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САМАРСКИЙ ГОСУДАРСТВЕННЫЙ УНИВЕРСИТЕТ

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COURTS AND TRIALS

Учебное пособие

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Настоящее учебное пособие предназначено для студентов 4 курса специальности «Английский язык и Литература» для работы над темой «Courts and Trials». Пособие содержит упражнения для совершенствования навыков чтения, аудирования, говорения и письма на продвинутом этапе обучения, а также задания для развития переводческих навыков. Тексты уроков, представленные образцами научно-популярного и публицистического жанров, сопровождаются упражнениями, способствующими формированию и совершенствованию навыков спонтанной речи, аргументирования, риторической организации высказывания как в письменной, так и в устной форме.

В помощь студентам в освоении темы в пособие включен раздел для самостоятельной работы над лексикой и текстовой организацией, а также глоссарий юридических терминов

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Unit 1. The Legal System in England and Wales

Text 1

A. The English judicial system is the product of long historical development. The strong sense for tradition and its preservation in English society was responsible for the fact that some judicial forms and institutions have survived the centuries.

The legal system for England and Wales (there are separate ones for Scotland and Northern Ireland) does not have a criminal or civil code, but is founded upon two basic elements: Acts of Parliament or statute law, and common law which is the outcome of past decisions and practices based upon custom and reason. Common law has slowly built up since Anglo-Saxon times one thousand years ago, while Parliament has been enacting statutes since the thirteenth century. Generally speaking, almost all criminal law is now set out in Acts of Parliament, while the greater part of civil law still depends upon common law, the weight and guidance of previous similar decisions.

B. The system of justice in England and Wales, in both civil and criminal cases, is (as it is in North America) an *adversarial system*. In criminal cases there is no such thing as an examining magistrate who tries to discover the real truth about what happened. In formal terms it is not the business of any court to find out "the truth". Its job is simply to decide 'yes' or 'no' to a particular *proposition* (in criminal cases, that a certain person is guilty of a certain crime) after it has heard arguments and evidence from both sides (in criminal cases these sides are known as *the defence* and the *prosecution*).

There are basically two kinds of court. More than 90% of all cases are dealt with in *magistrates' courts*. Every town has one of these. In them, a panel of magistrates (usually three) *passes judgement*. In cases where they have decided somebody is guilty of a crime, they can also *impose a punishment*. This can be imprisonment for up to a year, or it can be *a fine*, although if it is a person's 'first offence' and the crime is not serious, they often impose no punishment at all.

Magistrates' courts are another example of the importance of amateurism in British public life. Magistrates, who are also known as Justices of the Peace (JPs), are not trained lawyers. They are just ordinary people of good reputation who have been appointed to the job by a local committee. They do not get a salary or a fee for their work (though they get paid expenses). Inevitably, they tend to come from the wealthier sections of society and, in times past, their prejudices were very obvious. They were especially harsh, for instance, on people found guilty of *poaching* (hunting animals on private land), even though these people sometimes had to poach in order to put food on their families' table. In modern times, however, some care is taken to make sure that JPs are recruited from as broad a section of society as possible.

Even serious criminal cases are first heard in a magistrate's court. However, in these cases, the JPs only need to decide that there is a *prima facie* case against the accused (in other words, that it is possible that he or she may be guilty). They then *refer the case* to a higher court. In most cases this will be a crown court, where a professional lawyer acts as a judge and the decision regarding guilt or *innocence* is taken by a jury. Juries consist of twelve people selected at random from the list of voters. They do not get paid for their services and are obliged to perform this duty. In order for a verdict to be reached, there must be agreement among at least ten of them. If this does not happen, the judge has to *declare a mistrial* and the case must start all over again with a different jury. A convicted person may appeal to the Court of Criminal Appeal (generally known as the Appeal Court) in London either to have the conviction *quashed* (i.e. the jury's previous verdict is overruled and they are pronounced 'not guilty') or to have *the sentence* (i.e. punishment) reduced. The highest court of all in Britain is the House of Lords.

The duty of the judge during a trial is to act as *the referee* while the prosecution and defence put their cases and question witnesses, and to decide what evidence is admissible and what is not (what can or can't be taken into account by the jury). It is also, of course, the judge's job to impose a punishment (known as 'pronouncing sentence') on those found guilty of crimes.

Exercise 1. Explain the meaning of the following words and phrases from the text. Translate them into Russian.

adversarial system, proposition, the defence, the prosecution, to pass judgement, to impose punishment, poaching, prima facie case, refer the case to a higher court, declare a mistrial, to have the conviction quashed.

Exercise 2. Answer the following comprehension questions.

1. What is the essence of adversarial system?
2. What can be inferred about the magistrate's courts? Who are the JP's?
3. Under what circumstances can JP's/the magistrates refer a case to a higher court? To declare mistrial?

4. What rights does a convicted person have?

Say whether you find the English judicial system effective?

Text 2. The British Legal Vocabulary

Read the following, paying particular attention to the words in italics. Discuss the meanings of these in groups, and use your dictionary for any which are still not clear. Translate the italicized words into Russian.

When someone is *arrested for committing an offence*, he is taken to the police station for interrogation. If the police decide there is a case against him, he is *charged with* the offence, that is to say the police formally accuse him of committing it. After this, the accused *appears before a magistrate*. This is a well-respected member of the public who is empowered to decide, with a lawyer's help, what to do about minor cases. If the magistrate *finds the accused guilty*, he will *sentence* him to pay *a fine*, or some other minor punishment.

More serious cases are passed up to the *Crown Court*, where *the accused is tried for the offence by a judge*, and usually *a jury*. Very serious cases are heard in the *high courts* in London. The accused may have to wait a long time *to stand trial*. Sometimes he can pay *bail*, as a kind of guarantee, and await the trial in freedom. In other cases, he is *remanded in custody* by the magistrate, and must wait in a cell, in a police station or a remand prison.

At the trial, the accused *pleads guilty* or *not guilty*. If he pleads not guilty, the jury composed of twelve ordinary citizens has to decide if he is guilty or not. This decision is called their *verdict*. The judge *directs proceedings*, and decides what punishment to give, if any. The lawyers who try to persuade the jury are called *barristers*. *In court*, the one on the side of the accused is known as the *Counsel for the Defence*, and the one against him is called the *Counsel for the Prosecution*. Each barrister *calls witnesses to give evidence* in support of his case. The witnesses can be *cross-examined* by the other counsel, who tries to persuade the jury that the evidence is untrue or not important.

When all *the evidence* has been *heard*, the judge *sums up the case* and explains legal points for the jury's benefit. He must not try to influence their decision, however. The jury retire to another room, where they try *to reach a verdict*. If they find the accused *guilty as charged*, we say he has been *convicted of the offence*. The judge then *passes sentence*. He may *sentence* the guilty person to *pay a fine*, to *a number of years' imprisonment*, or some other punishment. If the verdict is 'not guilty', we say the accused has been *acquitted of the offence*, and he goes free. If the accused feels there was something unfair about the trial, he may *appeal to the Appeal Courts*, where three judges decide the case.

Exercise 1. Cover the text. Which words on the left go with which word or words on the right?

plead	verdict
cross examine	case
remand	imprisonment
commit	sentence
reach	witnesses
stand	offence
find	evidence
hear	guilty/not guilty
pay	trial
call	fine
give	bail
sum up	custody

Exercise 2. Which people are connected with which items. In what way?
the police the accused the magistrate the judge the jury
the witnesses the barristers

Exercise 3. Look at these words, which are all, connected with a court trial. Try to put them in the order in which they might occur in a trial.

Sentence guilty/innocent evidence trial custody verdict cross-examination acquittal/conviction fine court probation

Exercise 4. Translate the sentences from Russian into English. Consult the Glossary of Legal Terms.

1. Суд над военными преступниками проходил в Нюрнберге в 1946-47г.
2. Он был строго наказан за нарушение правил уличного движения.
3. На суде ему нечего было сказать в свое оправдание. Показания свидетелей были достаточно убедительны и полностью доказывали его вину.
4. Его арестовали по обвинению в убийстве, но дело было прекращено за недостатком улик.
5. Подсудимый полностью отверг предъявленные ему обвинения.
6. В том случае, когда против обвиняемого нет прямых улик, его оправдывают.
7. Все с нетерпением ждали решение суда присяжных по делу Тома Робинсона.
8. Защита вызвала свидетеля, который дал показания в пользу обвиняемого.
9. Обвиняемый был приговорен к пожизненному заключению и отбывал наказание в колонии строгого режима.
10. Показаниям свидетелей придается большое значение.

Discussion 1. In the quiz below answer the questions Yes or No. The answers according to English law are printed at the end of the quiz. The answers may be different in Russia. Say what you think of the legal point in each question.

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 the house**, guns in hand, and one of them shoots and kills the house owner, is his **accomplice guilty of murder**?
6. If I set a trap – a fifty-kilo weight above the front door – for any **burglars** who might try and enter the house, am I **breaking the law**?
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**?

Answers

1. No, not any more.
2. Yes, even **mercy-killing (euthanasia)** is **against the law**.
3. No. **Capital punishment** was **abolished** in the 1960s.
4. No. Murder is a **crime against society** (this involves **criminal law**) and not just a **civil matter** between individuals.
5. Yes. **Joint guilt. In the eyes of the law**, both are guilty.
6. Yes.
7. Yes.
8. No, not now. Some years ago she could have **sued** me fo **breach of promise**.
9. Yes, he could claim it was **slander** (or **libel**, if you wrote it in a newspaper). He probably would not, though, because of the **legal costs**.

10. Yes, because of the **Sex Discrimination Act** and the **Race Relations Act**.

11. No.

12. Yes. You could sue me for **negligence** and I would probably have to **pay damages**.

13. Yes.

Listening . You will listen to Martin describing a crime. As you listen, take note on the details of the incident. Afterwards compare notes from the other students and build up the story of the incident.

Exercise 1. Listen again, and answer the following questions.

1. In which city did the crime occur?

2. In what sort of area did the story begin?

3. What was noticeable about the girl?

4. How did the crime begin?

5. What seemed to be happening at first?

6. When did he realise what was really happening?

7. 'Either option seems ridiculous'. What are the options mentioned?

8. What else could Martin have done? Why didn't he do it?

9. How did the other passengers react during the crime? And afterwards?

10. How did the girl react after the crime?

11. 'It's like shopping'. What does Martin mean by this?

12. Why was it lucky that there was no policeman on the bus?

Exercise 2. Listen again, filling the gaps in the following. Each line represents a word or abbreviation.

... it's a pretty _____, suspect, grotty neighbourhood.

... she was very well-groomed, _____.

... who was a poor-looking sort of chap, a bit _____, leaned over...

... the basic one being 'What _____ now?'

... obviously you don't grab the bloke, because the gun will _____.

... my mind was just numb, I couldn't _____ it _____ at all.

... I didn't bother, I just _____, I was very shocked, very shaky.

... there would have been a _____.

Role play. Work in pairs. Tell your partner a story in which you've been a witness to (victim or participant in) a crime.

Writing a report

There was an armed raid on a security van outside Barclays Bank, Newtown, today. You are a reporter, and interviewed three witnesses. From their accounts write a report of the crime, giving the facts and quoting the witnesses where relevant.

PC Chris Green.

'At about 11.17 am we heard on our car radio that a security van had been hijacked as it was being unloaded at Barclays Bank in Albion Road. We immediately rushed to the scene, just in time to see the security guards being locked into their own van by the two men in grey balaclavas. They leapt into a white Ford Escort, dropping at least two bags. There must have been a third man behind the wheel, and they drove off at great speed. Of course, we gave chase, but the guy in the back started shooting at us. We were unarmed and couldn't return the shots. One shot narrowly missed PC Dixon, the radio operator, and as they turned a corner, another shot penetrated the driver's door and hit me in the right leg. I only just managed to stop the car and pull over to the kerb. I was bleeding profusely and in great pain. I don't remember anything after that - I must have blacked out'.

Liz Leigh, a secretary

'I was just coming out of the bank, and putting my money into my purse when I heard this almighty crash. It must have been just after 11.00 because I'd slipped out of the office in my coffee break. I looked up and saw this white car crashing into the front of the security van. Three men got out. Two of them were in balaclavas, but they were young. One was wearing jeans and was thin, and the other had a black leather jacket and was wearing trainers. He was a bit plumper. I did not get a good look at the third one because I backed into the doorway of the bank. They yelled, 'Get out! Get out!' at the driver of the van, and he obviously didn't move fast enough because they wrenched open the door and dragged him out and held a gun at his head while he opened the back of the van. Then they went wild, shoving him and his partner in the back while they grabbed at the bags of money. There were bags of money all over the street. Then they heard the police siren and started screaming at each other, 'Get a move on! And dropping even more money about the place. I was terrified they'd notice me and point the gun at me. When the police arrived, they drove off. I think I heard some shots down the street. I was stunned but I got the number of the car. It was B180 VHS.

Kevin Billings, a hospital porter

'I didn't know what was happening. I thought they were making a film at first. I came round the corner and this fellow barged into me and knocked me over. He had a shotgun, and he fired it into the air and at the same time shouted, 'Keep down or I'll shoot you!' He was in his forties, greying, and he had a Scottish accent. That's when I realized it wasn't a film. I really thought I was going to die. He kept his foot on top of me while his mates rushed past into a car. I had my head down on the pavement. I couldn't see anything, and I kept expecting a final shot in the head. I heard sirens and there was a banging of doors and the screech of tyres and they were gone. I heard shots then, but down the road. Two, I think. I feel really lucky to be alive.'

Choose one of the following writing options.

1. Write the story of the hold-up in your own words.
2. Write a news story based on the evidence of three witnesses.

Text 3. Crime and Crime procedure

Work out the definition of 'crime. Note down the three crimes which you consider the most horrible, and three crimes which you consider the least horrible. Give reasons for your choice.

There is a widespread feeling among the British public that crime is increasing. Figures on this matter are notoriously difficult to evaluate. One reason for this is that not all actual crimes are necessarily reported. Official figures suggest that the crime of rape increased by more than 50% between 1988 and 1992. But these figures may represent an increase in the number of victims willing to report rape than a real increase in case of rape.

Nevertheless, it is generally accepted that in the last quarter of the twentieth century, the number of crimes has gone up. And the fear of crime seems to have increased a lot. This has gone together with a lack of confidence in the ability of the police to catch criminals. In the early 1990s private security firms were one of the fastest-growing businesses in the country. Another response to the perceived situation has been the growth of Neighbourhood Watch schemes. They attempt to educate people in crime prevention and to encourage the people of a particular neighbourhood to look out for anything suspicious. In 1994 the government was even considering helping members of these schemes to organise patrols.

There has also been some impatience with the rules of criminal procedure under which the police and courts have to operate. The police are not, of course, above the law. When they arrest somebody on suspicion of having committed a crime, they have to follow certain procedures. For example, unless they obtain special permission, they are not allowed to detain a person for more than twenty-four hours without formally charging that person with having committed a crime. Even after they have charged somebody, they need permission to remand that person in custody (i.e. to keep him or her in prison) until the case is heard in court.

In 1994 public concern about criminals "getting away with it" led the government to make one very controversial change in the law. The British government decided that the "right to silence" contained in the caution made things too easy for criminals. This right meant that the refusal of an arrested person to answer police questions could not be used as part of the evidence against him or her*. Now, however, it can.

To accord with the new law, the words of the caution have had to be changed. The new formula is: "You do not have to say anything. But if you don't mention now something which you later use in your defence, the court may decide that your failure to mention it now strengthens the case against you. A record will be made of anything you say and it may be given in evidence if you are brought to trial".

Civil liberties groups in Britain are angry about this change. They say that many arrested people find it too difficult to understand and that is not fair to encourage people to defend themselves immediately against charges about which they do not yet know the details. They are also afraid it encourages false confessions.

Note: The original caution, which must be read to an arrested person in order to make an arrest legal read as follows: "You do not have to say anything unless you wish to do so, but what you say may be given in evidence".

Exercise 1. Find the English equivalents of the following terms.

частное охранное предприятие; районная общественная организация по обеспечению порядка, народный патруль, профилактика правонарушений, арестовать по подозрению, задерживать гражданина, предъявить обвинение в совершении преступления, содержать под стражей, уйти от ответственности, (ложное) признание

Exercise 2. Answer the questions:

1. What does the text mainly discuss?
2. What factors determine the increase of crime rate in the country?
3. What are the criminal procedures in Britain?
4. What innovations have been made in the law recently?

Exercise 3. Do a library research and/or interview a law student and discuss the crime procedure in today's Russia.

Listening. Exercise 1. Study the list of crimes. Listen to the cassette, and match the spontaneous definitions to the crimes in the list.

Exercise 2. Listen to the snatches of conversation on the cassette. Which crimes are concerned?

smuggling treason espionage embezzlement blackmail bribery
kidnapping hijacking mugging assault burglary rape forgery
murder manslaughter arson terrorism pickpocketing fraud
extortion piracy

Writing. Consider this essay title: *Discuss effective measures for counteracting violence in our cities. Discuss how you would write the essay. What facts or ideas would you include? How would you organise them in paragraphs to make your argument effective?*

Read the essay. As you read, take notes, putting them in the outline.

The first point that has to be clarified here is the meaning of the word violence. There are, after all, many types of violence in our cities, ranging from baby battering to the suppression of political demonstrations by police. For the purposes of this essay, I shall limit discussion to the violence, which most concerns city dwellers in Britain nowadays: riots, robbery and physical assault on the streets.

What measures can be taken to combat this kind of violence? Well, to begin with, it is often argued that violent crime should be punished more severely. That is to say, more offenders sent to prison, longer prison sentences, and even the reintroduction of the death penalty. The first two ideas seem reasonable, but ignore the problem that our prisons are already full, and also that ex-prisoners are more likely to commit crime than other people. In addition, it is very expensive to keep people in prison. As for the death penalty there is no hard evidence that it has any effect on the commission of crimes. Punishing crime more severely, then, does not seem to work.

A more effective measure would be to improve the service provided by the police. Many people would say that British policemen should carry guns, but I do not agree, since this would lead to more guns being used by thieves, and consequently more violence, probably involving innocent bystanders. Also, we must remember that not every policeman is psychologically fit to carry a gun. Nevertheless, certain changes can be made. Firstly, the size of the police force could be increased, by improving salaries and conditions. Equally importantly, the police should receive better training, so that they can deal effectively with trouble without becoming unduly violent themselves. Clearly, a large, well-trained police force must be an important factor in any attempt to tackle crime.

However, none of these ideas deals with the root of urban violence, and that is what I shall turn to for the rest of this essay. It has been said that the stress caused by just living in a modern city is an important factor in making people violent. This may be true, but little can be done about it, since we can hardly all return to the countryside. Similarly, it might be argued that people are naturally violent, and that the only solution is to change ourselves from the inside. Religion, meditation, psychoanalysis and so on might be helpful in this respect, but it is difficult to be optimistic.

It seems to me that another idea might offer more hope. I believe that street crime is mainly caused by the predicament of many young people on leaving school: that is to say, unemployed, with no money and with little hope for the future. No amount of punishment and no police force will deter young people

from taking to a life of crime when the law-abiding life which is the alternative is empty of hope, interest and achievement. The solution is clear. The government must ensure that jobs are provided for young people. Until young people have work, money and hope, it will be impossible to walk safely in the streets.

Exercise 1. *It is effective in arguing a case to anticipate the arguments of other people and to mention their opinions. If we agree with their opinion, we often introduce it with expressions such as: Most people would agree that ...; It is well-known that If we don't agree, we prepare the reader by using different expressions.*

Find the ones in the text, and the way in which the writer comments on the ideas that he mentions.

Exercise 2. *Below are four opinions, in note form. State the opinion in full, and then give your objections to it. Use as many sentences as you like.*

Example:

Atomic war is inevitable/ human nature/violent. competitive, suspicious.

It is often said that atomic war is inevitable because of human nature, which has always been violent, competitive, suspicious. This point of view, however, ignores the fact that people are intelligent. When our survival is at stake our ability to think rationally will save us from extinction.

- a) Marriage/old-fashioned institution/causes more hate than love
- b) Politics and sport not connected/ sport unites people, nations
- c) Terrorism justified in certain cases/ no other way to fight for rights
- d) Democracy a waste of time, hypocritical/ one-party system more efficient, no arguments

Exercise 3. *Write your own essay on the subject, perhaps in the form of a critical reply.*

Discussion. *Work in groups of 3 or 4. Look at the sentences below. Decide if you agree or disagree. If you disagree, change the sentence so that every member of the group agrees with it.*

- I. 1. All murderers should be executed.
- 2. Corporal punishment should be reinforced for certain crimes.
- 3. People who drink and drive should lose their driving licenses for ever.
- 4. Prisons should be as uncomfortable as possible.
- 5. Judges should retire at the age of 60.
- II. "Crime does not pay" is a well-known English saying. Can you think of any recent news stories that either prove or disprove this saying.
- III. According to British laws a person cannot be tried twice or more times on the same charge. If he has been tried and found not guilty he may not be

brought before a court again even if new evidence of great importance has been obtained to prove his guilt. It seems illogical. What do you think of it?

Formal versus Informal Style

Exercise 1. Match the formal expressions on the left with the neutral expressions on the right. Use a dictionary if necessary.

Formal

to be the property of
category
caution
to comprise
for the purpose of
to install
not exceeding
to occupy
to permit
to receive
to report
to tamper with
to transmit
to transport
vehicle
to withdraw

Neutral

for/to
be careful
to tell
to put in
to let/allow
car/truck/motorbike
to carry
to get
up to
to take away
to belong to
group
to be/live in/at
to have
to send
to change/interfere with

Exercise 2. Work in groups of three. Explain the passage to your partners in informal English. Use the vocabulary in Exercise 1, make any other change you feel necessary

Student A
Caution. This passport remains the property of Her Majesty's Government in the united Kingdom and may be withdrawn at any time. It should not be tampered with or passed to an unauthorised person. Any case of loss or destruction should be immediately reported to the local police and to the nearest British passport issuing authority

Student B
This licence permits the above people to install and use in any rooms they occupy at the address below black and white television receiving equipment for the purpose of receiving television broadcasts transmitted for general reception from authorised Broadcasting Stations

Student C.
Vehicles for which this international permit is valid: Motor vehicles used for the transport of passengers and comprising, in addition to the driver's seat, at most eight seats, or those used for the transport of goods and having a permissible maximum weight not exceeding 3,500 kg. Vehicles in this category may be coupled with a light trailer

Exercise 3. Read the following two descriptions. The first is a spoken report by a head attorney to her team of lawyers. The second contains the same information but is a formal written description. Complete the conversation with informal adjective clauses, omitting relative pronouns if possible and using contractions. Complete the written piece with formal adjective clauses. The first sentence is done for you.

Spoken Report

Our client is a guy (1) who's been in trouble for minor offences., but I don't think he's a murderer, (2) (which/be/why) I feel comfortable defending him. He served time in the penitentiary from 1992 to 1994, and according to all the reports he was a person (3) (the other prisoners/look up to). Since he got out of jail in 1994, he's had a good employment record with Textrix, an electronics company (4) (he/be/working/for). The psychological reports on him show that when he was in prison he was a person (5) (the psychiatrists/consider) well balanced and even-tempered, (6) (which/be/whv) I don't think he's guilty.

Written report

Our client is a man (7) who has been in trouble for minor offences, but I don't believe that he is a murderer, (8) (a fact/which/make/me) feel comfortable in defending him. He served time in the penitentiary from 1992 to 1994, and according to all reports he was a person (9) (whom/the other prisoners/respect). Since he was released from prison in 1994, he has had a good employment record with Textrix. An electronics company (10) (for/which/he/be/working). His psychological profile suggests that when he was in prison he was a person (11) (whom/the psychiatrists/consider) well-balanced and even-tempered. (12) (evidence/which/make/me) believe that he is not guilty.

Listening 1. You will hear a short political speech. In pairs, note down the various ways in which the politician adds emphasis to what he is saying.

Now write your own speech on the topic 'The punishment should fit the crime'. Deliver your speech to the rest of the class. When you have finished, the class should take a vote to see if they support you or not.

Listening 2. You will hear a short text "A Double Life". Take notes while listening. In small groups discuss the details. Prepare a speech of either the Council for the Defence or the Council for Prosecution. Deliver the speech to class.

Text 5. The Police and the Public

Read the text. List the features that characterize the police force in Britain.

There was a time when a supposedly typical British policeman could be found in every tourist brochure for Britain. His strange looking helmet and the fact that he did not carry a gun made him a unique symbol for tourists. The image of the friendly British "bobby" with his fatherly manner was also well-known within the country. This positive image was not a complete myth. The system of policing was based on each police officer having his own "beat", a particular neighbourhood which it was his duty to patrol. He usually did this on foot or by bicycle. The local "bobby" was a familiar figure on the streets, a reassuring presence that people felt they could trust absolutely.

In the middle years of this century, the police in Britain have lost much of their positive image. A child who is lost is still advised to find a policeman or policewoman, but the sight of a police officer no longer creates a general feeling of reassurance. In the 1980s there were a large number of cases in which it was found that the police officers had lied and cheated in order to get people convicted of crimes. As a result, trust in the honesty and incorruptibility of the police has declined.

Nevertheless, there is still a great deal of public sympathy for the police. It is felt they are doing an increasingly difficult job under difficult circumstances. The assumption that their role is to serve the public rather than to be agents of the government persists. Police officers often still address

members of the public as “sir” and “madam”. Senior officers think it is important for the police to establish a relationship with local people, and the phrase ‘community policing’ is now fashionable. Some police have even started to patrol on foot again. Generally speaking, the relationship between police and public in Britain compares quite favourably with that in some other European countries. British police still do not carry guns in the course of normal duty (although all police stations have a store of weapons).

Writing. Study the results of the following public opinion poll and write a report (about 250-300 words). Start with “The police and the public are at odds in how they view good policing, according to opinion polls”.

Helpful tips: agree about/on, differ on, place less/more emphasis on crime prevention/ law enforcement, concentrate efforts on, accept the view/attitude, seek preventive measures, fully support, be in favour/against

Use the linking devices of comparison and contrast

The Public View

Question: Below is the selection of types of offences. Which five offences do you think the police should spend most time and energy trying to fight?

Sexual assaults on women	67%
Burglary of people’s houses	64%
Drunk driving	55%
Vandalism/damage to property	46%
Robberies (with violence) in the street	44%
Crimes in which firearms are used	41%
Use of heroin or other hard drugs	39%
Theft of/theft from motor cars	31%
Fighting/rowdism in the streets	26%
Litter/rubbish lying around	17%
Use of cannabis/pot/marijuana	16%
Parking/general traffic offences	14%
Bag-snatching/pick-pocketing	12%
Racial attacks	12%
Noisy parties/domestic disturbances	7%

The Police View

Question: Below is a selection of types of offences. Which five offences do you think the police should spend most time and energy trying to fight?

Burglary of people’s houses	82%
Violent robbery in the street	62%
Sexual assaults on women	50%
Crime with firearms	48%
Use of heroin and other hard drugs	47%
Fighting/rowdism in the streets	45%
Theft of/from vehicles	45%
Drink driving	41%
Vandalism/damage to property	38%
Bag-snatching/pick-pocketing	9%
Racist attacks	8%
Parking/traffic offences	6%
Use of cannabis/pot/marijuana	6%
Litter/rubbish lying around	2%
Noisy parties/domestic disturbance	1%

from The Times, March 9,1990)

Discussion. Discuss in groups of 3 or 4 your position towards the role and functions of the police force in Russia

Text 6. A Lesson From The Killers

In some countries, 11-year-olds can not be tried for murder. Michael Freeman, Professor of English Law at University College London, on the Bulger trial's aftermath.

The tragic and horrifying James Bulger murder trial has provoked comment on several scores but some reflections on the legal implications of a trial of this nature are needed. The law applied the *doli capax* test*.

But how appropriate is this and how necessary is it in a homicide trial? The test was developed when children suffered savage penalties. Is it necessary in an age in which their welfare is a guiding consideration? However one looks at the minds of Robert Thompson and Jon Venables and their moral sensibilities, what they did was a crime against society and, at the very least, they require education, socialization and rehabilitation.

If the prosecution had been unable to satisfy the test, it would have been difficult to provide care, rehabilitative environment for them. A supervision order with a resident's requirement (and this lasts for only six months) may be imposed where a supervision order is already in force, but not otherwise. Care orders are not designed for such situations, but anyway, were Thompson and Venables suffering or likely to suffer significant harm?

What if it could have been shown that that they knew it was wrong to batter a toddler, but not shown, that they appreciated that their actions would result in death or serious injury? Whether the *doli capax* rule remains or not, it will be necessary anyway to establish that the *mens rea* for murder exists.

If this *mens rea* can be established, is it necessary to show additionally that they knew what they were doing was gravely wrong?

Then there is the boys' decision not to give evidence. We should be concerned if the reason for this was their fear of speaking in a public forum. In the case of at least one of the boys, it was suggested that he did not give evidence because he was likely to dissolve into tears.

Some thought should be given to investigating whether a child's evidence could be taken and videotaped, for the jury to see, in a less formal and less imposing setting.

Some innovative techniques are being employed in other areas, notably sexual abuse. The possibility of using such methods when defendants are children should be explored. This raises the question of whether an imposing Crown Court is the appropriate forum or whether such a trial should be moved to an environment in which children are more comfortable.

A number of values are in conflict. The court setting offers security and projects an image of gravity - but would the truth emerge more easily with fuller participation, in a less formal setting such as, for example, a school or church hall? And what of a jury trial? A jury of adults can hardly be the peers of 11-year-olds.

During the trial, the boys were known only as Child A and Child B. The judge was right to impose this reporting restriction. But after conviction, the restriction was lifted and the names (and photographs) of the boys were widely circulated. I believe serious thought should be given to retaining anonymity in cases such as this, even after conviction. We must hope that the boys in the Bulger case will emerge as rehabilitated citizens able to take their place in the adult world.

Some people may argue that this exposure is part of the punishment - but few murders were subjected to the exposure that Thompson and Venables have received, and will continue to receive.

We have to ask whether it is right that Thompson and Venables should be punished more severely than most other murderers, and whether, given that one day they should be allowed to live free from their glare of their public past.

Finally, it should be remembered that in many other European countries, boys of this age could not be tried for murder at all.

(Times, 1993)

Notes: *the *doli capax* test - the prosecution must prove that a child between 10 and 14 knows that what he is doing is seriously wrong, and not merely naughty or mischievous; **the *mens rea* - criminal intent required for conviction of particular crime

Exercise 1. Answer the questions.

1. What can be inferred about the trials of young offenders aged between 10-13 years old in England? 2. What can be inferred about the Thomson and Venables trial? 3. What are the main points the author is making? 4. What is the author mainly concerned about?

Exercise 2. Read an extract from the booklet on the treatment of young offenders in England. Discuss with your partner how the British society treats young offenders. What awaits Thomson and Venables after the trial? Compare your findings with the point the author is making in the article.

Criminal proceedings cannot be brought against children below the age of 10 years. Offenders between the ages of 10- and 18 fall within the jurisdiction of youth courts. Available to the court are supervision orders or attendance centre orders.

Under the supervision order – which may remain in force for not more than 3 years – a child (10-13 years old) or young person (14-17 years) normally lives at home under the supervision of a social worker or a probation officer. The order may require the offender to live in local authority accommodation and /or participate in specified activities at specified times.

Anyone under 21 years of age found guilty of an offence for which an adult may be imprisoned can be ordered to go to an attendance centre. The

maximum number of attendance is 36 hours (or 24 if the offender is aged under 16) spread over a period; the minimum is 12 hours although where the offender is under 14 years of age the court has a discretion to impose lesser total.

The courts may detain 10-13 year olds convicted of an offence for which an adult can be jailed for 14 years or more (including murder or manslaughter, rape, arson, domestic burglary and robbery). Courts may also detain any 10- to 15 year-old convicted of indecent assault on a woman. Detention may be in a local authority secure residential unit, a centre managed by the Youth Treatment Service or a young offender institution.

In the area of parental responsibility, the Criminal Justice and Public Order Act 1994 extends the powers given to the courts by the Criminal Justice Act 1991. The 1991 Act:

- strengthened courts powers to make parents attend hearings in cases involving offenders up to the age of 18;
- strengthened the liability on parents to pay fines and compensation arising from the crimes committed by their children;
- contained greater power for courts to order parents to take proper care and control of their children if necessary to prevent further offences;
- allowed such orders to be imposed for up to three years, or until the offender's 18th birthday.

Exercise 3. In groups of 3 or 4 students discuss the factors contributing to the growth of juvenile delinquency. Make a list of those factors and for each item of the list provide clear evidence or support.

Unit 2. The US Legal System

Text 1. U.S. Courts

Most countries with a federal system have one national court over a system of regional courts. In contrast, the United States has a complete system of national courts side by side with complete systems of state courts, for a total of 51 separate systems. This makes litigation far more complicated than in other countries

Structure of the Courts. The Constitution mentions only one court – a supreme court – although it allows Congress to set up additional, lower courts, which it did in the Judiciary Act of 1789. The act was a compromise between Federalists, who wanted a full system of lower courts with extensive jurisdiction – authority to hear and decide cases – in order to strengthen the national government, and Jeffersonians, who wanted only a partial system of lower courts with limited jurisdiction in order to avoid strengthening the national government. The compromise established a full system of lower courts with limited jurisdiction. These courts were authorized to hear disputes

involving citizens of more than one state but not disputes relating to the U.S. Constitution and laws. The state courts were permitted to hear all these.

In 1875, Congress granted the federal courts extensive jurisdiction. Sixteen years later Congress created another level of courts, between the Supreme Court and the original lower courts to complete the basic structure of the federal judiciary.

The **district courts** are trial courts. There are 94, based on population but with at least 1 in each state. They have a number of judges, although a single judge or jury decides each case.

The **courts of appeals** are intermediate appellate courts. There are 12, based on regions – “circuits” – of the country. A group of three judges decides their cases.

The Supreme Court is the ultimate appellate court. Although it can hear some cases (those involving a state or diplomat) that have not proceeded through the lower courts first, in practice it hears nearly all of its cases on appeal. A group of nine judges decides its cases.

The district courts conduct trials. The courts of appeals and Supreme Courts do not; they do not have juries or witnesses to testify and present evidence – just lawyers for the opposing litigants. Rather than determine guilt or innocence, these courts evaluate arguments about legal questions arising in the cases.

The state judiciaries have a structure similar to the federal judiciary. In most states, though, there are two tiers of trial courts. The lower tier is usually for criminal cases involving minor crimes, and the upper tier is usually for criminal cases involving major crimes and for civil cases. In about three-fourths of the states, there are intermediate appellate courts, and in all of the states there is a supreme court (although in a few it is called another name).

Jurisdiction of the Courts. **Jurisdiction** is the authority to hear and decide cases. According to the Constitution, the federal courts exercise jurisdiction over cases in which the subject involves either the U.S. Constitution, statutes, or treaties; maritime law; or cases in which the litigants include either the U.S. government, more than one state government; one state government and a citizen of another state, citizens of more than one state, or a foreign government or citizen. The state courts exercise jurisdiction over the remaining cases. These include most criminal cases because the states have authority over most criminal matters and pass most criminal laws.

Despite this dividing line, some cases begin in the state courts and end in the federal courts. These involve state law and federal law, frequently a state statute and a federal constitutional right. For these cases there are two major paths from the state judiciary to the federal judiciary. One is for the litigant who lost at the state supreme court to appeal to the U.S. Supreme Court.

The other path, available only in a criminal case, is for the defendant who has exhausted appeals in the state courts to appeal to the local district court through a writ of habeas corpus. Latin for "Have ye the body!" this writ demands that the states figuratively produce the defendant and justify his or her incarceration. If the district court decides that the state courts did not grant the defendant's federal constitutional rights, it will reverse the conviction. From the district court's decision, the losing side can try to appeal to the courts of appeals and Supreme Court. Jurisdiction in these cases is complicated, and appeals may be numerous

Exercise 1. Find English equivalents of the following Russian terms:

Судебный процесс, тяжба, право слушать и выносить решения по делам, суд первой инстанции, апелляционный суд, сторона в судебном процессе, судебная система, два уровня судов 1 инстанции, закон (статут), судебный приказ; отменить обвинительный приговор суда

Exercise 2. Answer the reading comprehension questions:

1. The main topic of the text is

a) the history of the courts; b) the structure of the courts; c) jurisdiction of the courts; c) the key features of the U.S. judiciary

2. According to the text the Judiciary Act of 1789

a) established the system of lower courts; b) limited the jurisdiction of state courts; c) permitted the state courts to hear disputes relating to the U.S. Constitution; d) established the balance between state and federal courts.

3. It can be inferred from the text that the structure of federal judiciary was

a) fully described in the original U.S. Constitution; b) not complete until 1891; c) established by the Judiciary Act of 1789. d) already complete in 1875.

4. What is NOT the jurisdiction of district courts?

a) to hear criminal cases; b) to hear civil cases; c) to determine the guilt or innocence of the defendant; d) to evaluate arguments about legal questions arising in the cases

5. The jury is an indispensable part of

a) a trial court; b) court of appeals; c) state supreme court; d) the U.S. Supreme Court

6. It can be inferred from the text that state courts exercise jurisdiction over cases in which the litigants represent

a) one and the same state; b) the U.S. government and one of the states; c) citizens of two states; d) citizens of foreign countries

7. One can assume from the text that A WRIT OF HABEAS CORPUS

a) is a special written order allowing to appeal to the federal level court ; b) is applicable in criminal cases only; c) is the direct appeal to the U.S. Su-

Supreme Court; d) demands that the state figuratively produce the defendant and justify his incarceration

8. In line 39 the word "these" refers to

a) states; b) cases; c) courts; d) litigants

Exercise 3. Do a library research or interview a law student and prepare a talk on the Russian system of courts. Compare it with the US system.

Listening 1. You will listen to the interview with Tom Clark. The interview was conducted on August 23, 1976. Justice Clark spent more than 50 years as a lawyer and judge. He served as attorney general in the United States from 1945 to 1949, when President Truman appointed him as associate justice of the Supreme Court. He then served on the Court until 1967, when he resigned because of a potential conflict of interest that arose when his son, Ramsey Clark, was named attorney general

Exercise 1. Look up the following words in the dictionary before listening: umpire, inning, to call the strikes and the balls, to uphold

Exercise 2. Answer the following questions

1. Why does Justice Clark make a reference to a baseball game?

2. According to Justice Clark how are the decisions of the Supreme Court affected by public opinion?

3. What do the three cases quoted by the judge illustrate?

Notes: Griffin v. Illinois (1956); Gideon v. Wainwright (1963); Brown v Board of Education (1954)

Exercise 3. The following cloze test is based on the content of the "Interview with Tom Clark." Fill in the blanks with appropriate words.

The Supreme Court considers laws passed by the ____, proposals or actions made by the ____ and claims made by _____. It decides whether they are in keeping with the _____. In the Watergate ____ the Supreme Court had to decide whether the president had exercised authority in a _____ way. If decisions of legislative and executive powers are _____ constitutional, they are _____ by the Supreme Court. A citizen who does not obey such rules will be _____. Justice Clark does not believe that political manipulation can influence the justices' thinking on _____ matters. He admits, however, that the justices have to consider the necessities of the time when dealing with constitutional questions which have not arisen before. In the case Griffin v. Illinois, Griffin was _____ with murder, which is a _____. He believed that he ought to be entitled to read the _____ of what was said in the courtroom in order to be able to _____ to a higher court. The Supreme Court _____ that a _____ is entitled to a transcript. Reading

the transcript without a ____ advice was too difficult for a layman. In the Gideon case the court ruled that every citizen ____ of a crime was entitled to a lawyer provided by the court if he was unable to pay for one himself.

Exercise 4. Translate from Russian into English.

Судебные органы США по структуре и принципам организации во многом напоминают судебную систему Англии.

Американская судебная машина очень сложна и запутана. В каждом штате существует, по крайней мере, три разных вида судов. В разных штатах их юрисдикция далеко неодинакова. Иногда состав суда состоит из одного судьи, а иногда из нескольких судей. Некоторые дела слушаются с участием присяжных заседателей. Наряду с судами штатов существует федеральная юстиция - Верховный суд, окружные апелляционные суды, и, кроме того, особые суды по таможенным делам, претензиям к правительству США и т.д.

Суды ведут дело не на основе твердого гражданского, процессуального или уголовного кодексов, а руководствуясь прецедентами, т.е. решениями, вынесенными по другим подобным делам вышестоящим или даже равным судебным органом.

Судебная власть в США осуществляется федеральным Верховным судом, федеральными, окружными и апелляционными судами и некоторыми специальными судами. Все члены и председатели судов назначаются президентом с согласия сената. Верховный суд состоит из председателя и восьми членов. В США существует конституционный судебный контроль, заключающийся в том, что Верховный суд может признать любой закон федерации и штатов неконституционным, а тем самым и недействительным.

Listening 2. You will listen to an extract about the US Legal System from Deborah Tannen's audiobook "The Argument Culture". Before listening sum up the main features of the US Courtroom procedure

Exercise 1. Answer the following listening comprehension questions:

Listening for the main idea: 1. What does the speaker mainly discuss? What is the tone (voice) of this passage? (critical, informative, matter-of-fact, argumentative, disapproving, praising, etc.)

Listening for details: 1. According to the speaker what do people seek in courts? 2. What assumption current in American society does the US legal system reflect? 3. What can be inferred about the adversary system? 4. What role has law played in the US tradition? How does the speaker support this statement? 5. Explain the term "partizan" used by the speaker. 6. What evidence does the speaker provide to contrast US legal system with that of other countries (which ones)?

7. Why did O.J.Simpson's case "aggravate the misgivings of America's legal system"? 8. Which conclusion does the speaker arrive at the end of the talk?

Exercise 2. Sum up the main points of the listening passage in writing.

Exercise 3. Do a library search and provide evidence that proves or disproves D.Tannen's assumption about the US legal system. A good help would also be to view a movie, which portrays the US legal system (e.g. the series "Law and Order"). Based on this evidence write a 2-3 paragraph essay reflecting on your understanding of American justice.

Text 2

Read the following text and make a list of key features of the Russian legal system. Compare it with the US Legal system..

For anyone familiar with the rituals and procedural mazes of Western legal systems, Russian due process carries a few shocks.

The whole process of preparing for a trial leaves almost no room for a defendant to ready a defense. For one thing, any evidence that he or his attorney may discover, which could vindicate him in court, is not necessarily admissible in his trial.

In fact, *any* evidence, which the accused wants to present must first be cleared with either the prosecutor or the investigating officer, depending on the stage of the case. There are loopholes which allow the defendant to appeal to a judge to get evidence admitted, but even in that case, the judge, according to Russian legal experts, generally acts on the recommendation of the prosecutor.

"You have a situation where the defense's right to present evidence is dependent on the approval of the prosecutor", said Sergei Pashin, the State Duma architect of Russia's jury trial project, which is being tested in a few scattered regions and cities across the country. "The opportunity for the state to suppress evidence is always there".

Judges in the West also generally have the right to refuse to admit evidence, but for the most part, evidentiary rules favor the defendant. In the United States, the prosecution must follow strict rules, informing the defence of any evidence they uncover which may help to acquit the defendant. No such rules exist in Russia.

Furthermore, the defence in Russia is not allowed to conduct its own investigations. It has no access to police documents, and does not have the right to interview witnesses prior to the trial.

“Forget about what happens in the trial”, said Pashin. “Just consider how hard it is to defend yourself without the right to investigate the case. It leaves the defense virtually powerless”.

There is no formal scheme of questioning in Russian criminal courts, no separate presentation of the defense and prosecution cases, and there are no rules as to how questions may or may not be asked. The judge acts like a talk show host – asking questions when they occur to him/her, then picking out others to ask questions when there’s a lull.

Joe Darby of the American Bar Association, who recently arrived in Moscow, said that a structured scheme of questioning is one of the cornerstones of the US justice systems, and that the absence of such a system here is regrettable.

“Having a separate prosecution and defense case, in which each side presents their evidence separately, is one of the best aids to a judge in terms of eliminating cases which are groundless,” he said. “In the United States, if the prosecution presents its whole case but has failed to demonstrate guilt, the defense may file a motion to dismiss the case – and judges frequently do”.

Pashin added that a formal system of questioning helps the defense respond to charges

“Being able to see the whole case of the prosecution, then present your own rhetorical argument in response, would be a big boost to the defense, but we don’t have that system”, he said.

The Moscow Times, February, 1996

Translate the following text into English

Большое внимание в судах США уделяется подбору присяжных, которым в американском судопроизводстве отводится существенная роль – они участвуют в решении вопроса о предании суду (большое жюри) и в рассмотрении дел по существу (малое жюри). При рассмотрении дел по существу присяжные принимают решение (вердикт) по вопросам факта, т.е. определяют, установлено или нет событие или факт, по поводу которого осуществляется разбирательство. Некоторые категории дел могут рассматриваться и без присяжных, например дела, подсудные военным судам, дела о преступлениях несовершеннолетних и некоторые гражданские дела.

Read the text. Comment on the cultural information contained in the text.
Supreme Court of the State of New York

Dear Prospective Juror,

As you are probably aware, litigation and civil issues in the Courts in Nassau County has increased dramatically. The opportunity is now being presented to you to participate as a trial juror in the Courts in Nassau County. Although this assignment is your responsibility as a citizen, pursuant to the 6th and 7th Amendments to the U.S. Constitution, it is also a privilege because you will be called upon to evaluate evidence, pass upon the credibility of witnesses and make final factual judgements regarding guilt in criminal matters or ultimate responsibility in civil matters.

We understand that it may require either a personal or financial sacrifice for you to respond to the trial juror's summons and we thank you for giving up your valuable time to exercise your right and privilege to be a trial juror. Ours is the finest system of justice known to the world. The jury system is fair, it is workable and it represents our inherent right to judge ourselves.

On behalf of the judges who serve in Nassau County, and all the non-judicial personnel, I welcome you and I hope that you will find your service as a trial juror a fulfilling, gratifying, and productive experience.

Note. Amendment VI. In all prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed; which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining in his favor, and to have the assistance of counsel for his defence.

Amendment VII. In Suits at Common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Texts for advanced study and discussion

Gun Laws

Read the following text. Note down the textual organization of the text (logical connectors, cohesive devices, reference system)

Opinion polls show that most Americans feel handguns are responsible for the high murder rates. A majority of Americans, some 70 percent, favor laws which would ban the private ownership of all handguns. At present, there are

about 23,000 state and local gun laws and ordinances throughout the US. Some states only prohibit carrying concealed handguns; in others owners must register all handguns and have a license to carry them, either open or concealed. In some communities people are not allowed to own any handguns.

Although most Americans would like to forbid the owning of handguns, there is still no single federal law to that effect. Perhaps the major reason for this is the lobbying efforts of the National Rifle Association (NRA) and its three million members. They cite the Second Amendment to the Constitution (“... the right of the people to keep and bear arms shall not be infringed”). They argue that about half of the some 120 million firearms in the US are owned by hunters, and their slogan claims that “Guns don’t kill, people do”.

Those in favor of a national law point out that the Second Amendment begins with the phrase “A well-regulated militia being necessary to the security of a free state ...” This goes back to the time when seven out of the original thirteen colonies required all males to serve in the state militias. When needed, men served as “citizen soldiers”. This, they conclude, is no longer the case, and the easy availability of guns simply leads to too many deaths. At present, a national law forbidding the ownership of all guns appears unlikely. However, more states and communities will probably pass their own much more restrictive laws in the future.

Arming Citizens to Fight Crime

“The right to defend oneself is the highest natural law, more self evident than any law chiseled in stone by some legislature

by Frank Borzellieri

One of the basic issues the case of Bernhard Goetz - New York’s “subway vigilante” - has brought to light is a person’s right to defend himself, once again focusing the public opinion spotlight on gun control.

The knee-jerk reaction of many dealing with the gun control question is simple: guns are evil and therefore must be banned. This train of thought has dominated the New York area and similar crime-plagued areas throughout the country. It has also shown itself to be not only ineffective, but naive and dangerous. New York, despite the tightest gun control law in the nation, has not even remotely provided adequate protection for its citizens

In 1980, New Yorkers viewed their mayor on a television commercial proudly proclaiming the passage of what was hailed as “ the toughest gun law in America”. As Ed Koch strode through a city prison, he informed the public of the consequences of being caught possessing an illegal handgun. “If you’ve got the gun, we’ve got the ‘space’, Koch said as he opened a cell door.

Koch’s intentions were noble, but wouldn’t the subway riders prefer the “space” be reserved for the armed mugger, rather than the decent, though ille-

gally armed, janitor who works the midnight shift to support his family and feels it necessary to carry a weapon to ensure that he can arrive at his destination safely? More recently, the mayor rekindled memories of his 1980 proclamation with another profound statement immediately following the Goetz shooting of four alleged muggers. "We will not tolerate vigilantism in New York", Koch warned the potential copycat shooters. Again, wouldn't his constituents feel more secure if Koch assured, "We will not tolerate crime, and its gun law insures this toleration.

"They don't protect you in New York, but then they tell you, "Don't you dare have a gun". Those words spoken by Bernard Goetz, hit the nail precisely on the head and reveal certain inconsistencies in the gun control question. When an astute politician like Koch, normally a tough, anti-crime mayor, fails to see these misconceptions, it is time to reveal to the public the truth behind the entire gun issue.

Civil rights leader Roy Innis, chairman of the Congress of Racial Equality (CORE), has studied the gun question for many years. Innis, who offered to defend Bernhard Goetz for nothing even before he surrendered, is the only prominent black leader to back Goetz. Innis blasts those who offer what her terms "liberal knee-jerk" arguments:

The conventional wisdom around the gun question in the society we live in is that guns are dangerous, guns should be restricted, guns should be kept out of the hands of people. But when you look at this conventional wisdom, it does not stand up, really, to reason because the fault of the question of keeping guns out of the hands of people, is the mistaken assumption that you can, in fact, keep guns out of the hands of people.

Innis speaks wisely of the pragmatic effects, the tangible effects, that restrictive gun laws have demonstrated: *New York, with toughest gun law in the country, has not done very much to disarm the criminal. It has effectively disarmed the citizen. It has effectively made the citizen prey to the armed criminal. Carrying a gun, to a lifelong criminal, is just another felony in a series of felonies that the person has dedicated his life to. So the fact that criminals are armed should not be strange to us. What is the problem is that, with the armed criminal and the restrictive laws disarming the citizens, we have, in fact, aided and abetted the criminal by making his work less difficult. A well thinking criminal will have to be a strong advocate of tight gun control.*

Roy Innis has done more than reveal the tragic results of this gun law situation. He has proposed a plan that will loosen the gun laws, allowing decent citizens to carry weapons along. The Innis plan is manifold. What he is trying to propose is to give the public back 'what is rightfully theirs according to the Constitution'.

Note: ‘ ... what is rightfully theirs according to the Constitution...’: 2nd Amendment: A well regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

Exercise 1. Explain what is meant by the following words and phrases: vigilante; knee-jerk reaction; crime-plagued areas; copycat shooters; life-long criminal; “If you’ve got the gun, we’ve got the space”.

Exercise 2. Give Russian equivalents of the following idioms:

a) hit the nail on the head; b) make smb. prey to smth/smb

Exercise 3. Answer the questions.

1. Which of the following statements about the text is correct? In some cases more than one answer is possible. Give reasons for your decisions.

In this text the author

- 1) presents an objective discussion of the question of gun control.
- 2) argues in favor of gun control
- 3) opposes the idea of gun control.

2. According to Frank Borzellieri, New York’s gun laws

- 1) have improved the protection of citizens.
- 2) have at least made the janitors feel safer at work.
- 3) have made criminal activities less difficult.

3. The author quotes Bernhard Goetz

- 1) in order to reveal the inconsistency of Goetz’s defense.
- 2) to point out the inconsistencies in Mayor Koch’s statements.
- 3) to back his own viewpoint

4. Roy Innis, chairman of CORE,

- 1) is one of the many black leaders who oppose stronger gun control laws.
- 2) favors less strict gun laws
- 3) believes that stricter gun laws help criminals more than ordinary citizens.

Discussion. List the arguments Frank Borzellieri uses for and against gun control. Show how he tries to put greater emphasis on his argument by

- choosing examples that support his viewpoint
- quoting people who share his view
- using rhetorical devices to depreciate opposing views.

Discuss whether you think the author succeeds in getting his message across to the reader.

Analyze the following opinion poll and compare the figures with the point Frank Borzellieri wants to make in his article.

HANDGUN CONTROL

Should laws covering the sale of handguns be made more strict, less strict or kept as they are now? (Gallup)

	1975	1980	1981	1983	1986
More strict	69%	59%	65%	59%	60%
less strict	3	6	3	4	8
kept same	24	29	30	31	30

Some communities have passed laws banning the sale and possession of handguns. Would you favor or oppose having such a law in your community? (Gallup)

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	All	Men	Women	Whites	Blacks
Favor	47%	39%	55%	45%	59%
Oppose	47%	57%	38%	49%	34%

How strict are the gun control laws in Russia?

Do you think guns should be legalized in Russia?

Death Penalty

Read the following text and say if you agree or disagree with the statement expressed in the fist paragraph?

The abolition of capital punishment in England in November 1965 was welcomed by most people with progressive ideas. Still the problem remains - the problem of how to prevent murders. The important thing in prevention of murders is to eliminate as far as possible the weapons and instruments of murder and to stop the dangerous influence of violence in books, films and television.

Few criminals are born: they are made by our standards of so-called entertainment. Anybody who wants to commit a murder has no difficulty in buying a knife, a gun or some interesting poison. Life is cheap in fiction; no matter how many people are killed, the main thing is that the hero/heroine remain alive to enjoy the happy end.

So the practical way of reducing the number of capital crimes is to close the gun shops and to make it a criminal offence for the man in the street to possess a lethal weapon.

The Death Penalty: Legal Cruelty?

By Donald B. Walker

The execution of Gary Gilmore by Utah firing squad on Jan. 17, 1977, marked the end of a 10-year moratorium on the use of capital punishment in the US. Since that time, seven more executions have taken place - one each in Alabama, Florida, Illinois, Mississippi, Nevada, Virginia, and Texas. The latest innovation in the manner of killing was revealed in Texas on Dec. 14, 1982, when Charlie Brooks, Jr., was put to death by lethal injection. This new method of execution raises additional ethical issues in the debate over the death penalty. As a consequence of these eight executions and the impending death of numerous other death row inmates; the issue of capital punishment is once again in the public forum.

In 1972, at the time of the *Furman v. Georgia* decision, 629 persons were housed on death rows throughout the US. Today, just over 10 years later, the death row population exceeds 1,100 - 500 condemned persons more than at the time of *Furman*! While the debate on capital punishment has continued sporadically and for the most part academically, over the past 20 years, the issue today takes on a greater sense of urgency. The sheer size of the death row population creates a significant dilemma for our society. In addition, since the appeals process for many of these condemned persons has been virtually exhausted, the death row takes on a heightened sense of immediacy. In short, under the present conditions, the death row is far less an academic exercise over the significant levels of deterrence data than it is a significant public issue related to the concept of justice in our society.

The fundamental question, which must be addressed with respect to the death penalty, is under what circumstance does the state have the right to take the life of one of its citizens? That question with respect to the use of capital punishment for first degree murder convictions, was answered by the Supreme Court in the *Furman* and *Gregg* decisions. In those cases, the Court held that the death penalty itself does not contravene the Eighth Amendment's prohibition against cruel and unusual punishment as long as it is applied in a fair and impartial manner. The *Gregg* decision further clarified the procedure which the sentencing court must use in determining the fate of the guilty defendant.

What has been overlooked in these decisions is that the Supreme Court has answered the question only in a legal and not in any moral or ethical sense. One hard lesson which the world should have learned as a consequence of the Holocaust is that law and justice are independent concepts. Law is the deprivation of a society's interpretation of justice which is relative both to time and place. Furthermore, the creation of law is more frequently the result of the interpretation of justice by the powerful in the society which is then applied at the expense of the powerless. A moral and humane society constantly seeks to bring the law into closer harmony with the widest interpretation of justice in that society at any given time. The civil rights movement in the US is an excellent example of this process.

The contention here is that the continued use of the death penalty in the US constitutes a flagrant example of the continuing gap between law and justice in our society. While the Supreme Court has upheld the legality under the Eighth Amendment, it has ignored the moral and ethical implications of the “cruel and unusual” clause.

If one considers the deliberate infliction of pain and suffering on others to be “cruel”, then capital punishment, regardless of its legal interpretation, must fit the definition. Both the actual manner of execution and the long period of confinement in death row preceding its application cause acute pain and mental suffering to the condemned person. The uneasiness which we, in the US, feel towards the infliction of pain on the condemned prisoner has led to a continuous search for more refined and “humane” means of carrying out the execution order.

Charlie Brooks, Jr., the first person killed by lethal injection, has now taken his place in history along with other objects of experimentation in the quest to kill people painlessly. However, the use of otherwise life-saving medical techniques and drugs to carry out executions raises serious ethical questions for the society as a whole and the medical profession in particular. Even though Texas District Judge Doug Shaver feels that death by lethal injection “will make it more palatable”, it surely can not make it more ethical. On the other hand, if we remain convinced that the capital punishment is both a necessary and just means of ensuring social defense, why is it necessary to make it “palatable”? Despite the legal interpretation of the concept “cruel”, the moral interpretation of that concept and its relationship to justice in our society remains unsettling.

USA TODAY/NOVEMBER 1983

Notes:

Furman v. Georgia decision: In *Furman v. Georgia* decision the Supreme Court ruled that the death penalty in Georgia was unconstitutional because it was applied inconsistently as far more blacks than whites were executed for similar crimes. The court, however, did not rule that the death penalty violated the 8th Amendment

Gregg v. Georgia decision: the Court ruled that the death penalty was not unconstitutional as such under the 8th and 14th Amendments.

8th Amendment: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted”.

Exercise 1. Find English equivalents in the text

смертник, средство сдерживания, убийство с отягчающими обстоятельствами, вынести на суд общественности, становиться еще более актуальным, отвечать на вопрос, противоречить 8 Поправке Конституции, за счет властьнеимущих, стремиться привести закон к большей согласованности с, растущая пропасть между правом и правосудием, сознательное причинение боли и страданий другим, осужденный, поднимать серьезные этические проблемы, обеспечить социальную защиту, оставаться нерешенным.

Exercise 2. Answer the questions

- 1) Why was the discussion about the death penalty more urgent at the time the article appeared than ten years before?
- 2) In its Furman and Gregg decisions how did the Supreme Court rule on the question of the circumstances under which the state has the right to take the life of one of its citizens?
- 3) According to Donald B.Walker, which aspect of the issue did the Supreme Court deal with and which aspect did it ignore?
- 4) How do the concepts of law and justice relate to each other?
- 5) What is the author's view on capital punishment?
- 6) How does he support his view?
- 7) What is the author's opinion on carrying out executions by lethal injection?

Debate. Have a debate on the motion: "Capital punishment is unethical and should be banned.

Final Discussion

In small groups comment on the following quotations. Choose one quotation to respond in writing.

- 1) Society prepares the crime; the criminal commits it. (H.Buckle)
- 2) Every unpunished murder takes away something from the security of every man's life (D.Webster)
- 3) Many commit the same crimes with a very different result. One bears a cross for his crime, another - a crown (D.J.Juvenal)
- 4) One eyewitness is of more weight than ten hearsays. (T.M.Plautus)
- 5) He who decides a case without hearing the other side, though he decides justly, cannot be considered just. (L.A.Seneca)
- 6) It's better to risk saving a guilty person than to condemn an innocent one (F.M.A.Voltaire)
- 7) Laws are like cobwebs, which may catch small flies, but let wasps and hornets break through (Jonathan Swift)
- 8) The law is the last result of human wisdom acting upon human experience for the benefit of the public (Samuel Johnson)

Topics for Oral Presentations

1. The Legal Profession in UK
2. The System of Courts in Britain
3. The Legal System in Scotland
4. Criminal and Civil Court Procedures in the UK.
5. The System of Courts in Russia

Unit 3. Self Study Section

Vocabulary

Exercise 1. The ten sentences below tell a story. Rewrite them without changing the meaning, using the prompt words given. The first letters of some words are given.

1. She broke the law, and the police caught her.
She _____ an o _____, and was a _____.
2. The police formally accused her of the crime.
She _____ c _____ the crime.
3. She had to go to a Magistrate's Court.
She a _____ b _____ a magistrate.
4. The magistrate decided that she had to wait for her trial in a cell.
She was r _____ by the magistrate.
5. She was tried in London.
She s _____ t _____ in London.
6. She said she hadn't committed the crime.
She p _____.
7. People gave important information in court.
W _____ gave e _____.
8. Her lawyer asked questions of the prosecution witnesses.
The C _____ D _____ the prosecution witnesses.
9. The jury decided she was guilty.
She was _____ the crime.
10. The judge decided she had to spend five years in prison.
She was _____ five years' I _____.

Exercise 2. Choose the most appropriate word underlined.

1. The police arrested Jack and took him into custody/detention/prison.
2. In most countries, the capital/death/execution penalty has been abolished.
3. A man is said to be helping the police with their arrests/ detection/inquiries.
4. The judge in the court was wearing a hairpiece/head-dress/wig/
5. Two football fans were later charged with aggression/assault/attack.
6. Less serious cases are dealt with in the criminal/juvenile / magistrate's courts.
7. I was given a light sentence because it was my first case/ charge/ offence.
8. A patrol car stopped me because I was racine/ running/ speeding in a build-up area.
9. The case was dismissed for lack of evidence/ a jury/ witnesses.
10. 'Members of the jury, what is your answer/ summary/ verdict?'

Exercise 3. Complete each sentence by putting one or two suitable prepositions in each space.

1. The new law on dropping litter comes _____ force next month.
2. Ann was released from prison and now she is _____ probation.

3. Local students have been banned ___ taking part in the demonstration.
4. The police have charged her ___ driving without due care and attention.
5. Local people have called for an investigation ___ the causes of the fire.
6. Football fans went ___ the rampage in the centre of Norwich last night.
7. She claimed that the selling of habit forming drugs was getting ___ control.
8. The car left the road and rashed ___ the tree.
9. Several guests at the hotel were robbed ___ jewellery and money.
10. David, 19, has been sleeping ___ a park bench for the past six months.

Exercise 4. Insert a suitable word in the blank.

Judgement - sentence- verdict –

1. The judge is bound to accept the jury's _____.
2. The _____ of death was commuted to life imprisonment.
3. In summing up, the judge showed wise _____.
4. The jury brought in a _____ of "not proven".

Lawful - legal - legitimate - rightful

5. He is not the _____ heir to the throne, he's a usurper.
6. Do you take this woman to be your _____ wedded wife? (marriage service)
7. The all sound convincing, but who is the _____ claimant?
8. It is not _____ for Roman Catholic priests to marry.
9. It is not a _____ document without both signatures.

Pursue- persecute - prosecute

10. This is the plan we should _____
11. Insult me again , and I'll _____ you.
12. The judge called the counsel for the _____
13. They threatened to _____, but he refused to be intimidated.
14. The Quakers were relentlessly _____ during the Restoration Period.

Exercise 5. Complete each sentence with a word derived from the word in capitals.

- | | |
|--|--------------|
| 1. This new law will _____ certain forms of gambling | LEGAL |
| 2. The _____ of the contract can only be tested in a court of law. | LEGAL |
| 3. The company was hit by the _____ of crises. | SUCCESS |
| 4. There was a/an _____ rise in the cost of living this year. | PRECEDENT |
| 5. The evidence in this case is entirely _____ | CIRCUMSTANCE |
| 6. Mr Maxdell stated that the _____ against him were unfounded. | LLERGE |
| 7. The enquiry decided that the police were not entirely _____ | BLAME |
| 8. The two prisoners are to be _____ next month. | TRIAL |
| 9. The police car raced through the streets in _____ of another car. | URSUE |
| 10. The trial ended up with the _____ of the defendant. | ACQUIT |

Text features

There are many features of texts which help the reader understand how the information in the text is organised:

Reference words: 1. This, that, it. Within the text, words may refer to ideas already mentioned, or point forward. Pronouns such as *it, this, that, these, those* are very common in this role.

Such. This has the effect of *like this*.

Text organisers. This term covers a wide range of words and phrases which make text easier to understand. A selection is given below:

Adding a point (*also, as well as, in addition to, furthermore, moreover, not only, but also*)

Comparison/Contrast (*likewise, similarly, like/unlike, however, although, while/whereas, despite the fact/in spite of, nevertheless, still, but/yet, on the one hand, on the other hand*)

Logical relations (*as a result, accordingly, thus, hence*)

Sequencing phrases, i.e devices that signal for a series of points which will follow (*there is a number of ways, first of all, next, finally, last but not least*)

Cause and effect phrases (*therefore, because, so ... that, due to/owing to, consequently, for this reason,*

Phrases of opinion –definition (*basically, obviously, presumably, definitely, personally*)

Concluding phrases (*all in all, overall, generally, in conclusion, on the whole*)

Exercise 6. The following sentences can be put together to form a newspaper report but they are in the wrong order. Put them in the right order and decide how the words and phrases underlined help to link the parts of the text.

They had followed him into a multi-storey car park where he had left his car while attending an evening course.

They made off with 50\$ in cash leaving the driver bruised and cut.

A man was beaten and robbed by two thugs in Bond Street on Wednesday evening.

The victim, from Wembley, had just sat in the driving seat when two men wrenched open the door, pulled to the ground, punched him, and stole his wallet.

One was wearing a gold chain around his neck.

Anyone with information should contact their local police station.

The attackers were both between 18 and 20, of medium height, and were wearing dark sunglasses and dark leather jackets.

The other had three gold ear-rings in his left ear.

Write the correct order (1,2,3 etc.) in the boxes.

Exercise 7. Put one word in each space.

Recently there have been doubts about the proper functioning of the English legal system, after several well-publicised cases in (1) ____ police evidence was eventually shown to be suspect, but (2) ____ after the wrongful conviction of the accused. In several of (3) ____ cases, the crimes involved acts of terrorism, and the police were (4) ____ considerable pressure to discover (5) ____ had been responsible. Although this in no way excuses the actions of police officers (6) ____ may have falsified evidence, or suppressed evidence which worked against their case, (7) ____ underlines the ways (8) ____ which publicity in the press and on television exercises an enormous influence, (9) ____ the supposed guarantees under the law designed to prevent a jury from becoming unduly influenced. The specific details of a criminal case are not discussed in the press before a case reaches the courts, and the names of those involved (10) ____ often withheld. (11) ____, as (12) ____ verdict to suit its taste for sensationalism and members of the police might be accused of enlisting the aid of the press by “leaking” details of a prosecution. Unfortunately, far too (13) ____ press reports of court cases examine the evidence (14) ____ the defence in the same spirit as (15) ____ for the prosecution. And a verdict of guilty simply seems to confirm that all those details of defence evidence are (16) ____ ‘true’. (17) ____ is also the assumption that if a case has reached the courts, then the police have sufficient evidence, and that therefore the establishing of a guilty verdict is just a (18) ____ of course. Ironically, there is (19) ____ a well-established tradition of investigative journalism which is devoted to setting right miscarriages of justice, and in (20) ____ such investigations carried out by newspapers and television programmes have led to the overturning of convictions, often when innocent parties have spent ten years or more behind bars.

Exercise 8. Complete the text with the missing parts that follow.

Public opinion polls show that (1) _____. Several studies have also shown that (2) _____. Experts believe that (3) _____, and also because violent crime is a popular theme for television series and films. Many Americans are therefore surprised to learn that, according to Interpol, (4) _____ that for several other western nations such as Sweden, New Zealand, or Denmark, and not much higher than those for West Germany, Austria, or England.

In the United States, as elsewhere, the causes of serious crime are hotly debated and many reasons for it suggested. Among these are (5) _____. Surprisingly, a major study of crime in the US carried out by North-Western University in 1982 found that (6) _____. In other words, American cities with a higher rate of unemployment and poverty do not necessarily also have a higher crime rate.

Many experts are coming to believe that (7)_____. Many communities across the nation have started their own campaigns against crime, encouraging their citizens to participate in crime-prevention programs and to report crimes. Several civil rights groups actively support such "self-help" campaigns. In some neighborhoods, citizens participate in "neighborhood watch" programs and organize groups to patrol the streets.

Sentence completions:

(a) this awareness and fear of crime is largely caused by the great attention it is given in newspapers and on television

(b) only grass roots efforts to improve community life overall will have a lasting effect

(c) the amount of crime, especially violent crime, is frequently overestimated.

(d) the "general crime rate per 100,000 inhabitants" for the US is significantly lower than

(e) that Americans view crime as one of the most serious problems of the society

(f) unemployment, drug abuse, poverty, inadequate police enforcement, ineffective courts, racial discrimination consumerism, television, and "general decline in middle class values

(g) the number of poor people in a city is only marginally related to property or violent crime

Exercise 9. Choose the most suitable word for each space.

Ask most people for their list of Top Ten fears, and you'll be sure to find (1) _____ burgled fairly high on the list. An informal survey I carried out among my friends at a party last week revealed that eight of them had had their homes (2) _____ into more than twice, and two had been burgled five times. To put the record straight, (3) _____ of my friends owns valuable paintings or a sideboard full of family silverware. Three of them are students, in fact. The most typical (4) _____, it seems, involves the (5) _____ of easily transportable items - the television, the video, even food from the freezer. This may have something to do with the (6) _____ that the average burglar is in his (or her) late teens, and probably wouldn't know (7) _____ to do with Picasso, whereas selling a Walkman or a vacuum cleaner is a much easier (8) _____. They are perhaps not so (9) _____ professional criminals, as hard-up young people who need a few pounds and some excitement. (10) _____ that this makes having your house turned upside down and your favourite things stolen any easier to (11) _____. In most cases, the police have no luck (12) _____ any of the stolen goods. Unless there is any definite (13) _____, they are probably unable to do anything at all. And alarms or special locks don't seem to help either. The only advice my friends could (14) _____ was "Never live on the ground floor" and "Keep two or

three very fierce dogs”, which reminded me of a case I read about, where the burglars “(15)_____ included the family’s pet poodle.

- | | | | |
|---------------------|----------------|------------------|----------------|
| 1) a) been | b) having | c) being | d) out |
| 2) a) robbed | b) broken | c) taken | d) entered |
| 3) a) none | b) some | c) all | d) few |
| 4) a) burglary | b) item | c) one | d) invariably |
| 5) a) carrying | b) robbing | c) example | d) theft |
| 6) a) information | b) fact | c) idea | d) knowledge |
| 7) a) where | b) how | c) what | d) whatever |
| 8) a) matter | b) price | c) event | d) one |
| 9) a) many | b) much | c) that | d) rarely |
| 10) a) Given | b) So | c) Not | d) Despite |
| 11) a) believe | b) accept | c) do | d) attempt |
| 12) a) taking | b) about | c) tracking | d) recovering |
| 13) a) case | b) burglary | c) investigation | d) evidence |
| 14) a) come up with | b) get by with | c) bring up with | d) put up with |
| 15) a) takings | b) profit | c) loot | d) receipts |

Exercise 10. Beside each problem a) to j) write the best solution from 1) to 10)

Choose one of the problem-solution options and develop it into a paragraph “How to combat”

- | | |
|---------------------------------|---|
| a) high unemployment | 1) introduce tougher measures to control crowds. |
| b) homelessness | 2) reduce speed limits. |
| c) drug addiction | 3) retrain anyone made redundant |
| d) football hooliganism | 4) encourage retailers to use closed circuit television |
| e) road accidents | 5) clamp down on traffickers and dealers. |
| f) deaths from smoking | 6) increase the number of local foot patrols |
| g) petty crime | 7) provide more hostels and cheap accomodation. |
| h) accidents in the home | 8) mount a campaign to educate parents and children |
| i) shoplifting | 9) raise taxes to discourage people from doing this |
| j) vandalism of public property | 10) make the culprits repair the damage they cause |

Glossary of Legal Terms

affidavit	письменное показание под присягой, аффидевит
accomplice –	соучастник
complicity –	соучастие
accuse (v) –	обвинять
the accused–	обвиняемый
accusation–	обвинение
acquit (v) –	оправдать по суду
acquittal (n)–	оправдание по суду
aiding and abetting –	соучастие и подстрекательство
alibi(n) –	алиби
allege (v) –	заявлять, утверждать
allegation(n)–	заявление, утверждение
allegedly (adv) –	как утверждают, будто бы, якобы
appeal (v,n) –	апеллировать, обжаловать апелляция,
appellant:	апеллянт, истец по апелляции
arson –	поджог
assault (v, n) –	1)нападать;нападение;2)грозить физическим насилием; словесное оскорбление и угроза физическим насилием
assault and battery –	нанесение побоев
attorney (n) –	поверенный, представитель истца; прокурор
prosecuting attorney –	прокурор
district attorney –	окружной прокурор
Attorney General (US) –	генеральный прокурор
Procurator General (UK)	генеральный прокурор
bail –	судебный залог
release smb on bail/ grant smb bail –	освободить под залог
bailiff –	судебный пристав, заместитель шерифа
the Bar –	адвокатура
to go to/to be called to the Bar	получить право адвокатской практики
battery :-	побои, избиения
the bench –	судьи
blackmail –	шантаж
Borstal (UK) –	исправительная колония для несовершеннолетних преступников

bribe (v, n) –	давать взятку; взятка, подкуп
bribery –	взяточничество
burden of proof –	бремя доказательства
burglary:	кража со взломом
burglar –	грабитель
capital punishment/ crime	смертная казнь/ преступление, наказуемое смертной казнью
case:	судебное дело; доводы, доказательства
win/lose a case –	выиграть/ проиграть дело в суде
case in point: –	рассматриваемое дело/вопрос; случай относящийся к делу
examine/hear/close a case --	расследовать, слушать, прекращать дело
charge (n, v) –	обвинение; обвинять
on charge of–	по обвинению в
false/framed up/trumped up	ложное обвинение
charge –	
charge smb with smth –	обвинить
submit/bring charges against	
smb.	
circumstances	обстоятельства совершения преступления
aggravating circumstances	отягчающие обстоятельства,
extenuating/mitigating circum-	смягчающие обстоятельства
stances	
clemency	помилование
code:	кодекс.
code of honour–	кодекс чести
complaint:	иск; жалоба
file/answer/challenge a com-	подать иск в суд/ оспаривать иск
plaint –	
complainant(cf. plaintiff) –	истец, ответчик
conspiracy: –	заговор
convict (v, n) –	признать виновным по суду
conviction (n)	обвинительный приговор
overrule/void/reverse a con-	аннулировать обвинение
viction–	
coroner –	коронер; судья, выносящий решение о причинах смерти при подозрительных обстоятельствах
counsel –	1) участвующий в деле адвокат, 2) барристер

Counsel for Defence/Prosecution –	адвокат защиты/обвинения
Queen’s or King’s Counsel (Q.C./K.C.) –	королевский адвокат
to serve as one’s own counsel –	отказаться от защиты на суде
counterfeiter –	фальшивомонетчик
court –	суд; состав суда, заседание суда, помещение суда
the courts –	судебные органы
lower/superior court –	низшая.высшая судебная инстанция
Supreme Court –	Верховный суд
court of appeal/appeals court –	кассационный суд
common pleas court –	суд общего права
juvenile court –	суд по делам несовершеннолетних
circuit court (US) –	окружной выездной суд
district court (US) –	окружной суд
county court:	суд первой инстанции
federal court –	федеральный суд
state court –	суд штата
contempt of court –	неуважение к суду
crime:	преступление; преступность
crime rate –	уровень преступности
commit a crime –	совершить преступление
criminal (n, adj.) –	преступник; преступный, уголовный
criminal court –	уголовный суд
criminal case –	уголовное дело
institute criminal proceedings against –	возбудить уголовное дело против
custody –	заключение под стражу, содержание под стражей
take smb into custody –	взять под стражу
remand smb in custody –	содержать под стражей
the defence –	защита
defence counsel/defence lawyer –	защитник, адвокат
defendant –	подсудимый, ответчик
deliberation	совещание, обсуждение
jury’s deliberations	совещание присяжных
deposition	письменные показания под присягой
detention –	задержание
detain a person on a charge of	задержать по обвинению в

the dock –	скамья подсудимых
be in the dock–	быть на скамье подсудимых
embezzlement –	растрата
espionage –	шпионаж
evidence –	доказательства, улики, свидетельские показания
Direct/circumstantial/relevant/ /irrelevant/admissible/inadmiss ible/material/ corroborative/irrefutable/ hearsay/presumptive/ documentary evidence –	прямые/ косвенные/ относящие к делу/ не относящиеся к делу/ приемлемые/ неприемлемые/ вещественные/ дополни- тельные/ неопровержимые/ основанные на слухах /опровержимые /документальные доказательства
give evidence –	давать показания
exile –	ссылка
extortion –	вымогательство
felony:	тяжкое преступление
first degree murder:	тяжкое убийство первой степени
fine –	штраф
forgery –	подлог документа
fraud –	обман; мошенничество
guilty –	виновный
find smb guilty/ not guilty –	признать виновным/невиновным
plead guilty/ not guilty–	признать себя виновным / невиновным
admit/confess one's guilt	сознаться в совершенном пре-ступлении
homicide –	убийство
indictment:	обвинительный акт/заключение.
indict smb –	предъявлять обвинение
judge(n, v) –	судья, судить
judgement –	1) судебное решение; 2) суждение, мнение, оценка
pass/deliver judgement on	вынести решение по делу
Justice of the Peace (cf.	-мировой судья
magistrate)	
jurisdiction:	юрисдикция; подсудность, под-следственность
jury: –	присяжные, суд присяжных
grand jury (US) –	большое жюри, суд присяжных, решающий вопрос о передаче дела в суд
petit jury –	малое жюри, суд присяжных, рассматривющий дело по существу
convene/swear/serve/sit in a jury	входить в состав присяжных
exclude from jury duty	исключать из списка присяжных
choose/select a jury	отбирать, подбирать присяжных
a hung jury	присяжные, не достигшие единогласного решения

qualification for jury service	требования, которым должен отвечать присяжный
juror/jury member –	присяжный заседатель
challenge a juror	сделать отвод присяжному
qualify a juror	утверждать чью-л. кандидатуру в присяжные
jury panel –	список присяжных
juvenile delinquency –	подростковая преступность
juvenile delinquent –	несовершеннолетний преступник
kidnapping –	похищение людей
larceny (cf. theft) –	похищение имущества
libel (cf. slander)–	клевета в печати
law –	закон, право, юриспруденция
enforce law –	осуществлять закон
law enforcer –	блюститель закона
keep/break law –	соблюдать/нарушать закон
common law –	общее право
statutory law –	статутное право (право, основанное на законодательных актах)
case law –	прецедентное право
criminal/civil law –	уголовное право/гражданское право
legal –	законный, юридический, судебный, легальный
legal proceedings/ legal process –	судопроизводство
legal action/suit –	иск, тяжба
legalise smth –	узаконить
take legal actions –	возбуждать иск, подавать в суд, преследовать в судебном порядке
legitimate	1. законнорождённый, 2. законный (о правителе) осуществляемый по закону о наследовании (о власти и т.п.), правильный 3. законный, допустимый, оправданный, обоснованный
legitimate child —	законнорождённый ребёнок
legitimate claim —	законное требование
for legitimate purposes —	для законных целей
legitimate reason —	уважительная причина
to have a legitimate complaint	иметь полное основание жаловаться
liable : –	ответственный, обязанный, под-лежащий
liable to civil/criminal proceedings –	несущий гражданскую/ уголовную ответственность

liable to taxes –	подлежащий налогообложению
liability –	ответственность, обязанность
litigant:	сторона в гражданском процессе
litigation:	гражданский судебный спор, тяжба
manslaughter	непредумышленное убийство
voluntary manslaughter	убийство без злого предумышления в результате неправомерного действия
involuntary manslaughter–	неосторожное убийство
miscarriage of justice	судебная ошибка
misdemeanor –	наименее опасное преступление, граничащее с административным правонарушением
negligence–	небрежность
offence –	правонарушение; преступление
offend against the law –	нарушать закон
offender –	правонарушитель; преступник
first/repeat offender	совершивший преступление впервые/повторно совершающий преступление
ordinance–	указ, статут, закон; постановление муниципального органа
pardon (v, n)	помиловать; помилование
parole –	условное освобождение, честное слово, обещание;
release smb on parole/grant parole	отпускать на поруки; освобождать под честное слово
be eligible to parole –	подлежащий освобождению под честное слово
penalty –	наказание, карательная мера
penal (adj.) –	уголовный, наказуемый
penal servitude –	каторжные работы
perjury–	лжесвидетельство
plaintiff–	Истец
plea bargain	договоренность между судом и подсудимым о том, что последний признает себя виновным в совершении менее тяжкого преступления и получит минимальное наказание
pleading–	состязательная бумага; предварительное производство по делу
pleadings in court –	прения сторон в суде
presumption of innocence –	презумпция невиновности
preliminary investigation –	предварительное расследование
probate court –	суд по делам о наследстве
probation –	условное освобождение
be on probation –	быть условно освобожденным

grant probation –	условно освободить
proceedings:	судебное разбирательство,
take proceedings against	судопроизводство, рассмотрение дел в суде
prison/jail/penitentiary (US)	возбудить дело против
maximum security prison	тюрьма / исправительное учреждение
prisoner –	тюрьма строгого режима
prison office/jailer –	заключенный
imprisonment–	стражник/тюремщик
imprison/jail smb –	тюремное заключение
serve a term in prison –	заключить в тюрьму
escape from prison–	отбывать срок в тюрьме
prosecution –	убежать из тюрьмы
prosecutor –	судебное преследование
prosecute (v) –	обвинитель
reprieve –	возбуждать дело, подавать в суд; привлечь к
robbery–	судебной ответственности
ruling –	отсрочка; отсрочить исполнение приговора
rulings of the judge –	грабеж
second degree murder–	постановление (суда)
sentence –	решение судьи по вопросам процедуры
a suspended/nominal sentence–	тяжкое убийство второй степени
pass sentence on smb–	мера наказания, приговор
quash/void (US) a sentence–	условный приговор
commute/reduce a sentence –	вынести приговор
shoplifting –	аннулировать приговор
slander –	смягчить приговор
smuggling –	кража в магазине
smuggle –	устное оскорбление, устная клевета
solicitor –	контрабанда
speeding–	заниматься контрабандой
subpoena –	поверенный
summons –	превышение скорости
suspect (v, n)–	повестка в суд; вызывать в суд
swindling–	повестка
theft–	подозревать; подозреваемое лицо
testify (v)–	жульничество
testimony (n)–	кража, воровство
tort –	выступать в качестве свидетеля;
transcript–	показание, данное в устной или
treason –	письменной форме под присягой
	гражданское правонарушение
	стенографическая копия судопроизводства
	измена

trespass-	посягать; посягательство (на лицо, закон, права)
trial -	судебный процесс, судебное разбирательство
the trial of -	суд над
at a trial -	на суде
go on trial -	предстать перед судом
put smb on trial / commit smb for trial -	отдать под суд
hold a trial -	проводить судебный процесс
call off a trial -	отменить судебный процесс
public trial	открытый процесс
stand trial	предстать перед судом
try/hear a case	слушать дело
try smb for smth -	судить за что-л.
jury trial -	суд присяжных
trial court -	суд первой инстанции
bench trial-	суд в полном составе
verdict -	вердикт, приговор, решение при-сяжных
pass/return/bring in a verdict-	вынести вердикт (решение присяжных)
waiver-	отказ от права
warrant-	приказ, ордер, предписание
witness-(n, v) -	свидетель; давать показания в суде
witness for the prosecution/ the defence-	свидетель обвинения/ защиты
a false witness-	лжесвидетель
call a witness-	вызывать свидетеля
cross-examine a witness-	подвергать свидетеля перекрест-ному допросу
impeach a witness	дискредитировать свидетеля
swear in a witness-	приводить свидетеля к присяге
witness box/ witness stand (US)-	место, с которого свидетель дает показания
writ	судебный приказ

Keys to the Exercises:

Ex.1. 1) She committed an offence and was arrested. 2. She was charged with the crime. 3) She appeared before a magistrate. 4) She was remanded in custody by the magistrate. 5) She stood trial in London. 6) She pleaded not guilty. 7) Witnesses gave evidence. 8) The Council for the Defence cross-examined witnesses. 9). She was convicted of the crime. 10. She was sentenced to five years' imprisonment.

Ex.2. 1) custody 2) death 3) inquiries 4) wig 5) assault 6) magistrate's 7) offence 8) speeding 9) evidence 10) verdict

Ex.3. 1) into 2) on 3) from 4) with 5) into 6) on 7) out of 8) into 9) of 10) on

Ex.4. 1) verdict 2) sentence 3) judgement 4) verdict 5) legitimate 6) lawful 7) rightful 8) lawful 9) legal 10) pursue 11) prosecute 12) prosecution 13) prosecute 14) persecuted

Ex.5. 1) legalize 2) legality 3) succession 4) unprecedented 5) circumstantial 6) allegations 7) blameless 8) tried 9) pursuit 10) acquittal

Ex. 6 2, 4, 1, 3, 6, 8, 5, 7

Ex.7. (1) which, (2) only, (3) these, (4) under, (5) who, (6) who, (7) it, (8) in, (9) despite, (10) are, (11) However, (12) own, (13) few, (14) for, (15) that, (16) thus, (17) There, (18) matter, (19) also, (20) fact

Ex.8 (1) e, (2) c, (3) a, (4) d, (5) f, (6) g, (7) b

Ex.9. 1) c, 2) b, 3) a, 4) a, 5) d, 6) b, 7) c, 8) a, 9) b, 10) c, 11) b, 12) d, 13) d, 14) a, 15) c

Ex.10. a) 3, b) 7, c) 5, d) 1, e) 2, f) 9, g) 6, h) 8, I) 4, j) 10

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