would be more capable of making a rational decision.

John Wadham, director of Liberty, the civil liberties group, said the abolition of juries amounted to an attack on fairness in the criminal justice system. But what, pray, is fair about asking me to sit on one of those fraud trials that go on for twelve months, listening to men in wigs arguing about tax in a language I don't understand?

Think about it. A Cambridge-educated genius spends 15 years perpetrating a stunning piece of tax avoidance. Then some of the best legal brains in the country conclude that it was, in fact, evasion. And who decides which side is right? A bunch of people from McDonald's and Kwik-Fit. You may as well roll the dice.

Surely, therefore, it must be a good idea to let judges decide for themselves whether a jury, even in the crown court, would necessarily be a good thing.

For sure there are some judges who can't get through the day without dropping a clanger. Just this week, someone who had been sent to jail by magistrates for three months was released by a judge who said, and I'm quoting now: "Prison doesn't do

"You could tell he was guilty just by looking at him. He had a beard and everything."

anyone any good.” But even a buffoon as idiotic as this would know how many moons there are.

Let’s be honest. To qualify as a judge you must have displayed, at some point in your life, an above-average level of staying power. Whereas I couldn’t get even half way through my libel lectures at journalism college before I was filled with an uncontrollable urge to fall asleep.

All things considered, I think the use of judges and magistrates will make these new district courts fairer, faster and cheaper.

Task 5. Look at the list of attributes below. Which three would you consider to be desirable in someone who is acting as a member of a jury?

- intelligence;
- open-mindedness;
- impartiality;
- courage;
- decisiveness;
- ability to listen;
- patience;
- strong sense of morality;
- good negotiation skills;
- thorough knowledge of the law.

How would your list differ if you were selecting the top three attributes for a judge?

Task 6. Here is a text describing a criminal trial.

Criminal proceedings in Great Britain

Most prosecutions in England and Wales are initiated and conducted by the police. The Director of Public Prosecutions is also concerned in the more serious cases. In Scotland the police make the preliminary investigations but the public prosecutor decides whether or not to prosecute. It is the law throughout Britain that as soon as anyone is arrested he or she must be charged and brought before a court with the least possible delay. Unless the case is serious, the arrested person is usually granted bail if he or she cannot be brought before the court within a day.

All criminal trials are held in open court (although there are restrictions, for example, to protect children). The criminal law presumes the innocence of the accused until he or she has been proved guilty beyond reasonable doubt. No accused person has to answer police questions before trial; if he or she does make a statement, this cannot be used in evidence at his trial. Every accused person has the right to employ a legal adviser to conduct his or her defence.

When the accused knows that he is going to stand trial, he asks a solicitor to prepare his case. The information collected is then given to a barrister who will defend him in court. In a criminal case, the police will have their own barrister, who is known as the Crown Prosecutor. These two barristers are referred to throughout the trial as counsel for the defence and counsel for the prosecution.

Before the trial begins, the counsels review their evidence and decide how to present their case. Members of the jury, when required, are selected and briefed on their duties. A date for the trial is arranged.

At the beginning of the trial, the judge asks the defendant how he pleads: “guilty” or “not guilty”. Both counsels then address the jury with a summary of what they believe is true, and explain what the jury will hear at the trial. The counsel for the prosecution then calls and questions witnesses. The counsel for the defence can cross-examine these people. The defendant will also be questioned by both counsels.

At the end of the trial, the counsels summarise the facts as they see them, and the jury then retires to deliberate in private. When the jury has reached its verdict, it returns to the court and the foreman of the jury delivers it to the court. If the defendant is found to be 'not guilty', he is acquitted. However, if the jury's verdict is 'guilty', the defendant is convicted and sentenced by the judge. The defendant may have to serve a custodial sentence (in other words go to prison), he may be given a suspended sentence, or he may be fined (or a combination of two of these).

If the defendant is not happy with the decision of the court, he is free to appeal to a higher court. The highest courts for appellants in England and Wales are the House of Lords and the Court of Justice of the European Communities (also called the European Court of Justice, or ECJ for short).

Task 7. Answer the following questions and share your opinions with the rest of the class using the information from the text and your background knowledge

1. In what way do the police and the public prosecutor’s functions differ?
2. Give possible suggestions: why should the arrested person be charged and brought before a court in the shortest possible time?
3. Explain why a bail is introduced.
4. Do you think it is necessary to hold the criminal trials in open court? Give your arguments.
5. What is the importance of “presumption of innocence” for the accused?
6. Think of possible advantages and disadvantages of employing a legal adviser. Why does the accused sometimes prefer to do without the court appointed defence?
7. What stage of the trial can prove to be crucial for the accused?

Task 8. Read the following text about civil proceedings in Great Britain.

Civil proceedings in Great Britain

Civil proceedings are instituted by the aggrieved person; no preliminary inquiry into the authenticity of the grievance is required. The most common form of proceedings is an action commenced in the High Court by a writ served on the defendant by the plaintiff. The writ or summons states the nature of the plaintiff’s claim against the defendant and the remedy he or she seeks to obtain, which may be damages, or the recovery of property, or an injunction restraining the defendant from carrying out a course of conduct.

Prior to the trial, either party may apply for an order that the other should clarify his/her pleadings or disclose additional documents relevant to the dispute. Being a private matter, civil proceedings can usually be abandoned or compromised without the court’s leave, and in fact, in the greatest majority of cases, the parties to a

dispute are able to settle their differences through their solicitors before the stage of actual trial is reached. Divorce proceedings are exceptional in that a decree of divorce can only be granted in courts. Actions that are brought to court are usually tried by a judge without a jury, except in cases involving claims for defamation, false imprisonment and unlawful arrest.

Judgements in civil cases are enforceable through the authority of the court. Most of them are for payments of the sum of money and these may be enforced in cases of default by seizure of the debtor's goods. Refusal to obey a judgement directing the defendant to do something or to abstain from doing something may result in imprisonment for contempt of court. The general rule is that the costs of an action/the barrister's fees, the solicitor's charges, court fees and other disbursements are in the discretion of the court, but normally the court orders the costs to be paid by the party losing the action.

Task 9. Explain the following concepts.

Aggrieved person, preliminary inquiry, the High Court, to institute a case, writ, to obtain the remedy, recovery of property, plaintiff, to clarify pleadings, imprisonment, barrister's fees, solicitor's charges, disbursement.

Task 10. Answer the following questions on the text:

1. How are civil proceedings instituted?
2. What sort of remedy can the aggrieved party obtain?
3. What makes it possible in civil cases to settle the parties' differences before the stage of actual trial?
4. How are brought-to-court actions tried?
5. What types of judgements are enforceable in civil cases?
6. What does "contempt of court" imply?
7. Who pays the costs of an action in civil cases?

Task 11. Work in pairs. Compare the UK criminal and civil proceedings and fill in the table below. Give a brief commentary on the similarities and differences you have found.

SIMILARITIES

DIFFERENCES	
CRIMINAL PROCEEDINGS	CIVIL PROCEEDINGS

LEGAL AID AND ADVICE. SOLICITORS AND BARRISTERS

Task 12. Study the differences between barristers and solicitors in Great Britain and fill in the table:

	The distinctive feature	Requirements to enter the profession	Rights and responsibilities	Professional body
Solicitors	<i>Only solicitors may deal directly with the public</i>			
Barristers	<i>Only barristers may carry a case in the higher courts</i>			

Barristers and Solicitors

There are two kinds of lawyers in Britain: solicitors and barristers. People who need the personal assistance of a lawyer go to **solicitors**. There are about 50,000 solicitors, solicitors' offices (mostly partnerships) are found even in very small towns, and they deal with most people's legal problems. A much criticized ancient rule has until now forbidden solicitors to act as advocates in the higher courts, so if any criminal matter is to go before a crown court a client's solicitor is to hire a barrister to act as advocate in the court. A solicitor is bound contractually to his/her client and can be sued for negligence.

In England and Wales, before you can take the professional examinations to become a solicitor, you have to be one of the following: a law graduate with a university degree in law; a non-law graduate with a degree in any other subject; a non-graduate with practical experience in a law firm. After passing professional examinations, a candidate serves a two-year period of work experience, called a training contract, in a solicitor's office. Once qualified in this way, a newly admitted solicitor is supervised for a period of three years. The Law Society of England and Wales is the governing body of the profession and has disciplinary powers over practicing solicitors. It also regulates admission, education and training.

There are only about 5,000 **barristers** (advocates in Scotland), who advise on legal problems submitted through solicitors or other recognised professional bodies and present cases in all courts. Barristers do not have public offices, they work in what is known as "chambers". Barristers must be members of the General Council of the Bar ("the Bar"), which upholds professional standards and has certain disciplinary powers.

The barristers form the "senior" part of the legal profession, and have kept many ancient traditions. Every barrister belongs to one of four institutions called by the curious name "Inns of Court". Physically these are rather like colleges at Oxford and Cambridge, and all are grouped close together, along with London's main central courts, in a compact area a little to the west from St. Paul's Cathedral. Each Inn has a hall where aspiring barristers who have joined it must have dinner at least six times in each of the twelve terms (trimesters). They also have to complete their legal training there and pass the Bar examinations, and work for a time as "pupils" in the chambers of established barristers. Newly-qualified barristers earn very little, but once they are established they can earn a great deal if they are successful.

There is no judicial profession in England. All judges are appointed by the Lord Chancellor from among experienced barristers.

Task 13. You will hear an interview with a solicitor. As you listen, make brief notes to help you answer the following questions:

1. When did the speaker leave university?
2. Which of the following are true now, true when the speaker left university or both?
Write *now*, *then*, or *both*.
 - A. Non-law-graduates must have legal training.
 - B. Local authorities pay for legal training.
 - C. Big law firms pay for legal training.
 - D. The Examination is called Part One.
 - E. It is called the Common Professional Examination.
3. In the speaker's opinion, which of the following professions has the lowest pay: solicitors, doctors, dentists, surveyors, accountants? Why does he think so?
4. Why does he think this is so?
5. What did one of his clients do with a letter he received at 4:30 pm?
6. Why is Monday morning partially busy?

7. What evidence is there in the recording that solicitors are overworked and underpaid?
8. What do you think the client's view would be?

Use the notes you made on the interview to write a short paper on the work of a solicitor in England. You might present it as a newspaper interview, as a report or as a survey investigating the pros and cons of the profession.

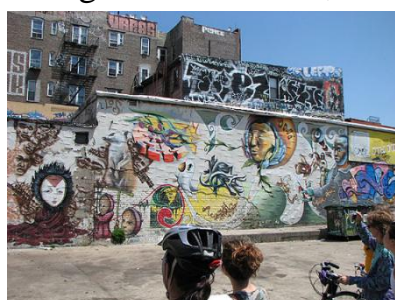
Task 14. Listen to a probation officer at a prison for young offenders talking about the causes of juvenile crime and answer the following questions.

1. What sort of offences are mentioned as the most frequently committed by juvenile delinquents?
2. What causes of juvenile crime does the probation officer point out? How does he explain them?
3. How important is the desire to live a "high life" in the juvenile crime rating?
4. Which of the highlighted causes of juvenile crime are applicable in your country? What others can you think of?

Task 15. Complete the text below using the expressions from the box.

effective discipline	crime rate	corporal punishment
young offenders	stricter measures	socially deprived
punishments	patrol the streets	family breakdown
too lenient	juvenile delinquency	on probation
take out their aggression	in custody	vandalised

The sight of _____ telephone booths and bus shelters, slashed tube seats, and walls sprayed with graffiti has become depressingly common. For many people, the rising _____ has become a cause of considerable concern. There are those who consider the recent increase in _____ to be due to a lack of _____ at home and at school. They maintain that the courts have become far _____ with criminals, and that _____ should be taken. Police should _____ in greater numbers to keep an eye on trouble-makers; and as for youngsters convicted of an offence, putting them _____ is no longer enough. It is time, they say, for a return to old-fashioned measures like _____.



Others, however, blame social conditions such as unemployment, _____ poor _____ housing, _____ and _____. They say that many _____, lacking any proper facilities or means of expression, need to let off steam, and so they _____ on their environment. These people,

they say, are _____, and we should be offering them our help and understanding rather than keeping them _____ and handing out increasingly severe _____.

What concern is described in the text you have just read? Is this problem pressing in your country? To what extent? What solution is suggested? Can this solution be effective in your country? Justify your answers.

Task 16. You are going to take part in a public meeting to discuss how to tackle the problem of growing levels of juvenile crime. Before suggesting any solutions study the background information below.

Barchester is a medium-sized town which has recently seen a massive increase in violence, and in vandalism, petty theft, and armed robbery involving young offenders. There is a high unemployment rate, and many young people leave school without qualifications. A large number of the offenders come from troubled family backgrounds, and drug abuse is a growing problem. A meeting has been called to decide how to spend a sum of money allocated by the government to deal with the town's crime problems.



Follow this agenda:

1. Discuss the reasons for the recent increase in crime and violence in general.
2. Suggest solutions to the problems and review the advantages and disadvantages of the proposed solutions.
3. Reach an agreement on how the solutions can be implemented.
4. Choose the best options.

Listen to the probation officer giving his opinion on the best way to rehabilitate young offenders. What solutions does he suggest? Which of them do you think are the most effective and why?

Task 17. Speak about the social background of juvenile delinquency and its role in contributing to the crime rate. Consider the following:

1. Are juvenile offenders usually found among children from broken homes or large unhappy poor families?
2. Is being unemployed an important enough reason to push somebody onto the path of crime?
3. What would you say about disillusionment, loss of faith in the surrounding grown-up world as a possible reason for juvenile delinquency?
4. Speak on the vital role of drug addiction and alcohol consumption in the growing crime rate in general and in juvenile delinquency in particular?

UNIT 5. US LEGAL SYSTEM

Task 1. You are going to read a text about the legal system of the United States. Four sentences have been removed from the passage. Place sentences A–E into the appropriate gaps (1–4). Mind that there is one extra sentence which does not need to be used.

A.	Within the judicial branch, authority is divided between state and federal (national) courts.
B.	An example of this might be labor law.
C.	Among the guarantees are freedom of religion, freedom of the press, and freedom to assemble in public.
D.	These requirements reflect a basic principle in the American legal system called due process.
E.	There are few countries where so many people treat the law as part of their everyday lives.

Issues of crime and justice have always held Americans' attention. Americans are accustomed to bringing their claims for justice to the courts. 1. Local, state, and federal courts handle approximately 12 million cases a year. The sheer number of Americans employed in the legal profession is overwhelming; there is one lawyer for every 440 Americans, whereas in Japan there is one lawyer for every 10,000 people.

Americans' claims for justice rest on the provisions of the United States Constitution. Most of the rights and freedoms that Americans enjoy are guaranteed in the first ten amendments or “Bill of Rights” of the Constitution. 2. Citizens have the right to be judged in a speedy and public trial by an impartial jury. If someone feels that these or other legal rights have been violated, he or she may bring the case to court.

The Constitution, written in 1787, established a separate judicial branch of government which operates independently alongside the executive and legislative branches. 3. At the head of the judicial branch is the Supreme Court, the final interpreter of the Constitution.

The two kinds of courts are a result of a feature of the US Constitution called federalism. Federalism gives some functions to the United States Government, while leaving the other functions to the state.

The two systems – state and federal – are not only independent, they are autonomous. In theory, each of these systems has jurisdiction over specific legal questions, though some cases can wind up in either system at the parties' discretion. Where state and federal law conflict, and each has the power to make laws, the federal trumps the state. 4. There is, for example a federal minimum wage, and no state may make a law that contradicts that federal statute by saying that workers within that state may be paid less than the federal minimum. But any state

may adopt a law that has a higher minimum wage than the federal government, since the federal law is just a minimum, not a ceiling.

Task 2. Read the text about the court system of the USA and draw a diagram illustrating the structure of the system.

Courts in the United States

INTRODUCTION

Courts in the United States are government institutions that resolve legal disputes by trial and that hear appeals from such cases. The United States has a federal system of government in which power is divided between a central (national) authority and smaller local units of government. Correspondingly, it has a dual system of federal and state courts that are independent of one another. Because each state has its own system, there are essentially 52 court systems in the United States (the federal system, 50 state systems, and the court system in the District of Columbia).

I. FEDERAL COURTS

Over the past 200 years the federal judiciary has evolved from a simple set of courts with limited caseloads into a complex arrangement of courts that interact with one another and the state courts. The modern system resembles a three-tier pyramid. At the base lie the U.S. district courts, which are trial courts for both criminal and civil matters. At the top sits the U.S. Supreme Court. In between are the U.S. courts of appeals, which hear appeals from district courts. All these courts operate under procedures established by the Supreme Court.

Federal courts have jurisdiction to hear only those cases allowed under the Constitution and by federal law. These include cases interpreting the Constitution and federal laws and treaties, cases affecting ambassadors and similar foreign officials, disputes between states, admiralty and maritime cases (which concern commerce and navigation on the seas), controversies to which the United States is a party, and disputes between citizens of different states (called diversity jurisdiction cases).

Under federal law, some cases may be heard only by federal courts—for example, patent and copyright disputes. But if jurisdiction is not exclusive, the parties may file cases involving federal claims in state courts instead of in federal court. In diversity jurisdiction cases in which the parties seek monetary damages, federal courts hear only cases that involve claims of \$75,000 or more. Cases involving smaller amounts must be heard in state courts.

Federal judges serve lifetime appointments, except for those on some specialized courts. All federal judges must be appointed by the president and confirmed by a majority vote of the Senate.

A. District Courts

Congress has divided the United States into 94 federal districts and authorized about 650 judges to serve in the courts of those districts. Every state has at least one federal district.

District courts are federal courts of original jurisdiction – that is, they are the first courts to hear most cases involving a violation of federal law and cases in which foreign governments, citizens of foreign countries, or citizens of two or more different states are involved. The United States and its possessions have 94 district courts. Each state has at least 1 such court.

The district court is the only federal court where trials are held, juries are used, and witnesses are called. A defendant facing federal criminal prosecution is entitled to a jury trial. The parties in most federal civil trials are entitled to juries if they wish.

A federal criminal case begins when the US attorney tells a federal grand jury (usually 12 jurors) about the evidence indicating a specific person committed a crime. If the grand jury agrees that the person committed the crime and should be accused of it, it issues a formal accusation, called an indictment. Grand juries exist in the federal system and in almost all states, however, in only about half the states the grand juries are used to bring charges for felonies.

A grand jury is different from a petit (or trial) jury (normally 6 members) which listens to the evidence presented at the trial and pronounces the verdict. The verdict is required to be unanimous. Less than unanimous verdicts have been held constitutionally permissible in state, but not federal criminal proceedings.

B. Courts of Appeals

Courts of appeals try federal cases on appeal from district courts. The United States is divided into 12 circuits (districts), each of which has a court of appeals. An additional federal court of appeals, the United States Court of Appeals for Federal Circuit, has nationwide jurisdiction. It hears appeals in cases involving international trade, patents, trademarks, money claims against the United States, and veterans affairs.

The Courts of Appeals were organized to relieve the Supreme Court of pressure resulting from the accumulation of appellate cases. In general these courts have final jurisdiction over the great mass of litigation not involving constitutional questions. A United States Court of Appeals accepts the facts sent up to it by the lower courts, and therefore does not need a jury. As a rule the Court of Appeals sits with three judges together on a bench.

C. The Supreme Court

The Supreme Court, established by the US Constitution is the nation's highest judicial body. According to Article III of the US Constitution "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish".

The US Supreme Court includes a chief Justice and eight associate justices, all of whom are appointed for life by the President and approved by the Senate.

The Supreme Court hears cases in which someone claims that a lower court ruling is unjust or in which someone claims that Constitutional law has been violated. Its decisions are final and become legally binding.

The Supreme Court has final jurisdiction on all cases that it hears. The highest tribunal may review decisions made by the US courts of appeals, and it may also

choose to hear appeals from state appellate courts if a constitutional or other federal issue is involved. Under the Constitution the Supreme Court has original jurisdiction in a limited number of cases, including those that involve high-ranking diplomats of other nations or those between two US States.

Although more than 5000 cases are appealed to the Supreme Court every year, in practice it can hear no more than 150. It has nearly complete discretion to decide which cases to review, which gives the court even greater power in establishing legal precedent. The Supreme Court typically decides to review cases that will allow it to resolve conflicts over legal interpretations that have developed within the federal circuits. *See* Supreme Court of the United States.

Although the Supreme Court does not have the power to make laws, it does have the power to examine actions of the legislative, executive, and administrative institutions of the government and decide whether they are constitutional. It is in this function that the Supreme Court has the potential to influence decisively the political, social, and economic life of the country.

In the past, Supreme Court rulings gave new protection and freedom to the black and other minorities. The Supreme Court has nullified certain laws of Congress and has even declared actions of American presidents unconstitutional.

The US government is so designed that, ideally, the authority of the judicial branch is independent from the other branches of the government. Each of the nine Supreme Court justices (judges) is appointed by the President and examined by the Senate to determine whether he or she is qualified. Once approved, a justice remains on the Supreme Court for life. The Supreme Court justices have no obligation to follow the political policies of the President or Congress. Their sole obligation is to uphold the laws of the Constitution.

Nevertheless, politics play a role in a President's selection of a Supreme Court justice. On average, the President can expect to appoint two new Supreme Court justices during one term of office. Presidents are likely to appoint justices whose views are similar to their own, with the hope that, they can extend some of their powers through the judicial branch.

D. Courts of Special Jurisdiction

Outside the three-layer federal court system there are several specialized courts. The United States Claims Court hears cases involving claims against the federal government. The Court of International Trade settles disputes over import duties. Taxpayers ordered to pay additional federal income taxes may appeal to the Tax Court of the United States. Military courts, called courts-martial, have jurisdiction over offenses committed by members of the armed forces. The Court of Military Appeals reviews court-martial rulings.

Judges on many of these courts are appointed by the President and confirmed by the Senate, but they serve for limited terms, not for a lifetime.

II. STATE COURTS

The United States constitution recognizes that the states have certain rights and authorities beyond the power of the federal government. States have the power to

establish their own systems of criminal and civil laws, with the result that each state has its own laws, prisons, police force, and state court. Generally, state laws are quite similar, but in some areas there is great diversity. The minimum age for marriage and the sentences for murder vary from state to state. The minimum legal age for the purchase of alcohol is 21 in most states.

In the United States each state is served by the separate court systems, state and federal. Both systems are organized into three basic levels of courts – trial courts, intermediate courts of appeal and a high court, or Supreme Court. The state courts are concerned essentially with cases arising under state law.

Some states have moved in the direction of a unified court system, whereas others still operate with a bewildering complex of courts with overlapping jurisdiction.

The state courts may be divided into four general categories: trial courts of limited jurisdiction, trial of general jurisdiction, intermediate appellate courts, and courts of last resort.

A. Trial Courts of Limited Jurisdiction

Trial courts limited jurisdiction handle the bulk of litigation in the USA each year and constitute about 90 % of all courts. They have a variety of names: justice of the peace courts, magistrate courts, municipal courts, city courts, county courts, juvenile courts, domestic relations courts, and metropolitan courts, to name the more common ones.

The jurisdiction of these courts is limited to minor cases. In criminal matters, for examples, state courts deal with three levels of violations: infractions, misdemeanors, and felonies. They may impose only limited fines (usually no more than \$1,000) and jail sentences (generally no more than one year). In civil cases these courts are usually limited to disputes under a certain amount, such as \$500. In addition, these types of courts are often limited to certain types of matters: traffic violations, domestic relations or cases involving juveniles, for example.

Another distinguishing characteristic of trial courts of limited jurisdiction is that the presiding judges of such courts are often not required to have any formal legal training.

Finally, trial courts of limited jurisdiction are used in some states to handle preliminary matters in felony criminal cases. They often hold arraignments, set bail, appoint attorneys and conduct preliminary examinations. The case is then transferred to a trial court of general jurisdiction for such matters as hearing pleas, holding trials and sentencing.

B. Trial Courts of General Jurisdiction

Most states have one set of major trial courts that handle the more serious criminal and civil cases.

In certain types of cases these courts hear appeals that originate in trial courts of limited jurisdiction.

General trial courts are usually divided into judicial districts or circuits. The general is to use existing political boundaries, such as a county or a group of counties, in establishing the district or circuit.

The courts of this level have a variety of names: district, circuit, and superior. The judges at this level are required by law in all states to have law degrees.

C. Intermediate Appellate Courts

About half the states have intermediate courts of appeals. The principal function of the courts of appeals is to review cases appealed from trial courts to determine whether the law was correctly interpreted and applied. The courts of appeals may reverse and send the case back for a new trial. Although many cases end with a decision by a district court of appeals, such courts are not the last resort but an intermediate step from the trial courts to the Supreme Court.

D. Courts of Last Resort

Each state has a court of last resort which can go under various names: the supreme court (in most states), the court of appeals (Maryland and New York), the supreme judicial court (Maine and Massachusetts), and the supreme court of appeals (West Virginia).

The courts of last resort have jurisdiction on matters pertaining to state law and are, of course, the final arbiters in such matters.

In most instances the state courts of last resort resemble the US Supreme Court in that they have a good deal of discretion in determining which cases will occupy their attention. They also follow procedures similar to those of the US Supreme Court.

The courts of last resort range in size from 3 to 9 judges (or justices in some states). They typically sit en banc and usually convene in the state capital.

The state court of last resort has the duty to oversee the activities of all courts in the state, and to see that justice is being administered fairly and effectively. Within its appellate jurisdiction the state court of last resort is empowered to review final judgments and orders of lower courts: to affirm, reverse, or modify judgments.

State courts are essential to the administration of justice in the United States because they handle vast majority of cases and have the most contact with the public.

III. CHALLENGES FACING THE COURTS

Most courts, both federal and state, are overwhelmed by a backlog of cases. In some urban courts, litigants may have to wait between three and four years before their cases are heard. Individual federal judges often have *dockets* (calendars) of several hundred cases that may take years to address. One reason for the backlog is the increase in lawsuits and appeals filed. Many suits will be dismissed by the court or settled by the parties, but every suit filed requires some judicial attention. Another reason for the backlog in the courts is understaffing and lack of modern equipment, such as computers to organize files. In most states and in the federal system, the courts do not have sufficient funds to increase staff or update equipment. The courts

often compound these problems with inefficient administrative procedures that permit and sometimes even encourage delay.

In recent years, many judgeships have been left vacant after the retirement of presiding judges. Presidents and governors have been slow to appoint new judges. For political reasons, Congress especially has been slow to confirm judges who are appointed. The appointment or election of unqualified judges is also a continuing problem. Although reformers who worked during the 1960s to change state laws to provide for the appointment (rather than election) of judges hoped this change would insulate the court from political influences, in many states officials continue to grant judgeships to reward their supporters. These individuals may be unqualified to serve on the bench.

With the development of televised trials, the courts are facing more public scrutiny, and sometimes outright hostility, than ever before. Public criticism is not new, of course. Some criticism is political and stems from the very role that the courts play. Legislatures and executives often duck problems – either ignoring them or writing and attempting to enforce poorly written laws – leaving it to the courts to sort out ticklish legal and political problems. On occasion, to satisfy constituents, legislatures have even enacted laws they believe to be unconstitutional, waiting for the courts to overturn the laws and face the public's wrath. Public criticism of the courts is more intense when public opinion is divided because judicial decisions will inevitably conflict with one side or the other.

Task 3. Dwell on the following issues using both the information you have learnt from Task 2 and your own background knowledge.

1. What is the essence of federalism as a basic feature of the US Constitution? How is this principle reflected in the structure of the judicial branch of power?
2. What kind of cases do district courts handle? What is the peculiarity of the legal procedure in this type of courts?
3. For what purpose were the courts of appeals organized?
4. Do the courts of appeals act as courts of original jurisdiction? Why don't they need a jury?
5. What is the principal function of the court of appeals? In what cases is its decision final?
6. Do you think that the inferior courts in the federal system have the same political importance as the higher courts?
7. In what cases does the Supreme Court have original jurisdiction and in what cases is its jurisdiction only appellate?
8. What factor plays a decisive role in a President's selection of a Supreme Court Justice?
9. Should judges be appointed or elected? Is it reasonable to appoint a judge for life?
10. For what purpose were specialized courts established?
11. What is the jurisdiction of trial courts of limited jurisdiction?
12. Why do these courts have such a heavy caseload?
13. What kind of matters are brought to trial courts of general jurisdiction?

14. What is the principal function of the intermediate appellate courts?
15. What is the difference between the scope of functions performed by the intermediate appellate court and the court of last resort?
16. Do you think that the US dual court system is rational? Wouldn't it be better for the United States to have a single hierarchical legal system instead of the two parallel ones?
17. Was anything surprising for you about the challenges facing the US courts?
18. Do any challenges facing the US courts remind you of the challenges facing the judicial system in your country?
19. Is it expedient to have televised trials? What detrimental and advantageous aspects are there about them?

Task 4. Read the article that follows, then look at its title and try to reveal its significance. Share your ideas with the class supporting them with some argumentation.

A LEGAL SYSTEM RUN AMOK

*By Thomas J. Donohue, President and CEO, U.S. Chamber of Commerce
November 6, 2007*

(1) How did we get to this point? We have allowed a deeply flawed legal system to infect and alter our democratic form of government, our civic life, and our character as a people.

(2) We see some courts, juries, prosecutors, attorneys general, and regulators using the legal system not to enforce the law but to make the law. We see troubling attacks on the due process rights guaranteed to every American by ambitious prosecutors – including a frontal assault on the time-honored tradition of attorney-client privilege. And we have seen America move towards a culture where everyone is a victim, where suing is the first and not the last resort, and where any misfortune in life must always be someone else's fault.

(3) Businesses, consumers, our health care system, our capital markets, and our identity as a people willing to take risks and innovate are suffering from the defects of our current legal system. Ultimately, the competitiveness of our economy is at stake.

(4) The lawsuit tab for small businesses is \$88 billion a year. Medical liability is forcing doctors to abandon their practices and engage in defensive medicine, ordering more tests and treatments than necessary solely to help avoid lawsuits. Securities litigation is driving foreign investors away in droves. And a relatively small group of class and mass action trial lawyers have devised a business model that lines their pockets while shortchanging their clients, clogs our courts, and perpetuates an endless stream of lawsuits.

(5) As a result, businesses, governments, health care providers, community organizations, and others are becoming increasingly risk-averse. The first order of business is not to innovate, take a risk, build a project, provide a service, or help the community. The first order of business is how do I avoid getting sued?

(6) It's easy to blame the lawyers for all this, but in fact, improving our legal climate, reforming our legal system, and reaffirming our culture of acceptable risk-taking and entrepreneurship are challenges all Americans must confront.

(7) Americans need to make some fundamental decisions, and soon—do we want to be a nation ruled by laws, or lawyers? Do we want to reward innovation and risk, or punish it? Do we want to encourage individual responsibility where the truly wronged can seek just compensation from the courts, or do we want to discourage it by allowing an onslaught of frivolous lawsuits by plaintiffs looking to win the “litigation lottery?”

(8) To learn where the U.S. Chamber stands, visit the Web sites of our two major legal programs: the National Chamber Litigation Center—which protects business' interests in the courts—and the Institute for Legal Reform, a Chamber affiliate that fights for a simpler, faster, and fairer legal system.

(taken from www.uschambermagazine.com)

Task 5. Find in the text words and expressions having the following meanings. Use them to fill in the gaps in the sentences below.

- out of control (title) _____;
- faulty (paragraph 1) _____;
- principal legal officers providing representation in legal proceedings (paragraph 2) _____;
- compel compliance with (paragraph 2) _____;
- keeping communications between a client and his/her attorney confidential (paragraph 2) _____;
- at risk (paragraph 3) _____;
- expenses on legal proceedings (paragraph 4) _____;
- obligation or commitment (paragraph 4) _____;
- medical procedures or tests that would not be carried out in the absence of potential legal liability litigation (paragraph 4) _____;
- judicial proceedings (paragraph 4) _____;
- cheating by withholding something of value (paragraph 4) _____;
- unwilling to take risks (paragraph 5) _____;
- being taken a legal action against (paragraph 5) _____;
- large quantity difficult to cope with (paragraph 7) _____;
- persons bringing a case against another in a court (paragraph 7) _____.

1. Two separate things are _____ here: detecting lying and determining the truth.
2. Trump Entertainment Resorts is being _____ for \$17 million by a company that once intended to buy the Trump Marina Hotel.
3. There were those _____ enough to smell trouble but that didn't mean that they understood anything better than anyone else.

4. The firm, K&L Gates, opposed turning over the documents to Mr. Rather's lawyers on the grounds of _____.
5. Republicans also scheduled New Haven firefighter Frank Ricci, the white _____ in a reverse discrimination case overturned by the Supreme Court, to testify.
6. New York's flawed system has obstetrician-gynecologists paying some of the highest _____ rates in America and has caused some medical _____ insurance companies to discontinue obstetric coverage (the same word is used in both gaps).
7. In our efforts not to _____ our children, are some of us unnecessarily _____ our careers? (the same word is used in both gaps in different grammatical forms)
8. For some legislators and consumer advocates, the ads are a daily reminder of a health care system _____.
9. Doctors complain that malpractice suits often succeed even when care was not negligent, and also reduce incentives to practice _____ and encourage doctors to adopt evidence-based practices.
10. But as Pittsburghese prepares for the _____ of about 1,100 delegates and 2,000 journalists, the general sense is that after overcoming so much in the last three decades, including the loss of most of its steel industry, it deserves some respect, particularly this year when it has had so much to cheer about.
11. _____ Eric H. Holder Jr. is considering assigning a prosecutor to investigate whether government personnel tortured terrorism suspects after the attacks of Sept. 11, a Justice Department official said Saturday.
12. A federal judge, reversing a lower court's ruling, ordered Wednesday that Mr. Bloomberg be deposed in connection with a _____ claiming that New York City used tests that discriminated against black and Hispanic applicants to the Fire Department.
13. A federal judge upheld the raid, but an appeals court ruled that it was constitutionally _____ and that some documents should be returned to Mr. Jefferson.
14. A "high visibility mobilization" strategy has been developed to _____ drunk driving, speeding, seat belts, child safety seats and graduated licensing for teens.
15. "Fear of _____ alone," he declared, "cannot justify an employer's reliance on race to the detriment of individuals who passed the examinations and qualified for promotions."

Task 6. Answer the following questions using the information from the text and your own background knowledge.

1. What is the significance of the title of the article?
2. What is the stark evidence of malfunctioning of the US judicial system? (consider the sphere of business, health care, law)
3. Who do you think are to blame for all the flaws of the US judicial system?

4. If the American legal system has run amok who has to restore the justice?
5. What is the general tone of the article? Does the author sound impartial or radical as regards the legal climate in the United States?
6. How serious are the consequences of the functioning of the deeply-flawed American legal system?

Task 7. Read the article below substituting the italicized definitions (a–m) given in brackets with the words and expressions from the box preceding the article. Employ them to fill in the gaps in the sentences (1–12) following the article.

heinous	on death row	impose	pursued	executions
condemned	a rogue state	backdrop	moratorium	flout
	death penalty	eligibility	genocide	

TOO YOUNG TO VOTE, OLD ENOUGH TO BE EXECUTED

Texas set to kill another child offender

Name: Napoleon Beazley D.R. # 999141
 DOB: 08/05/76 Received: 03/21/95 Age: 18 (when rec'd)
 County: Smith Date of Offense: 04/19/94
 Age at time of offense: 17 Race: Black Height:
 Weight: Eyes: Brown Hair: Black
 Native County: Houston State: Texas
 Prior Occupation: Laborer Education Level: 12 years

Prior Prison Record:

None

Summary:

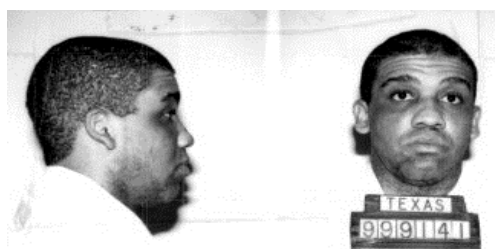
Convicted in the car jacking murder of 63-year-old John E. Luttig of Tyler. Luttig, driving a 1987 Mercedes Benz, had pulled into the driveway of his home at 120 South College when he was approached by Beazley and shot in the head with a .45-caliber pistol. Beazley and two accomplices, who had followed Luttig home, fled his vehicle.

Co-Defendants:

Donald Coleman and Cedric Coleman. Charges of capital murder and aggravated robbery were pending.

Race of Victim(s):

White male



“People change. You know, to take somebody's life at 17 – you can't hold a 17-year-old by the same standards as you do me or you... I've made poor decisions, everybody does. But experience – you know, life – life is a teacher, and I know even today Napoleon is much better now than he was then.” Rena Beazley, mother of Napoleon Beazley, May 2001

Napoleon Beazley's government is planning to kill him on 15 August 2001 for a murder committed when he was aged 17. If he lived in China, or Yemen, or Kyrgyzstan, or Kenya, or Russia, or Indonesia, or Japan, or Cuba, or Singapore, or Guatemala, or Cameroon, or Syria, or almost any other of the diminishing number of countries that retain the death penalty, Napoleon Beazley would not be confronting this fate. But he lives, and is scheduled to die, in the United States of America, a a. *(state that conducts its policy in a dangerously unpredictable way, disregarding international law or diplomacy)* as far as capital punishment is concerned. His government believes that it is above the fundamental principle of international law that no one be subjected to the death penalty for a crime, however b. *(utterly disgusting or wicked)*, committed when he or she was under 18 years old. As a result, the United States leads a tiny number of countries which c. *(openly disregard)* this prohibition. Within the USA, Napoleon Beazley's home state of Texas – where under 18-year-olds are considered too young to drink, vote, or serve on a jury – is the worst offender.



Of the thousands of judicial executions documented worldwide in the past decade, only 25 have been of prisoners who were under 18 at the time of the crime. Of these 25, more than half – 13 – were carried out in the United States (see appendix). The USA has carried out eight of the last 12 such executions. Around 80 people are d. *(in the part of a prison which contains the cells for criminals who have been sentenced to death)* in the USA for crimes committed when they were 16 or 17. Thirty-one of them are facing execution in Texas. Too young to serve on a jury, but old enough to be e. *(convicted)* to death by one.

Texas accounts for 53 per cent (nine of 17) of such executions carried out in the USA since the country resumed judicial killing in 1977. Of the 25 worldwide executions of child offenders in the past 10 years, seven were carried out in Texas. Only Iran comes close to this, with six in the same period. In other words, while Texas has less than half of one per cent of the world's population, it accounts for 28 per cent of the executions of child offenders documented worldwide in the past decade.

US politicians frequently justify their country's resort to judicial killing on the grounds that public opinion supports it. Yet most such officials offer nothing in the way of public education about the human and practical realities of this destructive policy and do not even follow their own philosophy through. For example, recent opinion polls have indicated majority public support for a f. *(temporary prohibition of an activity)* on g. *(acts of carrying out of a sentence of death)* in the USA, but no such moratoria have been forthcoming. In Texas, a February 2001 Houston Chroniclepoll showed only 25 percent in Harris County and 34 percent statewide support the death penalty for juveniles. In May, the Texas House of Representatives passed a bill that would have raised the h. *(capital punishment)* i. *(suitability)* age to 18, but it failed in the Senate after high-level political intervention.

While Texas and other US states have j. *(carried further)* the death penalty against children into the 21st century, global progress away from this punishment

against has continued. On 17 July 1998, for example, the United Nations adopted the Statute for a permanent International Criminal Court, which will try what are generally considered to be humanity's most serious crimes – k. (*deliberate killing of a large number of people, especially those of a particular ethnic group or nation*), other crimes against humanity and war crimes. The Court will not be able to l. (*inflict*) the death penalty, a sign of the degree to which the international community has turned against capital punishment.

Against this m. (*background for a scene, event, or situation*), there is growing domestic and international concern about the fairness and reliability of the US death penalty, and the damage it inflicts upon individuals, families, society and the reputation of a country that claims to be a leading light for human rights.

It is time for Texas and the USA to catch up with international standards of justice and decency.

(Published on August 1, 2001 in the Guardian of London)

1. This dark painting from the 17th century shows Ixion strapped naked to a fiery wheel – according to Greek mythology, he was _____ by Zeus to rotate on it for eternity — in a terrifying and dramatic composition.
2. The victims of Bernard L. Madoff, who was sentenced to 150 years in prison on Monday for his _____ financial crimes, deserve our sympathies.
3. The Iranian and North Korean dictatorships will both be heartened by Secretary Clinton's new stand confirming that there is no American policy let alone a plan that would preclude the nuclear armament of these _____.
4. The former governor, Tharcisse Renzaho, 65, was found guilty of five counts, including rape, assassination and _____, and sentenced to life by the International Criminal Tribunal for Rwanda, based in Tanzania.
5. The deal with the Mavericks cannot become official until Wednesday, when the _____ on signings and trades ends.
6. The building has received 1,100 applications; potential residents are first selected by lottery and then winnowed by _____.
7. "Our mission in life, unlike most lawyers, civil or criminal, is to find out what the true facts are and whether it helps our case, whether it hurts our case, to _____ the truth of the underlying facts and charges," O'Brien said.
8. Mr. Alley tried without success to have crime scene evidence tested for DNA as he waited _____.
9. Li Peiying's _____ came two days after word emerged that the head of China's nuclear power program was under investigation for alleged corruption.
10. Lawyers for the convicted men had asked the judge to _____ a conditional sentence of two years, minus a day, to be served under house arrest.
11. Drug-related murders in Mexico doubled last year, to 6,200, as cartels fight for the American addict's dollar while relying on American gun dealers for their weapons. A new report to Congress traces over 90 percent of guns recovered in Mexican drug crimes in the last three years back across the border, where legal and illegal American dealers _____ federal laws rife with loopholes.

12. But it's against a _____ of rising unemployment and fiscal challenges that Deeds faces a tough race with former Attorney General Bob McDonnell.
13. A jury indicted a white supremacist on charges that could earn him the _____ in the fatal shooting of a security guard at the museum.

Task 8. Answer the following questions using the information from the text and your own background knowledge:

1. Do you think that the US penal policy always reacts to the public opinion?
2. Why in your opinion is the fundamental principle of international law concerning capital punishment violated in some states of America?
3. Texas is the state with the highest percent of judicial executions of young offenders documented worldwide with the past decade. What might be the reasons for that?
4. What evidence can you produce to prove that the US practices a double-standard legal policy concerning the young people?
5. How can you account for the fact that the Senate in Texas did not pass the bill that would have raised the death penalty eligibility age to 18 in 2001?
6. Do you think that representation of the American jurisdiction do not realize that there are deficiencies in the capital legislation for juveniles and a lot of flaws in its applications?

Task 9. Express your opinion on the following statements giving your arguments:

1. Death penalty is a policy which nurtures vengeance, hatred and represents a perpetuation of violence it seeks to condemn?
2. Old enough to kill, old enough to be executed.
3. Too young to serve on a jury, but old enough to be condemned to death by one.

Task 10. Work in groups. Discuss what functions do you think the counsel for the defense should perform at every stage of criminal prosecution?

Now read the text below and fill in the table.

In pretrial procedure the defense lawyer's role is:	
(1) _____	(4) _____
(2) _____	(5) _____
(3) _____	(6) _____
At bail hearings and in plea negotiations defense attorney's responsibilities are:	
(1) _____	(2) _____
(3) _____	
At trial the defense attorney's duty is:	
(1) _____	(2) _____
(3) _____	
If cases result in conviction, the defense lawyer (1) _____	
	(2) _____

Defense Lawyer

They are perhaps better known than the words of The Sixth Amendment right which they express; "In all criminal prosecutions, the accused shall enjoy the right to have the assistance of counsel for his defense". The Role of the Defense Lawyer

As soon as a person is arrested he or she needs a defense attorney, and the role of the defense attorney begins almost as soon as an arrest occurs, for the accused needs the assistance of a counsel to make sure interrogation and other pretrial procedures are conducted in a Constitutional manner. After that point, the defense counsel role is to review the documents and other evidence the police have accumulated against the accused, and to interview or question the arresting officer and others involved in the case. The defense attorney may interview witnesses to the crime, and may even conduct an independent investigation.

Important work of the defense attorney is done in conversations) with the prosecutor. Defense attorneys usually have dealt previously with the prosecutors assigned to their particular cases. Thus, defense and prosecuting attorneys know each other.

At bail hearings and in plea negotiations defense attorneys represent the accused. They prepare pretrial motions and often argue them in pretrial conferences and hearings. Then, if all fails and the case goes to trial, the defense attorney prepares the defense material for trial.

At trial defense attorneys question prospective jurors, cross-examine prosecution witnesses, and generally represent the accused. If cases result in conviction, the defense attorneys help those convicted; gain the best possible sentences. Then, sometimes appeals may be pursued, which can entail written documents arguing for reversal of; the decisions or sentences.

Defense attorneys are involved in every stage of the criminal justice system beginning with the arrest. And throughout all of the stages of criminal justice decisions they are responsible for protecting the accused's Constitutional rights, to be sure their clients are not treated unfairly or improperly. Everyone accused of a crime needs a good defense attorney.

Right to a Free Defense Attorney

Defendants who are financially able can hire lawyers to represent them at trial. Poor defendants, however, have to rely on state-paid attorneys existing in each jurisdiction.

In some states there were provisions to assign counsel to any defendant unable to afford a lawyer; in others the assistance of state-paid counsel was limited to very serious cases, usually those involving capital offenses. For many years, the US Supreme Court took the position that this was a "state's right" issue that there was no federal Constitutional requirement that states must provide counsel for the defense.

A word should be said about the rather rare instances where a defendant refuses the assistance of court-appointed lawyers, or public defenders, and asks the judge for permission to act as his or her own defense lawyer. This is permitted, since the state cannot force an attorney on a defendant who intelligently waives the right to representation of counsel.

APPENDIX 1

How to write an opinion essay

An **opinion essay** is a formal piece of writing which presents the author's point of view on a particular subject supported by reasons and examples. The opposing viewpoint is also suggested, it goes with arguments that show that it is unconvincing.

Opinion essay Structure:

- ✓ Introduction: a statement of the topic and the author's opinion in a clear manner.
- ✓ Main body: several paragraphs presenting viewpoints supported by reasoning including the opposing viewpoint which is shown to be unpersuasive.
- ✓ Conclusion: a summary of the main points of the essay and the author's opinion rephrased in other words.

Useful tips:

- ✓ Decide what you think on the topic in question.
- ✓ Make a list of viewpoints and reasons supporting your point of view.
- ✓ Write well-developed paragraphs.
- ✓ Use linking words and phrases to join the sentences within the text.
- ✓ Start each paragraph with a topic sentence.

Techniques to start and finish an opinion essay:

- ✓ Address to the reader directly.
- ✓ Start with a quotation.
- ✓ Start with a thought provoking or rhetorical question.
- ✓ Refer to some striking or unusual fact, idea or situation.

Expressions to give an opinion:

In my opinion, ...
To my mind, ...
As far as I am concerned,
Speaking personally, ...
From my point of view,
I hold the view that ...
I would say that ...
It seems to me that ...
I am of the opinion that ...
My impression is that ...
I am under the impression that ...
It is my impression that ...
I have the feeling that ...

My own feeling on the subject is that ...
I have no doubt that ...
I am sure/I am certain that ...
I think/consider/find/believe/feel that ...
I suppose/presume/assume that ...
I hold the opinion that ...
I dare say that ...
I guess that ...
I bet that ...
I gather that ...
My view/opinion/belief is that...
My impression/conviction is that ...
It goes without saying that ...

Do's in writing opinion essays:

- ✓ Write in a formal style.
- ✓ Introduce the topic clearly.
- ✓ State clear topic sentences.
- ✓ Use generalizations.
- ✓ Use quotations.

Dont's in writing opinion essays:

- ✓ Don't use colloquial expressions.
- ✓ Don't use short forms.
- ✓ Don't use emotive vocabulary.
- ✓ Don't use over-generalizations.
- ✓ Don't use statistics without proper referencing.
- ✓ Don't give personal examples.

APPENDIX 2

How to write a discursive essay

A **discursive essay** is an essay about a controversial topic. The writer of it attempts to present both sides, while showing why he favors one side over the other. Discursive writing is a good way to learn how to structure an argument logically and anticipate and counter the arguments of the other side.

Guidelines:

- ✓ Begin by saying what the quote/topic means to you and rephrase it in your own words. You may also be able to identify some of the issues that lie behind the title. Keep it interesting, relevant and no more than 1 paragraph.
- ✓ Explain your strongest argument in the second paragraph. This should be the most compelling piece of evidence that you can support logically to aid your position. Strengthen it with expert opinions, statistics and real-world examples, but avoid anecdotal claims.
- ✓ Write supporting points in descending order of importance. Each paragraph should illustrate a single argument.
- ✓ Explain the counterarguments to your essay's thesis. Explain their beliefs and reasoning as completely and fairly as possible.
- ✓ Explain why you reject the opponent's arguments. Your reasons might be moral, practical or logical. You may start with a concession statement, admitting that some of the opposing arguments are valid, but state that you still think your side is right.
- ✓ Write a conclusion for your discursive essay that acknowledges your opponents' principal argument, and explain why you don't subscribe to it. For example, if you were writing a paper against the death penalty, you might say, "I acknowledge that murderers deserve the most severe punishment society has, but I believe the death penalty should not be used because it can lead to the execution of innocent people."

Useful expressions:

- ★ *A matter of considerable controversy at present is the issue of whether ... , or rather ...*
- ★ *Strong arguments exist in support of both sides of this debate, which implies that it is worth examining both points of view before reaching any conclusions.*
- ★ *... poses a number of worrying problems,...*
- ★ *There is evidence to suggest that... and this is a situation which needs to be dealt with.*
- ★ *...advocates try to justify ...by arguing that... (E.g.: Death penalty advocates try to justify Death penalty by arguing that ...)*
- ★ *However, it is debatable if it is more important than other considerations, such as...*
- ★ *Taken together, all of these examples (accidents, incidents, etc.) show that...*

- ★ *The question of... is a critical issue.*
- ★ *This argument rests on the assumption that...*
- ★ *It is (often) argued that...*
- ★ *It is common belief that...*
- ★ *It is widely accepted that...*
- ★ *From a ... point of view/viewpoint/standpoint...;*
- ★ *From the point of view of...*
- ★ *Regarding ... implications of*
- ★ *As far as ... is concerned, ...*
- ★ *As for the ... aspect, ...*
- ★ *With regard to ... matters, ...*
- ★ *Most people would agree that...*
- ★ *... view(s) the problem of... from a different angle.*
- ★ *However we can spot an apparent inconsistency.*
- ★ *We can hardly be certain, therefore, that...*
- ★ *... has (have) an important part to play but...*
- ★ *Take ... as a case in point.*
- ★ *This is clearly illustrated by the fact that...*
- ★ *Closer analysis of ... suggests that...*

Do's in writing discursive essays:

- ✓ Keep sentences short.
- ✓ Avoid colloquialisms and slang.
- ✓ Use objective language (stating facts).
- ✓ Use passive forms.
- ✓ Back up your points with reasons/examples.
- ✓ Use linking words.

Dont's in writing discursive essays:

- ✓ Do not use the personal pronoun 'I' unless the title specifically asks for your personal opinion or experience.
- ✓ Use full forms rather than contractions: e.g. **could not** rather than **couldn't**.
- ✓ Avoid extreme adjectives and exclamations.

APPENDIX 3

Guidelines on preparing a debate

Planning a debate:

- ✓ decide on the motion (topic) to be debated;
- ✓ choose a chairperson to run the debate and keep order;
- ✓ choose four speakers for Team A (the side for the motion);
- ✓ choose four speakers for Team B (the side against the motion);
- ✓ spend five minutes planning your arguments and making notes for your short speeches;
- ✓ decide the order in which people will speak;
- ✓ a member from Team A speaks first, then a member from Team B and so on;
- ✓ in pairs, the rest of the class discusses the motion and thinks of questions they can ask during the debate;
- ✓ at the end of the debate the chairperson opens the debate to the house (class);
- ✓ the chairperson asks everyone to vote either for or against the motion;
- ✓ the chairperson counts the votes and reads out the result.

Running a debate:

Chairperson:

- We are here to debate the issue of ...
- We will now debate the motion ...
- I now call on the first speaker to open the debate.
- I now call on the second/final speaker.
- I now open the debate to the floor.

Closing a debate:

Chairperson:

- We will now take a vote. All those in favour of the motion please raise your hands
- All those against the motion please raise your hands.
- (if Team A wins): The motion is carried. The house believes that ...
- (if Team B wins): The motion is defeated. The house does not believe that ...

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СИСТЕМА СУДОЧИНСТВА В АНГЛОМОВНИХ КРАЇНАХ

Навчально-методичний посібник

(Англ. мовою)

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