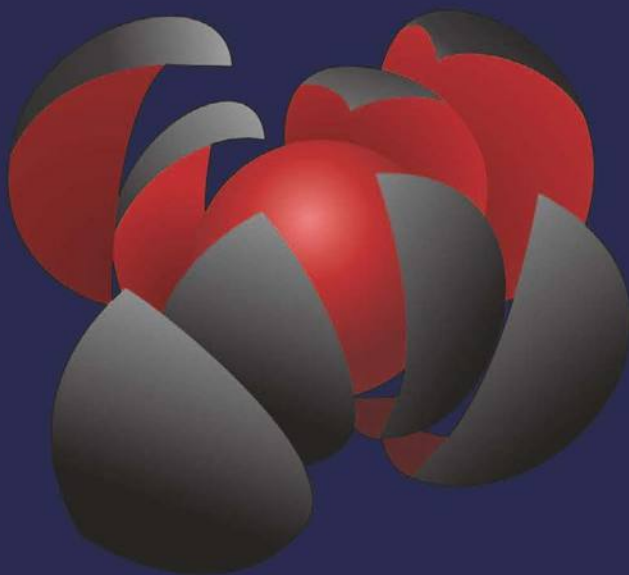


English for Professional Communication in Law

Английский язык для юристов

English
for
Professional
Communication
in Law

Problem Solving



English for Professional Communication in Law

Problem Solving

Под редакцией
кандидата педагогических наук **А.С. Артамоновой**

*Рекомендовано Учебно-методическим центром
«Профессиональный учебник» в качестве учебного пособия
для студентов высших учебных заведений, обучающихся
по специальности 030501 «Юриспруденция»*

*Рекомендовано Научно-исследовательским институтом
образования и науки в качестве учебного пособия
для студентов высших учебных заведений, обучающихся
по специальности 030501 «Юриспруденция»*



Москва • 2012

УДК 811.111'233(075.8)
ББК 81.2Англ-923
Е56

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English for Professional Communication in Law. Problem Solving: учеб. пособие для студентов вузов, обучающихся по специальности «Юриспруденция» / [авт.-сост. Л.С. Артамонова и др.]; под ред. Л.С. Артамоновой. — М.: ЮНИТИ-ДАНА, 2012. — 247 с.
Л. Артамонова, Людмила Сергеевна, сост.

ISBN 978-5-238-02087-7

Агентство СІР РГБ

Пособие предназначено для подготовки студентов к речевому взаимодействию в профессионально-деловой и социокультурной сферах коммуникации. Пособие содержит Книгу студента и Книгу учителя. Предложены такие темы, как: *Law in Everyday Life, Human Rights, Juvenile Delinquency, The Police, Punishment, ..., Logical Thinking*.

Для студентов вузов, обучающихся по специальности «Юриспруденция», а также всех, изучающих английский язык.

ББК 81.2Англ-923

ISBN 978-5-238-02087-7

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I hear and I forget
I see and I remember
I do and I understand

Chinese proverb

От авторов

Учебное пособие предназначено для подготовки студентов к *речевому взаимодействию в профессионально-деловой и социокультурной сферах коммуникации* и может быть использовано при работе со студентами юридических специальностей с различным уровнем языковой подготовки.

Основные задачи пособия:

- (1) развитие умений *оносредованного письменного (чтение) и непосредственного устного (говорение) общения на английском языке;*
- (2) *ознакомление с элементами лингвопрофессионального компонента деятельности юриста (лексические единицы, формулы речевого общения, информационные тексты);*
- (3) *развитие умений передавать на английском языке сообщения в форме монологического высказывания;*
- (4) *развитие умений обмениваться информацией в процессе диалогического общения в соответствии с содержанием прочитанного или прослушанного текста, осуществляя при этом определенные коммуникативные намерения в рамках речевого этикета: представление, установление и поддержание контакта, сообщение информации, уточнение, сравнение, сопоставление, обобщение, анализ, выражение согласия/несогласия с мнением собеседника, завершение беседы, выводы и др.*

Решение поставленных задач обеспечивается компетентностным подходом к организации работы с пособием.

Отличительная черта пособия — *проблемно-коммуникативный метод*, впервые использованный в пособии по подготовке к иноязычной профессиональной коммуникации в области права. Метод предусматривает организацию аудиторной самостоятельной деятельности студентов с целью разрешения проблем и проблемных ситуаций через учебную коммуникацию. Метод предопределил подбор текстов, форму работы с ними и коммуникативную направленность заданий.

Наилучший способ реализации этого метода — *работа в парах и мини-группах*, позволяющая преподавателю проводить занятия более

эффективно, раскрывать потенциальные возможности каждого обучаемого, учить студентов приобретать знания самостоятельно.

Такая форма работы способствует также одновременному формированию и развитию языковых знаний и навыков и коммуникативных умений в нескольких видах речевой деятельности: аудировании, говорении, чтении.

Помещенные в пособие тексты с лингвистической точки зрения представляют собой речь современных образованных носителей английского языка. В пособие включены тексты конкретных судебных дел, которые поступили в апелляционные инстанции Англии и опубликованы в профессиональных юридических журналах. Авторы использовали материалы ежегодно проводимого игрового судебного процесса в Университете Мемфиса, полученные на семинаре Гильдии преподавателей и переводчиков английского языка для юристов в Москве 27–29 ноября 2003 г. (*Simplified Rules of Evidence. Rules of Criminal Procedure*), публикации Министерства внутренних дел и Министерства здравоохранения Британии, Европейского Центра по контролю за распространением и применением наркотиков а также другие источники и литературу, перечисленные в библиографическом списке пособия.

Тексты отобраны с таким расчетом, чтобы они были интересны для дискуссий и могли быть использованы для дальнейшего расширения лексического запаса профессионального языка.

Аутентичные материалы пособия дают хорошую основу для того, чтобы научить студентов логически формулировать мысли на английском языке, а также создают естественные условия для развития навыка общения в профессиональной сфере.

В пособии предложены следующие темы: *Law in Everyday Life, Human Rights, Juvenile Delinquency, The Police, Trial, Punishment, Drugs as Death Danger, Constitution, Transnational Crimes, Logical Thinking*. Преподаватель может работать с разделами пособия в любой последовательности в зависимости от учебных целей.

Пособие включает методические рекомендации, книгу для студентов с 11 тематическими разделами, книгу для преподавателя с ключами и приложения, содержащие формулы речевого общения.

Методические рекомендации

Задача преподавателя — вовлечение студентов в активный творческий процесс совместного размышления. Студенты учатся обосновывать свою точку зрения, проводить исследовательскую работу, работать в коллективе.

Желательно формировать группы учащихся с учетом психологической совместимости, поскольку при определенном эмоциональном настрое, в атмосфере доверия и взаимоуважения, где отсутствовал бы страх перед ошибкой, студенты спокойно и уверенно берутся за трудные и ответственные дела.

Во время аудиторного занятия преподавателю следует наблюдать за работой студентов, переходя от группы к группе, помогать, подсказывать, поддерживать рабочее настроение студентов, стимулировать их усилия. При возникновении затруднений следует помогать учащимся, или прямо отвечая на вопрос, или ненавязчиво предлагая подсказку, или стимулируя их самостоятельный поиск наводящими вопросами.

Групповая работа подразделяется на два вида: единую и дифференцированную. В рамках единой работы все группы выполняют одинаковые задания. При дифференцированной работе группы выполняют разные задания при общей для всех студентов теме.

Пособие содержит следующие виды заданий и приемы работы.

1. **Presentation (Презентация).** В конце презентации выступающий предлагает для обсуждения проблемный вопрос.

2. **Debate (Дискуссия).** Примеры:

- (1) несколько подготовленных высказываний, представляющих различные точки зрения. Студенты выбирают одно из высказываний и объединяются в группы для проведения дискуссии. После обсуждения группы приводят доводы, подтверждающие свой выбор. Затем представитель группы высказывает мнение группы по обсуждаемой теме. Любой студент может продолжить обсуждение, высказав свою поддержку или несогласие с выступавшим;
- (2) обмен информацией для создания единого текста из его разрозненных частей;
- (3) обсуждение членами мини-групп текстов, имеющих одинаковую тематику, но содержащих различную информацию. Такого рода прием содержит новод для коммуникации: обмена информацией, сопоставления имеющейся информации, ее уточнения;

- (4) на один и тот же вопрос предлагается изложить различные точки зрения (юриста, социолога, политика, журналиста и др.);
- (5) работа с карточками, где дана информация для обсуждения и принятия единого решения.

3. «Опрос общественного мнения», «Интервью». Здесь задача заключается в том, чтобы опросить как можно больше товарищей по группе с тем, чтобы получить ответы на поставленные вопросы, выяснить их мнение относительно какой-либо проблемы, получить вариант решения проблемы.

4. Составление диалогов.

По окончании каждого задания обязательно проходит обсуждение итогов в виде отчета студентов о полученных результатах совместной работы, что одновременно является и контролем со стороны преподавателя. Преподаватель принимает участие в обсуждении, предлагая ответить на ряд вопросов.

Задания, связанные с изучением больших текстовых материалов, например, подготовка презентации, дискуссий и т.н., задаются на дом.

Авторы выражают свою искреннюю благодарность заведующей кафедрой английского языка № 1 МГЮА, профессору, кандидату психологических наук Галине Николаевне Ермоленко и доценту кафедры английского языка № 1 МГЮА кандидату филологических наук Виталию Алексеевичу Родионову за прочтение рукописи и ценные замечания.

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STUDENT'S BOOK

Unit I

LAW IN EVERYDAY LIFE

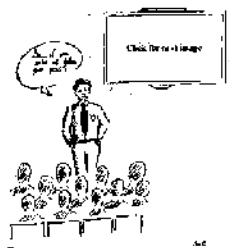
Task 1 Presentation

Prepare a presentation on one of the following problems (homework):

- (1) Law
- (2) Different Kinds of Rules
- (3) Importance of the Law

Your presentation is to meet the following requirements:

- (1) prepare it according to the plan given below
- (2) time frame — 4—5 min
- (3) to conclude, suggest a problem question for your fellow-students to discuss
- (4) use the words and expressions given after the respective texts



Presentation

There are three main sections:

- Introduction
- Main body
- Conclusion

The main points of Introduction

- (1) greeting the audience:
 - *Good morning, ladies and gentlemen.*
 - *Let me introduce myself...*
- (2) the purpose of the presentation:
 - *Today I'm going to speak about...*
 - *I'll be talking about...*
 - *The subject of my presentation is...*

(3) the order of developing the main idea:

- *My presentation will be in... parts*
- *I've divided my presentation into... parts*
- *Firstly, I'll be talking about...*
- *Secondly, I'll move on to...*
- *Then I'm going to speak about...*
- *Finally, I will...*

The main body of presentation

- *So, let's get started.*
- *I'd like to go on to the next point...*
- *Here I'll turn to...*
- *Now let's look at...*
- *The main thing here is...*
- *It should be pointed out that...*
- *I'd like to draw your attention to...*
- *To start/to begin with...*
- *After this/that/Afterwards...*
- *What is more/Furthermore/In addition (to)/Moreover...*

Closing the talk

- *To finish I would like to say...*
- *I'd like to remind you...*
- *To sum up,...*
- *As you now can see...*
- *In conclusion,...*
- *That's all for now. Thank you.*
- *If you have any questions you are free to ask*
- *Finally...*
- *Lastly...*
- *Taking everything into account/consideration...*
- *On the whole...*
- *For the above mentioned reasons...*

Text 1 Law

Human beings have always lived together under rules of one kind or another.

It does not matter where in the world; it does not matter in what age, whether the society in which they lived was a simple or a complex one by our present-day standards — humans have always as a matter of necessity lived by rules.

These rules are likely to be influenced by nature and the natural environment of the society in which people live, and by the simple natural instinct everyone has for survival. They may be influenced by religious or secular beliefs, and they will cater for the ideas of right and wrong that have been developed over time to suit the society in which they live.

Think about yourself. If you form a club or society to include your friends, almost certainly the first move will be to choose a leader and make up some rules. You may find that they do not all work, and as time goes by you will change and adapt them to suit your needs, and any new ideas you may have; but you will not be able to manage without any rules at all. Even criminals who plan a crime will work to a set of rules of their making, however unpleasant they and their crime may be..

Every sport has to have its own set of rules. Imagine what it would be like trying to play cricket or football, tennis, or netball without rules. Even the simplest sport such as running a race must have rules. If it had none at all, everyone would set off at different times and in different directions and stop at different places!

Sometimes new rules are introduced into a sport to make it more enjoyable to play and watch: the «off-side» rule in football is an example of this. After a while people forget about the changes and the reasons for them, and the new rules become as much a part of the game as all the old ones.

If we think about our own family and school, past or present, we will know that there are things that we have to do and things we are not allowed to do. Some of these rules will be very obvious and we would expect to find them in any family or school. Some may apply only in our lives. They may be sensible, or they may seem to us or to outsiders to be strange — even foolish. We may well question these rules, but we will be told that there is no point in doing so: this is how things have always been, and how they are — the «*Law is The Law*».

Very often these rules will be in force because our parents and school are handing down to us a way of living which has been tried and tested, and which has suited them over many years. Whether they are sensible or silly, useful or useless, serious or fun, we still live by them, because it has become the custom to do so. Gradually, over a period of time, these customs may change to adapt to the new times, just like the rules of a sport.



Words and Expressions to be Used in Presentation

to live under (by) rules
natural environment of the society
religious beliefs
the ideas of right and wrong
to suit the society
to choose a leader
to make up rules (a set of rules)
as time goes by
to change and adapt rules
to suit your needs and new ideas
to manage without rules at all
criminals
a crime
to have a set of rules
to introduce new rules
rules may be obvious,
 sensible or silly
 strange
 foolish
 useful or useless
 serious or funny
rules may apply in our lives
 in a family
 in a school
to question rules
there is no point in doing so
rules will be in force
a way of living

Text 2 **Different Kinds of Rules**

Rules are the basic commonsense rules of everyday life. We must have rules that forbid us to do things which almost everyone thinks of as plainly and morally wrong.

We must not kill or rob. This all seems very obvious and we would expect to find the same rules in countries throughout the world. Nevertheless, we must have rules in our own country which make killing and robbing crimes, and provide a system of punishment for those who commit these and other crimes.

Rules govern things that have become important in our community and about which we have learned from experience. It is the rule that the driver and passengers in a car must wear seat-belts. This is the law in many countries, but of course it was not always so. We did not have any cars until the early 1900s. We did not have any motorways until the 1960s. We are required to wear seat-belts because there were so many road accidents, and we learned from experience that in most cases they provide protection from injury. Without a rule making people use them, they might not bother to do so.

Rules have gradually developed over a period of many years, because it has become the custom to do things in a particular way, and that custom has become a settled and accepted way of behaviour. An example of this is our «mercantile law», which deals with the way people trade with one another. Mercantile customs are important not merely in a domestic setting. Trade between countries throughout the world is based upon customs, and international trading practices have been accepted as part of our own commercial law.

People do sometimes use the expression «laws» when they are talking about the rules by which they live their own lives: «This is the law in our family»; «This is the law in our school»; «These are the laws of football». We all know what may happen if we break these «laws» — there will likely be punishment or, in the case of sport, penalties of one kind or another.

There are certain rules which are to be obeyed by everyone — by you, by your parents and family, by your teachers — by everyone who is old enough to behave responsibly. As we shall see, many of these rules have grown up out of custom — the customs of town and country which have developed over the centuries, and have been adopted by people afterwards. Many more rules have been laid down for us all by Parliament. If any of us break these rules we may be brought before a court of law. We may be punished by the court, or ordered to make amends in some way. All the rules that could result in the courts deciding to take action against us if we break them are called laws.



Words and Expressions to be Used in Presentation

rules are basic
commonsense
obvious

rules of everyday life
to forbid us to do smth
morally wrong things
to kill, killing
to rob, robbing
throughout the world
to commit a crime
to provide a system of punishment
rules govern things
to learn smth. from experience
to wear a seat-belt
to become an offence
road accidents
to provide protection from injury
to develop over a period of many years (over the centuries)
to become the custom to do smth.
to become an accepted way of behaviour
to do things in a particular way
to break laws
to obey rules
some rules have grown up out of custom
 have been adopted by judges
 have been laid down by Parliament
to bring people before a court of law

T e x t 3 Importance of the Law

A vast number of laws affect almost every aspect of our lives.

The laws that apply to everyone, wherever we may be, are called the laws of the land. It is the law throughout the whole land that no one should steal and no one should supply certain drugs.

The laws that only apply locally, in the areas in which we live, are called by-laws. There are roads in your area and there may be a park near your home. There will be special local laws which govern the traffic that uses these roads, or the way in which those who visit the park should behave. These by-laws will apply only to your local roads and your local park, and not to all the roads and parks in the country.

Whether laws are laws of the land or by-laws, they are mostly inspired by the desire to improve our lives and protect us from harm. They give each of us rights, which should be respected by others. We also have duties to obey them, whether we like them or not; and when we do so we automatically protect the rights of the people about us. This simple balance,

which gives everyone rights and imposes on everyone equal and opposite duties towards others, is one of the basic foundations of our laws:

We have the right to own our own property and to be left in peace to enjoy it. Equally, we have the duty to let others own and enjoy their property; and so, we must not steal from others. We know that there are those who break this law, and cause much distress by doing so. It is not difficult to imagine the consequences. Society would swiftly descend into chaos and violence.

We have the right to safety on the roads. There are speed limits on all the public roads in the country, because experience shows that road accidents are often caused by people driving too fast. Some drivers may be better than others, some cars are designed to go much faster than others; but we all use the roads together—and all drivers, however good or bad, have the duty to drive within the speed limits. If they do so, they will help all road users to travel in safety.

Of course, laws do not deal only with very obvious things, such as stealing and driving too fast; they affect us in very many ways. The laws that make up our constitution guard our basic freedoms and guard us against the tyranny of a dictator. The ordinary laws that affect the way in which we lead our lives are designed to protect us from many different kinds of harm.

Laws can and must change to achieve these goals. The laws we have today bear very little relation to those of centuries ago. The laws we have in force at any particular time reflect our thoughts and attitudes as a people at that time, and in many cases it is possible for historians to trace a thread through from our past laws to our present ones. When Justice Kennedy of the US Supreme Court posed the question, «What is law?» he answered it, saying, «Law links the past to the future. The law is a story of our moral progress as a people».

Not everyone appreciates the extent to which our lives are surrounded and governed by laws of one kind or another. They may or may not be effective, but they are there, and there is little we do that is totally unaffected by the law.



Words and Expressions to be Used in Presentation

a vast number of laws
laws apply to everyone
to affect every aspect of our lives
to affect us in many ways
to affect the way we lead our lives

throughout the whole land
by-laws
laws improve our lives
 protect us from harm
 give us rights
 impose on us equal duties
 guard our basic freedoms
 protect us against the tyranny of a dictator
 reflect our thoughts
to have the right to property
to have the right to safety on the roads
road accidents on public roads
laws govern traffic
to drive too fast
to have the duty to drive within the speed limits
to travel in safety
ignorance of the law
to break the law
chaos and violence
to steal from others
it is against the law to steal
we have laws in force
past laws
present laws



Task 2 Making a presentation in class

1. Work in threes. Make a presentation for your fellow-students. Be ready to elaborate on the ideas your friends might fail to understand.
2. Answer your teacher's questions.



Task 3 Discussion

Read your problem questions and discuss them. What do you make of them? Decide which problem question(s) you would like to suggest for discussion with other groups.

You can't do without these phrases

Stating an Opinion

<i>I really think (that)...</i>	Я действительно думаю, что...
<i>I strongly believe (that)...</i>	Я твердо убежден, что...
<i>I'm sure (that)...</i>	Я уверен, что...
<i>In my opinion...</i>	По моему мнению,...
<i>What I think is (that)...</i>	Я думаю, что...
<i>I feel (that)...</i>	Я полагаю (считаю), что...
<i>Hmm, I'm not sure, but...</i>	Я не уверен, но...
<i>I'm of (it) two minds, but...</i>	Не знаю, на что решиться, но...
<i>I can't make up my mind, but...</i>	Я не могу принять решение, но...
<i>I'm keeping an open mind for the moment.</i>	Пока у меня нет никакого мнения на этот счет.

For other helpful phrases use Appendix

Task 4 Expanding the point

(Let us take a look at the law in the context of a day at school as it is today, to glimpse just a few of laws that apply to this simple situation — *Going to School*)

- 1. Take the number of the episode from the pile of cards and**
- 2. Study one of the episodes of the situation «Going to School», the number of which corresponds to the number of the card.**

Going to School

Episode 1. The law also controls the ways in which teachers may or may not punish us if we misbehave. It even has something to say about the way in which teachers and pupils should behave towards one another. It is now a vital part of the law that they must not allow prejudice to result in different treatment, for it is against the law to discriminate against anyone because of his or her sex, colour, or race.

Episode 2. First, we are doing something without even thinking about it. We are breathing. The very air we breathe is protected against some forms of pollution by the law.

We wash and get dressed. The water we use must be of a certain quality as specified by the law. If we bought our clothes, the «contract» made with the shop when they were purchased gives us protection if they prove to be of poor quality, and if they were made in factories, conditions of employment and safety for the workers there are provided by the law.

Episode 3. Arriving at school, we may be surprised to learn how many laws govern the day — from the safety of the school premises and equipment to the hygiene of the kitchens. Then the law provides guidelines for the type and quality of education which everyone attending State schools must receive. Teachers must have certain qualifications before they can teach. Students up to the age of 16 have to follow the National Curriculum laid down by Act of Parliament. Primary school pupils have the exact form of their English and maths lessons («literacy» and «numeracy» hours) set out by laws.

Episode 4. Travelling to school. Whether we walk or go by transport, even a short journey to school will be affected by dozens of safety requirements: the quality of the road surface, the safety of the pavements, the speed of the traffic, the duty to obey road signs. They all are governed by laws of one kind or another.

Episode 5. Breakfast. The food we buy must be of a certain quality and standard, as laid down by the law. There are numerous laws relating to the production and preparation of almost every type of food. There is often controversy over how much the law should regulate our food, and whether we should be free to eat unhealthy food if we want to. The publicity given in the 1990s to the dangers from genetically modified (GM) foods shows that, in fact, we have come to rely on the law to protect us, and there is much anger when it seems to fail. The story goes on, with arguments today about GM foods and responsibility of the Government to ensure our safety.

3. Walk round the class and ask the question: «What's the number of your episode?»

Find the fellow-student who has the same number of the episode as you have.

4. Work in pairs or groups. Study the information in your episode and together with your partners make a list of the laws that apply to the situation described, e.g. Protection against poor quality of the clothes we buy.

The following expressions will help you:

protection against...	the law that protects against...
provision of...	the law that provides...
regulation of...	the law that regulates...
specification of...	the law that specifies...
control of...	the law that controls...
laying down...	the law that lays down...
governing...	the law that governs...
setting out...	the law that sets out...
allowing...	the law that allows...

5. Discuss with your partner the way of presenting the information of your episode to other students.

Practise the presentation in pairs.

Use some of the ideas below:

My situation / episode deals with the quality of food.

My situation / episode deals with the law that...

Nowadays there is a problem of...

6. Work in groups of five.

Share the information of your episode with your fellow-students and then discuss with them the order you would reproduce your situations in.

Use some of the phrases below:

I think my situation should go first (second,...)

To my mind, my situation should follow the one about walking to school.



T a s k 5 Speaking

Choose one of the following statements and give your comments on it. Agree or disagree with it giving your arguments for or against. You may use some examples, historical facts, etc.

1. In most men love of justice is only a fear of suffering injustice.

(La Rochefoucauld)

2. The moral principles, known as ethics, may differ from person to person.
3. The laws that we have in place at any given time in our history represent what we believe to be right and necessary at that time.
4. We also have different ideas of fairness and justice from people who live in other parts of the world.
5. Ignorance of the law can never be an excuse for breaking it.
6. Laws affect us in very many ways.
7. The law is not only concerned with crime and criminals.
8. Law links the past to the future. The law is a story of our moral progress as a people...

(Justice Kennedy of the US Supreme Court)

You can't do without these phrases

Expressing Agreement

<i>Right you are.</i>	Вы правы.
<i>That's right.</i>	Да, совершенно верно.
<i>There is something in what you say.</i>	В том, что вы говорите, есть доля истины.
<i>It stands to reason.</i>	Ясно. (Это логично.)
<i>I quite agree with you here.</i>	Я в этом с вами полностью согласен.
<i>There is no denying it.</i>	Этого нельзя отрицать.
<i>As you say.</i>	Пусть будет по-вашему.

Expressing some Disagreement

<i>I understand what you're saying, but...</i>	Ваш ход мысли понятен, но...
<i>You have a point, but...</i>	В вашем высказывании есть смысл, но...
<i>That's an interesting idea, but...</i>	Интересная идея, но...
<i>I see what you mean, but...</i>	Я понимаю, что вы имеете в виду, но...
<i>Yes, I see, but...</i>	Да, я понимаю, но...
<i>Well, that might be true, but...</i>	Возможно, это и верно, но...

For other helpful phrases use Appendix

Unit II

HUMAN RIGHTS

Task 1 Think about the subject

1. Brainstorm the following questions:

- (1) What does it mean to be human? How is that different from just «being alive» or «surviving»?
- (2) What is a right? What is the meaning of «right» when we speak of a Human Right?
- (3) What is a universal right? Are Human Rights universal?

2. In small groups of three or four, brainstorm a definition for Human Rights. Report the results of your discussion to your classmates.

Task 2 Presentation

Prepare a presentation on one of the following topics (homework):

- (1) History of Human Rights
- (2) Universal Declaration of Human Rights
- (3) Human Rights Convention
- (4) International Human Rights Organizations (Commission on Human Rights Amnesty International, Human Rights Watch).

To make your presentation successful you are to meet the following requirements:

- Make a plan of the presentation and stick to it.
- Time frame — 4—5 min.
- At the end of your presentation suggest a problem question for your fellow-students to discuss.
- Use the words and expressions given after the respective texts.

An **introduction** is a must. It should provide the audience with several pieces of information:

- Your name
- A preview of the main ideas to be covered in the body
- The procedure(s) to be followed during the presentation.

The main part of the presentation is **the body**. The body covers and defends the thesis mentioned in the introduction. All main points must be covered. Use examples and illustrations for the statements that are difficult for the audience to understand. Graphic illustrations and other visual aids not only help to clarify your message, but also add color and credibility.

The presentation should **conclude** with a well-planned ending. A clear summary of your purpose and main points will insure that the audience gets the big picture.

Text 1 **History of Human Rights**

The history of human rights covers thousands of years and draws upon religious, cultural, philosophical and legal developments throughout recorded history. Several ancient documents and later religions and philosophies included a variety of concepts that may be considered to be human rights. The oldest legal codex extant today is the *Neo-Sumerian Code of Ur-Nammu* (ca. 2050 BC). Several other sets of laws were also issued in Mesopotamia, including the *Code of Hammurabi* (ca. 1780 BC), one of the most famous examples of this type of document. It shows rules and punishments if those rules are broken, on a variety of matters, including women's rights, children's rights and slave rights.

The concept of human rights has existed under several names in European thought for many centuries, at least since the time of King John of England. After the king violated a number of ancient laws and customs by which England had been governed, his subjects forced him to sign the *Magna Carta*, or *Great Charter*, which enumerates a number of what later came to be thought of as human rights. Among them were the right of the church to be free from governmental interference, the rights of all free citizens to own and inherit property and be free from excessive taxes. It established principles of due process and equality before the law. It also contained provisions forbidding bribery and official misconduct. *The British Bill of Rights* (or «An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown») of 1689 made illegal a range of oppressive governmental actions in the United Kingdom. Two

major revolutions occurred during the 18th century, in the United States (1776) and in France (1789), leading to the adoption of the *United States Declaration of Independence* and the *French Declaration of the Rights of Man and of the Citizen* respectively, both of which established certain rights. Additionally, the *Virginia Declaration of Rights of 1776* set up a number of fundamental rights and freedoms.

Many groups and movements have managed to achieve profound social changes over the course of the 20th century in the name of human rights. In Western Europe and North America, labour unions brought about laws granting workers the right to strike, establishing minimum work conditions and forbidding or regulating child labour. The women's rights movement succeeded in gaining for many women the right to vote. National liberation movements in many countries succeeded in driving out colonial powers. Movements by long-oppressed racial and religious minorities succeeded in many parts of the world, among them the civil rights movement, and more recent diverse identity politics movements, on behalf of women and minorities in the United States. The World Wars, and the huge losses of life and gross abuses of human rights that took place during them were a driving force behind the development of modern human rights instruments. The League of Nations was established in 1919 at the negotiations over the *Treaty of Versailles* following the end of World War I. The League's goals included disarmament, preventing war through collective security, settling disputes between countries through negotiation, diplomacy and improving global welfare. Enshrined in its Charter was a mandate to promote many of the rights which were later included in the *Universal Declaration of Human Rights*. At the 1945 Yalta Conference, the Allied Powers agreed to create a new body to supplant the League's role. This body was to be the *United Nations*. The United Nations has played an important role in international human rights law since its creation. Following the World Wars the United Nations and its members developed much of the discourse and the bodies of law which now make up international humanitarian law and international human rights law.

The modern human rights movement didn't invent any new principles. It was different from what preceded it primarily in its explicit rejection of political ideology and partisanship, and its demand that governments everywhere, regardless of ideology, adhere to certain basic principles of human rights in their treatment of their citizens. This appealed to a large group of people, many of whom were politically inactive, not interested in joining a political movement, not ideologically motivated, and didn't care about creating «the perfect society» or perfect government. They were simply outraged that any government dared abuse, imprison,

torture, and often kill human beings whose only crime was in believing differently from their government and saying so in public. They took to writing letters to governments and publicizing the plights of these people in hopes of persuading or embarrassing abusive governments into better behavior.



Words and Expressions to be Used in Presentation

religious, cultural, philosophical and legal developments
to issue sets of laws
to break rules
the concept of human rights
to violate a number of ancient laws and customs
to force smb to sign the Magna Carta
to enumerate a number of human rights
to be free from governmental interference
to own and inherit property
to be free from excessive taxes
to establish principles of equality before the law
to contain provisions
to forbid bribery and official misconduct
to make illegal oppressive governmental actions
the adoption of the Declaration
to set up fundamental rights and freedoms
to achieve profound social changes
to grant workers the right to strike
to gain the right to vote
women's rights movement
national liberation movements
movements by long-oppressed racial and religious minorities
the civil rights movement
huge losses of life
gross abuses of human rights
to be a driving force behind
preventing war through collective security
settling disputes between countries through negotiation
to develop bodies of law
make up international humanitarian law and international human rights law
to be different from
to adhere to basic principles of human rights
treatment of citizens
to abuse, imprison, torture, kill human beings
to persuade abusive governments into better behavior

Text 2 **Universal Declaration of Human Rights**

The Universal Declaration of Human Rights (UDHR) is a non-binding declaration adopted by the United Nations General Assembly in 1948, partly in response to the atrocities of World War II. Although the UDHR is a non-binding resolution, it is now considered to be a central component of international customary law which may be invoked under appropriate circumstances by national and other judiciaries. The UDHR urges member nations to promote a number of human, civil, economic and social rights, asserting these rights are part of the «foundation of freedom, justice and peace in the world.» The declaration was the first international legal effort to limit the behavior of states and press upon them duties to their citizens following the model of the rights-duty duality.

The UDHR was framed by members of the Human Rights Commission, with former First Lady *Eleanor Roosevelt* as Chair, who began to discuss an International Bill of Rights in 1947. The members of the Commission did not immediately agree on the form of such a bill of rights, and whether, or how, it should be enforced. The Commission proceeded to frame the UDHR and accompanying treaties, but the UDHR quickly became the priority. Canadian law professor *John Humphrey* and French lawyer René Cassin were responsible for much of the cross-national research and the structure of the document respectively, where the articles of the declaration were interpretative of the general principle of the preamble. The document was structured by Cassin to include the basic principles of dignity, liberty, equality and brotherhood in the first two articles, followed successively by rights pertaining to individuals; rights of individuals in relation to each other and to groups; spiritual, public and political rights; and economic, social and cultural rights. The final three articles place, according to Cassin, rights in the context of limits, duties and the social and political order in which they are to be realized. Humphrey and Cassin intended the rights in the UDHR to be legally enforceable through some means. Some of the UDHR was researched and written by a committee of international experts on human rights, including representatives from all continents and all major religions, and drawing on consultation with leaders such as *Mahatma Gandhi*. The inclusion of both civil and political rights and economic, social and cultural rights was predicated on the assumption that basic human rights are indivisible and that the different types of rights listed are inextricably linked. This principle was not then opposed by any member states (the declaration was adopted unanimously, with the abstention of the Eastern Bloc, Apartheid South Africa and Saudi Arabia), however this principle was later subject to significant challenges.

The Universal Declaration was separated into two distinct and different covenants, a Covenants on Civil and Political Rights and another Covenant on Economic, Social and Cultural Rights. Over the objection of the more developed states, which questioned the relevance and propriety of such provisions in covenants on human rights, both begin with the right of people to self-determination and to sovereignty over their natural resources. The drafters of the Covenants initially intended only one instrument. The original drafts included only political and civil rights, but economic and social rights were added early. Western States then fought for, and obtained, a division into two covenants. They insisted that economic and social right were essentially aspirations or plans, not rights, since their realization depended on availability of resources and on controversial economic theory and ideology. These, they said, were not appropriate subjects for binding obligations and should not be allowed to dilute the legal character of provisions honoring political-civil rights; states should be prepared to assume obligations to respect political-civil rights. There was wide agreement and clear recognition that the means required to enforce or induce compliance with socio-economic undertakings were different from the means required for civil-political rights. Because of the divisions over which rights to include, and because some states declined to ratify any treaties including certain specific interpretations of human rights, and despite the Soviet bloc and a number of developing countries arguing strongly for the inclusion of all rights in a so-called Unity Resolution, the rights enshrined in the UDHR were split into two separate covenants, allowing states to adopt some rights and derogate others. Though this allowed the covenants to be created, one commentator has written that it denied the proposed principle that all rights are linked which was central to some interpretations of the UDHR.

The Guinness Book of Records describes the UDHR as the «Most Translated Document» in the world. It consists of 30 articles which outline the view of the General Assembly on the human rights guaranteed to all people.



Words and Expressions to be Used in Presentation

- to adopt a non-binding declaration
- in response to the atrocities of World War II
- to be a central component of international customary law
- to urge member nations to do...
- to promote a number of human, civil, economic and social rights

foundation of freedom, justice and peace in the world
to agree on the form of a bill of rights
to enforce
to be interpretative of the general principle of the preamble
to include the basic principles of dignity, liberty, equality and brotherhood
to be legally enforceable through some means
to be subject to significant challenges
to be separated into two distinct and different covenants
the right of people to self-determination
the right to sovereignty over natural resources
drafters of the Covenants
to include political and civil rights
to add economic and social rights
to depend on availability of resources
appropriate subjects for binding obligations
to assume obligations
to respect political-civil rights
to enforce compliance with socio-economic undertakings
to adopt some rights and derogate others
outline the view of the General Assembly on the human rights

Text 3 Human Rights Convention

The Human Rights Act 1998 came into force on Monday, 2 October 2000. The preamble to this Act says that it is «An Act to give further effect to the rights and freedoms guaranteed under the European Convention on Human Rights». The Act is known as the *Human Rights Convention* — or simply «the Convention». The Act has been welcomed by the overwhelming majority of judges, lawyers, and commentators as heralding a new era of human rights culture. It has already had the effect of concentrating public attention upon human rights issues and of enlarging the scope of our «rights and freedoms»; and it is certainly of major constitutional importance. The origins of the Convention rights and freedoms are to be found in the dark days of the Second World War (1939–45).

Following the widespread atrocities and destruction caused by the war, the governments of Western Europe established the Council of Europe. Its first task was to draw up a set of universal human rights. These rights were called «universal» because they were intended to cross national frontiers — the boundaries of nationality and State citizenship. They would establish across Europe, and for all the citizens of Europe, a minimum standard of protection in various crucially important areas of

their lives. In 1950 the Council agreed a statement of these rights, in the Convention.

The United Kingdom (UK) played a major role in conceiving and drafting this Convention, and in 1951 we signified our agreement to it. It came into force in international law in 1953, but the Convention itself was not formally incorporated into English law until the Human Rights Act 1998. Before the Act came into force, therefore, those who believed that a public authority had breached their Convention rights had to apply to the European Court of Human Rights (European Court) in Strasbourg to resolve the matter. That could be extremely expensive, and take years, but now Article 13 of the Convention provides that wherever it is claimed that rights and freedoms under the Convention have been violated, those who say they have suffered are entitled to an «effective remedy». This means that they must be allowed to raise the matter of their Convention rights before the UK courts. Under the Human Rights Act, these rights can be relied upon in any court or tribunal in England and Wales, and it is only if citizens can show that they have first exhausted the remedies of these «domestic courts» that they can take their cases to Strasbourg.

The Convention was a revolutionary document, containing a number of Articles. These are the statements of legal rights, known as «*Convention rights*». To the Articles have been added *Protocols* (later additions or improvements to Convention rights, rather similar in nature to the Amendments to the US Constitution). There are three fundamental characteristics of Convention rights: each right is inherent — it exists as a separate and essential part of what we believe it should mean to be a free human being; it is inalienable — it cannot be given or taken away; and it is universal — it is common to all. These rights are therefore thought to represent the basic freedoms and minimum standards that are to be expected for all citizens in a democratic society.

Taken as a whole, the Convention rights embrace a wide range of human and fundamental rights. They include rights protecting individual citizens from State oppression, rights concerning their standard of living and quality of life, rights of freedom from discrimination, rights to free movement throughout the European Union, and rights of equal pay for men and women. The Human Rights Act makes it unlawful for «public authorities» to act in a way that conflicts with Convention rights. The expression «public authorities» covers a wide range of public bodies including the courts, the police, local councils, government departments, and other government bodies. It also includes many private bodies which also have public functions, for example private schools. The Convention rights are extremely important, for they amount to a rich seam of freedoms and protections. They do not, however, provide us with an entirely new set of rights that have never existed before.



Words and Expressions to be Used in Presentation

to come into force
to give further effect to the rights and freedoms
under the European Convention on Human Rights
to concentrate public attention upon human rights issues
to enlarge the scope of rights and freedoms
to be of major constitutional importance
widespread atrocities and destruction caused by the war
to draw up a set of universal human rights
to cross national frontiers
to establish a minimum standard of protection
to draft the Convention
to breach the Convention rights
to apply to the European Court of Human Rights
to resolve the matter
to be entitled to an «effective remedy»
to raise the matter of the Convention rights before the UK courts
to exhaust the remedies of the «domestic courts»
to take cases to Strasbourg
each right is inherent, inalienable and universal
to embrace a wide range of human and fundamental rights
to protect individual citizens from State oppression
standard of living
quality of life
rights of equal pay for men and women
to act in a way that conflicts with Convention rights
provide people with an entirely new set of rights

Text 4 **International Human Rights Organizations** **(Amnesty International, Human Rights Watch,** **Commission on Human Rights)**

Commission on Human Rights has been the central architect of the work of the United Nations in the field of human rights. Commission on Human Rights procedures and mechanisms are mandated to examine, monitor and publicly report either on human rights situations in specific countries or on major phenomena of human rights violations world-wide. The main themes addressed by the Commission are: the right to self-

determination; racism; the right to development; the question of the violation of human rights and fundamental freedoms in any part of the world; economic, social and cultural rights; civil and political rights, including freedom of expression, the independence of the judiciary, impunity and religious intolerance. The United Nations Commission on Human Rights, composed of 53 States, meets each year in regular session in March/April for six weeks in Geneva. Over 3,000 delegates from member and observer States and from non-governmental organizations participate. The Commission can also meet exceptionally between its regular sessions in special session, provided that a majority of States members of the Commission so agree, mindful of the need for the Commission on Human Rights to deal with urgent and acute human rights situations in the most expeditious way. During its regular annual session, the Commission adopts about a hundred resolutions, decisions and Chairperson's statements on matters of relevance to individuals in all regions and circumstances. It is assisted in this work by the Sub-Commission on the Promotion and Protection of Human Rights, a number of working groups and a network of individual experts, representatives and reporters mandated to report to it on specific issues.

Amnesty International is an international human-rights organization. With more than 40 years work behind it, Amnesty International strives to promote human rights around the world. It has nearly 2 million members, chapters in more than 60 countries, and supporters and donors from more than 100 countries. Having won the Nobel Peace Prize in 1977, the organization continues to campaign against such things as torture, the death penalty, and other human



rights violations. British lawyer Peter Benenson, who died in 2005, founded Amnesty International as a letter-writing campaign in 1961 as a reaction to the incarceration of two Portuguese students who had toasted to freedom. Amnesty International seeks to inform public opinion about violations of human rights, especially the abridgements of freedom of speech and of religion and the imprisonment and torture of political dissidents, and which actively seeks the release of political prisoners and the relief, when necessary, of their families. Aside from generally publicizing governmental wrongdoings in newsletters, annual reports, and background papers, Amnesty International, relies strongly on the world-wide distribution of «adoption groups», each of which, staffed by three to eight persons, takes on a limited number, of cases of «prisoners of conscience» and barrages the of-

fending government with letters of protest until the prisoners are released. Amnesty International is headquartered in London. Amnesty International's logo is a burning candle wrapped in barbed wire.

Human Rights Watch is an independent, nongovernmental organization dedicated to protecting the human rights of people around the world. Human Rights Watch (HRW) is watching out for everyone. The organization's mission is to prevent discrimination, uphold political freedom, protect people during wartime, and bring offenders to justice. HRW researches human rights violations around the world and publishes its findings to help generate publicity about the atrocities it uncovers. It also meets with national and international governing officials to help steer policy change. Along with partner organizations, HRW won the 1997 Nobel Peace Prize for its International Campaign to Ban Landmines. HRW is an independent organization; all funds come from private contributors. Human Rights Watch believes that international standards of human rights apply to all people equally, and that sharp vigilance and timely protest can prevent the tragedies of the twentieth century from recurring.



Words and Expressions to be Used in Presentation

to be the central architect of the work
to mandate to do smth
human rights violations world-wide
the right to self-determination
the right to development
violation of human rights and fundamental freedoms
freedom of expression
the independence of the judiciary
impunity
religious intolerance
member and observer States
to deal with urgent and acute human rights situations
to adopt resolutions, decisions on matters of...
to report on specific issues
to promote human rights around the world
to seek to inform public opinion about
abridgements of freedom of speech
imprisonment and torture of political dissidents

to seek the release of political prisoners
cases of prisoners of conscience
to be headquartered in
to protect the human rights of people around the world
to watch out for everyone
to prevent discrimination
to uphold political freedom
protect people during wartime
bring offenders to justice
to research human rights violations
to generate publicity about the atrocities
timely protest
to prevent the tragedies from recurring



T a s k 3 Making a presentation in class

1. Work in groups of four. Make your presentation for your fellow-students. Be ready to elaborate on the ideas your friends might not understand.
2. Answer your teacher's questions.
3. Read your problem questions and discuss them. What do you make of them? Decide which problem question(s) you would like to suggest for discussion with the other groups.



T a s k 3 Discussion

Work in a group of three. Your teacher will give you a card with a situation (see Photocopiable Activities). In each of the situations one or more of the articles from the Universal Declaration of Human Rights have been violated or abused. Discuss each of the situations and find out the relevant article or articles. Choose from Articles listed below. Be ready to introduce your decision to a class.

T e x t **Articles from the Universal Declaration of Human Rights**

- * Article 3** Everyone has the right to live, have liberty, and security of person.
- * Article 5** No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment.
- * Article 6** Everyone has the right to recognition everywhere as a person before the law.
- * Article 7** All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.
- * Article 8** Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.
- * Article 9** No one shall be subjected to arbitrary arrest, detention or exile.
- * Article 11** (1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
- * Article 12** No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.
- * Article 13** (1) Everyone has the right to freedom of movement and residence within the borders of each state. (2) Everyone has the right to leave any country, including his own, and to return to his country.
- * Article 15** (1) Everyone has the right to a nationality. (2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.
- * Article 17** (1) Everyone has the right to own property alone as well as in association with others. (2) No one shall be arbitrarily deprived of his property.
- * Article 18** Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

- * Article 19** Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.
- * Article 20** (1) Everyone has the right to freedom of peaceful assembly and association. (2) No one may be compelled to belong to an association.
- * Article 21** (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections.
- * Article 22** Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.
- * Article 23** (1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment. (4) Everyone has the right to form and to join trade unions for the protection of his interests.
- * Article 25** (1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Photocopiable Activities

Card 1

1. A man has his house broken into and his television stolen. He goes to the police but they tell him to go away because they have more important things to do.
2. A couple wants to have a baby. The government says that the country is overpopulated and tells them that they cannot have a baby yet.
3. A new government tells all public servants that they have to become a member of their political party. Anyone who refuses will lose their job.

Card 3

1. A poor man murders someone and is sent to prison. A rich man commits a murder in similar circumstances but is allowed to go free.
2. A robber is sent to prison for 5 years. While he is in prison, the government confiscates all his belongings, and then destroys his house.
3. A journalist writes a newspaper article explaining why he opposes his country's foreign policy. He is told by the government that he has become persona non grata, he must leave the country immediately and never return.

Card 2

1. John Doe is arrested because the police think he has killed someone. Before his trial has begun, a popular newspaper publishes an article about him (complete with photographs of his arrest) with the headline «Vicious murderer John Doe caught!»
2. Two friends, one white and one black, have been threatened with violence. They go to the police to ask for protection. The police agree to help the white man, but not the black man.
3. The Republic of Istanata has never given women the right to vote.

Card 4

1. At a party, a woman tells a group of friends that she thinks the government of her country is corrupt and incompetent. The next day she is arrested and never seen again.
2. A newspaper editor dislikes a famous popular actress, so publishes an article about her. The article describes the actress as «ugly, stupid, greedy and unable to act».
3. The government intercepts, opens and reads one of their key opponent's letters and other mail.

Card 5

1. A group of about 200 people hold a meeting in a public building to discuss their government's policies. The police arrive and arrest them all.
2. A famous political author writes a book criticising the police. She then leaves her home to go on a tour to promote her book. While she is away, the police start harassing her husband and children.
3. A woman joins a trade union. The company she works for discovers this and immediately dismisses her.

Card 6

1. A husband and wife get divorced. The law in their country says that in any divorce case the man automatically gets custody of the children.
2. A man loses his job and cannot find work. His country does not offer financial support for people who are out of work.
3. A new government closes all the churches, temples, mosques and synagogues in its country, and forbids anyone from attending services there.

Task 5 Pair work

Work in pairs. Comment on the following quotes about Human Rights. Agree or disagree with them giving your arguments for or against. Be ready to introduce your decision to a class.

1. In the old times men carried out their rights for themselves as they lived, but nowadays every baby seems born with a social manifesto in its mouth much bigger than itself. (*Oscar Wilde*)
2. Most people, no doubt, when they espouse human rights, make their own mental reservations about the proper application of the word human. (*Suzanne Lafollette*)
3. Close by the Rights of Man, at the least set beside them, are the Rights of the Spirit. (*Victor Hugo*)
4. The demand for equal rights in every vocation of life is just and fair; but, after all, the most vital right is the right to love and be loved. (*Emma Goldman*)
5. America did not invent human rights. In a very real sense... human rights invented America. (*Jimmy Carter*)
6. Words like freedom, justice, democracy are not common concepts; on the contrary, they are rare. People are not born knowing what these are. It takes enormous and, above all, individual effort to arrive at the respect for other people that these words imply. (*James Baldwin*)

You can't do without these phrases

Debating a point. Reasoning and arguing

<i>I (strongly) agree with....</i>	Я полностью согласен с...
<i>I (strongly) disagree with....</i>	Я решительно не согласен с...
<i>I think it's reasonable to believe that....</i>	Я думаю, есть все основания полагать, что...
<i>I don't think it's reasonable to believe</i>	Я не думаю, что есть основания считать, что...
<i>I am totally opposed to....</i>	Категорически не согласен...
<i>On the one hand</i>	С одной стороны,...
<i>On the other hand</i>	С другой стороны,...
<i>However.</i>	Однако...
<i>Furthermore</i>	Кроме того...
<i>In addition</i>	К тому же...
<i>Nevertheless...</i>	Тем не менее...
<i>Now that we've considered it...</i>	Теперь, когда мы это обсудили...
<i>If that's the way you think...</i>	Если вы так думаете,...
<i>If that's the way you feel about it...</i>	Если вы так относитесь к этому,...
<i>All right, you win.</i>	Ну что ж, вы правы.

For other helpful phrases use Appendix

Task 6 Expanding the point

Work in pairs. Together with your partner choose one of the Articles from the Human Rights Convention which you think is the most important. Give your reasons. Be ready to introduce your decision to the class. For helpful words and phrases use Appendix.

Text **Articles from the Human Rights Convention**

- | | |
|-------------------|---|
| *Article 1 | Article 1 of the Convention provides that Member States are required to secure to everyone in their countries the rights and freedoms given by the Convention. |
| *Article 2 | <p>Everyone's right to life shall be protected by-law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following a conviction of crime for which this penalty is provided by law.</p> <p>This article is intended to prevent arbitrary killing by State authorities without due process of law. It has also been interpreted as imposing on the State a duty to investigate the circumstances of violent deaths.</p> |
| *Article 3 | <p>No one shall be subjected to torture or to inhuman or degrading treatment or punishment.</p> <p>Torture means deliberate inhuman treatment causing very serious and cruel suffering; inhuman treatment or punishment is that which causes intense physical and mental suffering; and degrading treatment and punishment is conduct that arouses in the victim a feeling of fear, anguish, and inferiority, which is capable of humiliating and debasing the victim and breaking his or her physical or moral resistance.</p> |
| *Article 4 | <p>No one shall be held in slavery or servitude... No one shall be required to perform forced or compulsory labour.</p> <p>In this Article slavery and servitude are intended to cover the status of an individual in society and his or her condition in life. People subjected to forced or compulsory labour are, in the main, those who are given the status of ordinary citizens, but who are made to work under threat of penalty.</p> |
| *Article 5 | <p>Everyone has the right to liberty and security of person.</p> <p>This important right limits the power of the State to arrest or detain anyone except when this is justified by procedures provided by the law.</p> |
| *Article 6 | <p>In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.</p> |

Article 7

This right to a fair trial includes the right to cross-examine and call witnesses, the right of a defendant to participate fully in the trial, and the right (in a criminal trial) to be presumed innocent until proven guilty.

No one shall be held guilty of any criminal offence on account of any act or omission which did not constitute a criminal offence... at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the criminal offence was committed.

The object of this Article is to provide a safeguard against arbitrary prosecution, conviction, and punishment.

Articles 8.1 and 8.2

1. Everyone has the right to respect for his private and family life, his home and his correspondence.

2. There shall be no interference by a public authority with the exercise of this [Article 8.1] right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

This is another right designed to protect the individual against arbitrary action by public authorities. It includes the idea of an inner circle of our personal lives in which we may be allowed to live without interference from the State.

***Article 9**

Everyone has the right to freedom of thought, conscience and religion.

This Article is designed to protect freedom of thought, conscience, and religion, and the right of the individual to «manifest one's religious belief. This means that people must be entitled to observe their religion openly. This cannot mean, however, that in doing so they are allowed to break the law.

***Article 10**

Everyone has the right to freedom of expression.

This right includes the freedom to «hold opinions and to receive and impart information and ideas without interference from any public authority and regardless of frontiers». This Article does not give anyone the right to incite crime or encourage racial hatred or disorder, or publish the most serious kinds of pornographic material.

***Article 12**

Men and women of marriageable age have the right to marry and to found a family.

This right has been interpreted as «a right to form a legally binding association between a man and a woman». It does not imply the right to marry at any age — it is for the State to set the marriageable age — neither does it imply the right to divorce. The European Court has also ruled that the Article does not give the right to a married couple to be allowed to visit or live together if one of them is sent to prison.

***Articles 11 and 13**

These Articles give rights of «freedom of assembly and association» with others, and the right to an «effective remedy» (the right to bring a complaint before the court and have the court take some action to deal with it).

***Article 14**

The enjoyment of the rights and freedoms... shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

The struggle against discrimination has been central to the whole human rights movement.

Task 7 Competition

Divide into two groups: proponents and opponents of human rights. Read the briefing information for your group. Make a list of arguments on behalf of proponents or opponents of human rights. Appoint a student in each group to list the points made during the discussion. Prepare a short speech (1–2 min) to justify or criticize the Human Rights using the information from the text and giving your own supporting ideas. Try to make students of the opposite side change their opinion and accept your view.

Justification of Human Rights

Several theoretical approaches have been advanced to explain how human rights become part of social expectations. The biological theory considers the comparative reproductive advantage of human social behavior based on empathy and altruism in the context of natural selection. Other theories hold that human rights codify moral behavior, which is a human, social product developed by a process of biological and social evolution (associated with Hume) or as a sociological pattern of rule setting (as in the sociological theory of law). This approach includes the notion that individuals in a society accept rules from legitimate authority in exchange for security and economic advantage.

On the other hand, natural law theories base human rights on the «natural» moral order that derives from religious precepts such as common understandings of justice and the belief that moral behavior is a set of objectively valid prescriptions.

Some have used religious texts such as the Bible and Qur'an to support human rights arguments.

However, there are also more secular forms of natural law theory that understand human rights as derivative of the notion of universal human dignity. Yet others have attempted to construct an «interests theory» defence of human rights. For example the philosopher John Finnis argues that human rights are justifiable on the grounds of their instrumental value in creating the necessary conditions for human well-being. Some interest-theorists also

Criticism of Human Rights

One of the arguments made against the concept of human rights is that it suffers from cultural imperialism. In particular, the concept of human rights is fundamentally rooted in a politically liberal outlook which, although generally accepted in Western Europe, Japan, India and North America, is not necessarily taken as standard elsewhere. An appeal is often made to the fact that influential human rights thinkers, such as John Locke and John Stuart Mill, have all been Western and indeed that some were involved in the running of Empires themselves. The cultural imperialism argument achieves even greater potency when it is made on the basis of religion.

Some histories of human rights emphasise the Christian influence on the agenda and then question whether this is in keeping with the tenets of other world religions. For example, in 1981, the Iranian representative to the United Nations, Said Rajaie-Khorassani, articulated the position of his country regarding the Universal Declaration of Human Rights by saying that the UDHR was «a secular understanding of the Judeo-Christian tradition», which could not be implemented by Muslims without trespassing the Islamic law.

A final set of debating points revolves around the question of who has the duty to uphold human rights. Human rights have historically arisen from the need to protect citizens from abuse by the state and this might suggest that all mankind has a duty to intervene and protect people wherever they are. Divisive national loyalties, which emphasise differences between people

justify the duty to respect the rights of other individuals on grounds of self-interest (rather than altruism or benevolence). Reciprocal recognition and respect of rights ensures that one's own will be protected. Ultimately, the term «human rights» is often itself an appeal to a transcendent principle, not based on existing legal concepts. The term «humanism» refers to the developing doctrine of such universally applicable values. The term «human rights» has replaced the term «natural rights» in popularity, because the rights are less and less frequently seen as requiring natural law for their existence.

rather than their similarities, can thus be seen as a destructive influence on the human rights movement because they deny people's innately similar human qualities. But others argue that state sovereignty is paramount, not least because it is often the state that has signed up to human rights treaties in the first place.

Commentators' positions in the argument for and against intervention and the use of force by states are influenced by whether they believe human rights are largely a legal or moral duty and whether they are of more cosmopolitan or nationalist persuasion.

Task 8 Opinion Poll

Walk round the class and have a talk with your class-mates. Discuss the following:

1. Can human rights ever be taken from a person?
2. Are all people capable of defending human rights?
3. Are we responsible for defending the rights of others?

You may make notes in order to share the information obtained with the class.

You can't do without these phrases

Hesitating in Response to a Question

<i>I need a moment to think about that...</i>	Мне нужно подумать...
<i>I'm not sure...</i>	Не уверен...
<i>Let me think a minute...</i>	Одну минуту...
<i>Hmm, that's a good question...</i>	... хороший вопрос...
<i>Well, let me see...</i>	Дайте подумать.

For other helpful phrases use Appendix

Unit **III**

CONSTITUTION

Task 1 Presentation

1. Prepare a presentation on one of the following problems (homework):

- (1) Legal Transplants and Political Mutations: The Reception of Constitutional Law in Russia and the Newly Independent States**
- (2) The Reception of Western Law in Russia and the NIS (past and present).**
- (3) Constitutionalism**

Your presentation is to meet the following requirements:

- (1) prepare a presentation according to the plan given on page 8**
- (2) time frame — 4—5 min.**
- (3) to conclude, suggest a problem question for your fellow-students to discuss**
- (4) use the words and expressions given after the respective texts**

Text 1 Legal Transplants and Political Mutations: The Reception of Constitutional Law in Russia and the Newly Independent States

The American constitutional model: its influence and limits

In the early 1990s, after the fall of the USSR, post-Soviet constitutional draftsmen were initially much enamored of the American model. On mature reflection, however, this early infatuation gave way to a more temperate interest in the historically less prestigious, but more adaptable, continental models.

What was it, one may ask, in the American model that initially captured the attention of Russian and NIS draftsmen? Five pertinent aspects of the US-constitutional experience should be mentioned.

First, there was the eighteenth-century American innovation of the constitution as a special law having the status of fundamental law. This is in

contrast to the plethora of documents that constituted public authority in the Soviet system, including the Party program, charter, rules, and unpublished directives; the then-constitution as the law of the state, legislation; and the periodic judicial guidelines issued by the high court.

Second, the Russians were taken with the idea of the constitution as a framework for government as well as for the structure of politics

Third, there is the notion of the «mechanical polity» at work during the American revolutionary period, which held that public power could be legitimated only through periodic elections, where the governed could hold their governors accountable for the exercise of the governmental powers delegated to them. This is in marked contrast to the previous Soviet modus operandi of the Party leadership as a self-perpetuating elite, embodying all wisdom and power, and presuming to represent «virtually,» as it were, the masses.

Fourth, the American resolution of democratic theory and constitutionalism within a concept of «constitutional democracy» provides for a wide but not unlimited measure of direct public participation while, at the same time, it imposes institutional restraints on the exercise of governmental power. This is the antithesis of the late Soviet model, which combined a one-party dictatorship with sharply restricted public participation.

Finally, NIS draftsmen could study in American legal history the cyclical nature of our constitutional experience, which periodically has moved from stability to crisis, and then to reform and restabilization. This was a particularly reassuring trait in light of the Soviet fetish for stability and penchant for systemic rigidity.

Nevertheless, other features of American constitutionalism, deemed less suitable for NIS conditions, tended in the end to outweigh the positive legacies and thus to diminish the influence of the model. Several of these features — we can isolate five here — suggest the limits of the US experience as a guide to post-Soviet constitutional development.

To begin with, the concept of the «state» was a late addition to the American political vocabulary since the federal state did not begin to develop significantly until late in Russian national experience, and even then it assumed a plural, fragmented form. While antistatism was initially fashionable in the liberated East, the political classes soon came to realize that a strong state would be indispensable for successful market development and regulation.

Second, the US Constitution, as a relatively brief document, contains no public-administration content, and hence provides no insight into how the institutions it empowers actually work in putting the Constitution into operation as the fundamental law of the land.

Third, the American charter completely stresses negative rights («Congress shall make no law...») to the exclusion of the positive rights still popular in the post-Soviet states.

Fourth is the fact that constitutional interpretation in the US falls within the purview of the Supreme Court and lower federal courts, each tending to treat the Constitution as a legal document. This presents serious problems for societies in which the judiciary has neither enjoyed much prestige nor had any experience with that early American invention, judicial review.

And last, one of the American constitutional lawyers A.E. Dick Howard has recently drawn attention to a fundamental drawback of the American Constitution as a model for NIS draftsmen: «To understand American constitutionalism, one begins, of course, with the text, but then you have to reckon with 500 volumes of US Reports. There is no way a draftsman can distill all of that into a document».

In view of the above, it should come as no surprise that not only the Russian draftsmen of 1993 but other NIS constitutional draftsmen as well turned increasingly to continental models for guidance in drafting their new constitutions. Moreover, there were other simple, practical reasons for this shift. Nearly all the post-Soviet states seek to join the Council of Europe (CE) and, eventually, the European Union (EU), and thus they must meet various CE and EU legal standards, and these are less onerous than trying to emulate US principles. As an East European constitutional lawyer describes them, the pan-European standards seem to include: (a) a democratic system of state organs; (b) guarantees of human rights; (c) recognition of law as the main regulator of state-citizen relations; and (d) guarantees of a market economy. He goes on to add that the minimum consideration for point (a), under CE guidelines, is a democratically elected parliament, and, by implication, a parliament which occupies a prominent place in the governmental system. In effect, the EC sets the bar lower for the NIS than would the American model, with its implied expectation of not only a separation of powers but of checks and balances as well.



Words and Expressions to be Used in Presentation

they were initially enamored of the American model
this infatuation gave way to a more temperate interest in...
less prestigious but more adaptable continental models

a document reflecting state organization
public power could be legitimated only through periodic elections
the governed
to hold the governors accountable for
to delegate powers
to provide for a direct public participation
to impose restraints on the exercise of governmental power
the positive legacies
a guide to constitutional development
to deem
the concept assumed a form
to put the Constitution into operation as the fundamental law of the land
Constitutional interpretation in the US falls within the purview of
the Supreme Court
to treat the Constitution as a legal document
a fundamental drawback of...
to draft a new Constitution
practical reasons for...
to seek to join the Council of Europe
to meet various legal standards
to occupy a prominent place in the governmental system
a separation of powers
checks and balances
constitutional draftsmen
on mature reflection
It captured the attention
Let me mention...
the Russians were taken with the idea...
this is in marked contrast to...
It does not require extensive commentary
they soon came to realize that...
In view of the above...
It should come as no surprise that...

Text 2 The Reception of Western Law in Russia and the NIS (past and present)

The reception of *Western law* is not new to the Russian Federation and its neighbors. From the time of Peter the Great to the late Soviet period, Western law has been borrowed and absorbed with varying results. Czar Peter began the process, taking heavily from Swedish law and administrative practice, among various other European sources. Empress Elizabeth continued, drawing on Belgian and Austrian legal models, while Catherine the Great was especially intrigued with the theories of the Italian criminologist Cesare Beccaria.

During the early nineteenth century, Count Speransky strove unsuccessfully to persuade Alexander I of the virtues of limited constitutionalism. Later in the 1860s, Alexander II was not any more disposed to the notion of a constitution for the empire, but he did open Russia to extensive sub-constitutional legal reforms. These in turn exposed autocratic Russia to a range of Western legal ideas, including the concept of the trial by jury. Finally, during the early Soviet period, Lenin oversaw a process of relegalization that involved the reception of modern European law codes. And in the last years of the USSR Soviet society was open up more completely to the influence of Western legal ideas.

However, in all of these periods of reception, Western legal concepts were filtered through Russian and/or Soviet political cultures, modified, and cautiously adapted to local needs as these were perceived by the reigning authorities. For instance, the Judicial Reform of 1864 was adopted by the autocracy to meet specific needs occasioned by economic development and the granting of personal and proprietary rights, but Russian rulers never intended that the private law technology apply to the functions of governance or that the rule of law should accompany this technology into Russia.

In contrast to the controlled receptions of the Imperial and Soviet periods of Russian legal history, the reception process in the post-Soviet states has been relatively chaotic. In the specific area of constitutional law, the process could be described as the reception of «constitutions without constitutionalism».

Apropos of this, the concept of «incomplete theorizing», was applied to early American state constitutions and contemporary East European and NIS charters. The constitutional optimist may take heart in knowing that several of our state constitutions were drafted in haste, during a revolutionary transition process, and survived, even while suffering from deficiencies that were only eventually corrected.

Not long ago, a Belgian jurist wisely argued that the massive transfer of legal ideas from West to East will fail if it does not reflect some of the lessons learned from the disappointing «law and development» experience of the US Alliance for Progress of the 1960s. Chief among these lessons would be that «a transfer without theory cannot succeed, and a theory which does not take into account the pre-existing social and legal structures is worthless».

It should come as no surprise, however, that an «ideal» model from abroad mediated by local factors, produced an eclectic outcome. The Russian Federation Constitution of 1993 can be seen as assembled from parts manufactured in a number of countries. By way of brief illustration, French and US influences are apparent in the presidency chapter of the Russian Constitution; missing, however, are the checks provided by Congress's exclusive legislative prerogative in the US. Both the parliamentary electoral system, which combines proportional representation with the 5 percent cutoff for party representation, along with the structure of the Russian Constitutional Court, were influenced by German models. The US Constitution, on the other hand, was the source for aspects of the presidential-impeachment procedure and the constitutional amending process.

There are other contributing influences as well. Spain and Belgium have served as partial guides for the development of the asymmetrical federalism of the Russian Federation. Moreover, the constitutional distinction between a federal constitutional law and ordinary federal legislation bears the imprint of the French dichotomy between organic and ordinary laws. Chapter two of the Russian Constitution reflects the international and European covenants and charters on human rights. And the constitutional right to a jury trial, and its enabling legislation, draws directly on the Russian prerevolutionary jury, which in turn was the result of the reception of Western norms in the midnineteenth century. Finally, the reception of constitutional norms in the NIS generally has not been confined to Western sources. Both the Armenian Constitution of 1995 and the Ukrainian Constitution of 1996 reflect the influence of the Russian model, as well as Western constitutional ideas.

The president of Russia's Pravovaia Akademiia commented, at a conference of American and European Rule of Law donors in Washington in 1996, «We cannot merely copy your laws, because we have our own history, traditions, and lawyers.» His point is consistent with the Belgian jurist's admonition, quoted above, as well as with other Western jurists' idea on nurturing local customs and institutions in the constitution-drafting process, so called an ethnographic approach toward drafting a

constitution that mediates «universal reason with local traditions». Echoing these ideas, the spokesman for the Netherlands» technical-assistance program at the conference aptly observed that «the NIS countries want to write, and will write their own legal histories».



Words and Expressions to be Used in Presentation

constitution-drafting process
to wisely argue that...
a transfer cannot succeed
a theory takes into account
to be worthless
the point may be related to
to make an argument
the essay applies to
he scorned the idea of...
an approach toward drafting a constitution
he goes even further
to reject in general the relevance of the model for...
he favors...
this position is also supported by...
a distinguished constitutional scholar
to ensure economic stability
his point is consistent with...
emphasis on
he observed that
it should come as no surprise that...
to produce an eclectic outcome
the presidency chapter of the Constitution
the checks are missing
exclusive legislative prerogative
the 5 percent cut off for party representation
the presidential-impeachment procedure
the constitutional amending process
contributing influences
to serve as guides for...
to bear the imprint of
the constitutional right to a jury trial
to draw directly on
to reflect the influence of

Text 3 Constitutionalism

The concepts of the rule of law and the separation of powers are aspects of the notion of «*constitutionalism*», that is, the idea that governmental power should be limited by law, and that there is a sphere of freedom which is not the business of the law. Indeed, in a liberal society one of the main purposes of a constitution is to restrain the exercise of political power and to enshrine basic freedom.

The fundamental problem with «constitutionalism» is that laws are made and enforced by governments, so how can government under law be anything more than a hope that the rulers will be benevolent? There are broadly three ways in which constitutions have grappled with this.

1. By creating substantive principles of justice, and individual rights policed by courts that are independent of the government. These set limits upon the extent to which governmental purposes can override individual liberties. This «bill of rights» device is used in many countries, most famously in the USA but is open to the objection that it gives too much power to unelected judges. There is no such bill of rights in the UK, but judges are able to apply ideas of fairness and individual rights when interpreting legislation.
2. By placing structural limits upon powers in order to encourage rival power centres to restrain each other — the doctrine of the separation of powers. This can be achieved in various different ways, for example, division of function, division between central and local powers, division between elected and appointed officials.
3. By procedural restraints requiring the exercise of power to be justified by pointing to definite rules and requiring disputes to be settled by independent bodies according to fair public and open procedures.

Any constitution may adopt all or any combination of these devices which are interrelated. For example, the USA embodies all of them, in some cases in advanced form. Broadly speaking, the UK Constitution relies on structural and procedural restraints but in an unsystematic way. These may be examined under the «catchwords» of «the rule of law» and «the separation of powers».

Constitutionalism has been part of the British political tradition at least since medieval times. Then it was believed that even the king was subject to the law. The law was largely the creation of judges.

The concepts of the rule of law and the separation of powers are associated with the liberal notion of «constitutionalism».

Such features as openness, clarity, coherence are necessarily associated with the idea of law. They give a moral quality to a state. The rule of law is therefore a set of moral and political values. They support democracy but are not necessarily connected with democracy, being important whatever the complexion of the government.

The mythology of the rule of law is basic to English political culture. It goes back to the Anglo-Saxon notion of a compact between the ruler and the ruled under which obedience to the king was conditional upon the king respecting the law. *Magna Carta* (1215) although no longer in force symbolizes this, notably in the principle of due process in independent courts and, in the subject's right to refuse financial support to a king who violates the law.

Magna Carta (1297) is sometimes regarded as Britain's closest equivalent to a written constitution. *Magna Carta* is an ordinary piece of legislation dealing mainly with specific grievances between the king on the one hand and the feudal claims of the king's tenants-in-chief on the other. Although concessions were made by the king, these were wrung from him by force. Other groups including the Church, the cities, and the boroughs also obtained a measure of protection. Nevertheless, *Magna Carta* is of symbolic interest revealing the subservience of the king to ideas of law, and also setting up rudimentary enforcement machinery against the king.

Chapter 39 recited

«No free man shall be taken or imprisoned or be disseized of his freehold [his landholding], or liberties or free customs or be outlawed or exiled or any otherwise destroyed; nor will we pass upon him nor condemn him but by lawful judgement of his peers or by the law of the land. We will sell to no man, we will not deny or defer to any man either justice or right.»

This has been a source of inspiration for subsequent constitutional development both in the United Kingdom and overseas.

There is also the Bill of Rights of 1688. This again is an ordinary statute intended to limit the power of the Crown. It concerns mainly the relationship between the Crown and Parliament.

As for the separation of powers this principle features strongly in the USA. The Constitution establishes three branches for the federal government: executive, legislative, and judicial. The three branches work together to help the country. Each branch has its own responsibilities and powers. No branch has more power than the other branches. They have balanced powers. Each branch has separate duties to check the powers of the other branches.



Words and Expressions to be Used in Presentation

the rule of law
the separation of powers
to limit power
to restrain the exercise of political power
to enshrine basic freedom
to make and enforce laws
benevolent rulers
to grapple with
to create substantive principles of justice
to override individual liberties
to apply ideas of fairness and individual rights
to place limits upon powers
to restrain each other
to justify the exercise of power
to settle disputes
fair public and open procedures
to rely on structural and procedural restraints
to be subject to the law
a set of moral and political values
a compact between the ruler and the ruled
subsistence of the king to ideas of law
to imprison
to outlaw
to exile
to condemn
constitutional development



Task 2 Making a presentation in class

1. Work in threes. Make a presentation for your fellow-students. Be ready to elaborate on the ideas your friends might not understand.
2. Answer your teacher's questions.
3. Work in threes. What do you make of these questions? Report the results of your talk to the class.

- (1) Does successful market development depend on a strong state? Prove your standpoint.
- (2) Does our Constitution provide a separation of powers and the system of checks and balances? How do these two principles work in Russia?
- (3) What are the arguments of different jurists relating the transfer of legal ideas from West to East?
- (4) Why is the Russian Federation constitution of 1993 regarded as an eclectic outcome?

4. Work in threes. Read your problem questions and discuss them. What do you make of them? Decide which problem question(s) you would like to suggest for discussion with other groups.



Task 3 Discussion

Work in groups of three or four. Do you agree or disagree with the following statements? For each of the statements below, brainstorm as many arguments for and against as you can in five minutes. Then compare your ideas with those of the other groups.

- (1) The Western liberal constitutional models are not relevant for the new societies going through their difficult transitions.
- (2) A mildly authoritarian system of presidential predominance in Russia would ensure economic stability and the development of political democracy during a period of transition.

You can't do without these phrases

Interrupting Politely to Ask Questions

I'm sorry to interrupt you. What did you say? Извините, что прерываю. Что вы сказали?

Hmm, excuse me. Do you mean...? Извините, вы имеете в виду...?

Sorry, could you repeat that? Не могли бы вы повторить.

Wait a minute. I didn't catch that. Одну минуту. Я не уловил мысль.

Sorry, what was that? Извините, что вы сказали?

I didn't hear you. What was that? Я не слышал вас. Что вы сказали?

For other helpful phrases use Appendix



Task 4 Round-table talk

- (1) What do you know about Russian constitutional experience?
- (2) How many Constitutions have there been in our country?
- (3) Could you compare all the Russian Constitutions, name the virtues and drawbacks of each.
- (4) What is new in the present-day Constitution as compared to the previous ones?
- (5) Which Constitution do you think is the most democratic (the most successful, progressive etc.)?

Task 5 Information exchange

Work in groups of five. Read the following texts (A, B, C, D, E). Share the information of your text with your fellow-students and then discuss the following questions:

- (1) What is behind the idea of the separation of power principle as understood by Montesquieu, Aristotle and the authors of the US Constitution?

Find the differences in their approaches towards this principle.

- (2) How well does the system of checks and balances work in the United Kingdom and the USA?
- (3) Is the rule of law understood and interpreted similarly or differently in different countries (the UK, the USA, Russia)?
- (4) How is the rule of law embodied in the Constitution in different countries?

Report the results of your discussion to other groups.

Text A The Rule of Law

The ideas of the rule of law and the separation of powers are deeply embedded in European political culture. *Aristotle* (384–322 BC) pronounced that it is better for the law to rule than for any of the citizens to rule. The rule of law was described by the thirteenth century jurist *Bracton* in terms that «the King should be under no man but under God and the Law because the Law makes him King», and has been said to com-

prise «the government of laws and not of men». Art.16 of the *Declaration of the Rights of Man* (1789) states that «a society where rights are not secured or the separation of powers established has no constitution».

The mythology of the rule of law is basic to English political culture. The eighteenth-century constitution was dominated by the mythology of the rule of law and the separation of powers. The theory of the «*balanced*» or «*harmonious*» constitution divided power between the three elements of monarchy, aristocracy (House of Lords) and democracy (to a limited extent, the House of Commons). The constitution was regarded as a delicately balanced machine held in place by the rule of law. For example, the monarch could make law only with the consent of both Houses but could appoint and dismiss the government and dissolve Parliament. The Crown however needed parliamentary support since financial power depended on the Commons. The rule of law also protected individual rights imagined as being grounded in ancient common law tradition. There was no doctrine that State necessity could override the ordinary law.

Notes to the text

to embed — внедрять, вставлять, включать

to secure rights — гарантировать, обеспечивать права

to override — отвергать, не принимать во внимание, иметь преимущественное юридическое действие

Text B The Separation of Powers

The ancient theory of the separation of powers tries to combat tyranny by dividing the functions of government between groups with different interests so that no power centre can act without the co-operation of others.

There are different kinds of separation of powers. For example, the classical doctrine favoured by Aristotle would divide power according to the class interests of monarchy, aristocracy and democracy. This version of the separation of powers is reflected in the British institutions of monarchy, House of Lords and House of Commons. However, the most influential version of the separation of powers is that proposed by Montesquieu who, broadly following Aristotle, argued that government powers are of three kinds: (I) the legislative power of enacting general laws; (II) the executive power concerned with policy-making, foreign affairs and law enforcement; (III) the judicial power concerned with the settlements of disputes arising out of the application of the law. If any two of these fall into the same hands there is a risk of tyranny.

Applied strictly, any version of the separation of powers would lead to weak and cumbersome government and in all countries there is some form of pragmatic compromise.

Notes to the text

cumbersome — громоздкий, обременительный

pragmatic — рациональный, практичный

Text C The Separation of Powers in the UK and the USA

French social commentator and political thinker *Montesquieu* (1689—1755) believed that the British constitution of his time embodied the separation of powers but possibly did not take into account the extent to which conventions were beginning to blur the distinction between legislature and executive. The US constitution has been particularly influenced by Montesquieu. The president who forms the executive, and Congress the legislature, are elected separately and the same persons cannot be members of both. The US constitution is designed to encourage conflict between the two branches and regards weak government as desirable, whereas the UK system is more interested in ensuring that the will of the executive is carried out. The UK constitution is sometimes called a «harmonious constitution» in that its efficient working depends not on checks and balances between contending forces as in the USA but requires the enlistment of different interests to form an all powerful government.

Notes to the text

to blur — стирать, размывать

to encourage — поощрять

to ensure — обеспечивать

contending forces — соперничающие силы

to enlist — заручиться поддержкой, сделать сторонником, привлечь на свою сторону

Text D Checks and Balances

A related version of the separation of powers is that of «checks and balances». Each branch of government is subject to some degree of control by another branch but without that other branch being able to dominate completely. Thus the exercise of power requires the co-operation of at least two branches of government and each branch is kept within its proper sphere of action. For example, independent courts interpret legislation, and executive decisions can be challenged in the courts on the ground that the government has exceeded or abused its powers. The checks and balances principle features strongly in the USA. For example

the President can veto legislation but can in turn be overridden by a special procedure and the Supreme Court can declare legislation unconstitutional.

Notes to the text

to challenge — оспаривать, возражать

to exceed — превышать

to abuse — злоупотреблять

to feature — являться отличительной чертой

Text E **The System of Checks and Balances in the USA**

Fearing the accumulation of excessive power in any one person or group, the Founding Fathers established a system of checks and balances. Overlapping powers impinge upon each area. The President can veto bills passed by Congress and is responsible for selecting federal judges. Congress may override the President's veto, it may conduct hearings and compel the attendance of witnesses from the executive branch, and the Senate may refuse to confirm the President's nominees for federal judgeships or for certain high-level positions in the executive branch. The judiciary may limit or invalidate laws or other actions by Congress or the President. In turn, Congress may limit the scope of judicial review or increase the number of federal judges, including the number on the US Supreme Court.

As with all other civil officers of the United States (including federal judges), the President may be impeached by a majority vote of the House of Representatives and removed from office via conviction by a two-thirds vote of the Senate. Grounds for such impeachment are «Treason, Bribery, or other high Crimes and Misdemeanors».

Notes to the text

to overlap — частично перекрывать друг друга

to impinge — посягать

to compel — принуждать

judgeship — судебская должность

to invalidate — делать/признавать недействительным

the Founding Fathers — отцы-основатели

Task 5 Competition

Work in two groups in accordance with the statement which you think is the closest to the truth:

- (1) Western legal concepts should be filtered through Russian political cultures, history, traditions,**
- (2) In the law making process our jurists can merely copy laws of other countries as their models have stood the test of time.**

Brainstorm as many arguments for and against as you can in five minutes. Discuss your ideas with your classmates. The group that will sound more articulate and convincing in presenting stronger arguments will win the competition.

Task 6 Expanding the point

Work in pairs. Read the following texts about the American Constitution, the British Constitution and the Constitution of the Russian Federation. Use the information from the texts to compare the three Constitutions and find common things and differences.

Talk about your ideas with other members of the class.

Text 1 Constitution of the United Kingdom

The British Constitution is an unwritten constitution, not being contained in a single legal document. It is based on statutes and important documents (such as Magna Carta), case law (decisions taken by courts of law on constitutional matters), customs and conventions, and can be modified by a simple Act of Parliament like any other law. It contains two main principles – the rule of law (i.e. that everyone, whatever his or her station, is subject to the law) and the supremacy of Parliament, which implies that there is no body that can declare the activities of Parliament unconstitutional and that Parliament can in theory do whatever it wishes. The constitutional safeguard of the separation of powers between the Legislature (the two Houses of Parliament), which makes laws, the Executive (the Government), which puts laws into effect and plans policy, and the Judiciary, which decides on cases arising out of the laws, is only theoretical.

The United Kingdom is one of six constitutional monarchies within the European Community. Since the age of absolute monarchy there has been a gradual decline in the Sovereign's power and, while formally still

the head of the executive and the judiciary, commander-in-chief of all the armed forces, and temporal governor of the Church of England, nowadays monarchs reign but they do not rule.

Text 2 Constitution of the USA

The American Constitution is based on the doctrine of the separation of powers between the executive, legislature and judiciary. The respective government institutions – The Presidency, Congress and The Courts – were given limited and specific powers; and a series of checks and balances, whereby each branch of government has certain authority over the others, were also included to make sure these powers were not abused. Government power was further limited by means of a dual system of government, in which the federal government was only given the powers and responsibilities to deal with problems facing the nation as a whole (foreign affairs, trade, control of the army and navy, etc). The remaining responsibilities and duties of government were reserved to the individual state governments.

Article V allowed for amendments to be made to the Constitution. The Constitution finally ratified by all thirteen states in 1791 already contained ten amendments, collectively known as the Bill of Rights, to protect the citizen against possible tyranny by the federal government. So far only twenty-six amendments have been made to the Constitution.

The President now proposes a full legislative programme to Congress, although the President, the Cabinet and staff are not, and cannot be, members of Congress. This means that the various bills must be introduced into Congress by their members. The President is consequently completely powerless when faced by an uncooperative Congress. Given also the difficulties in ensuring that the laws passed are effectively implemented by the federal bureaucracy, it has been said that the President's only real power is the power to persuade.

Text 2 Constitution of the Russian Federation

The Constitution of the Russian Federation is the supreme normative legal act, holding the highest juridical power, superiority, and direct action on the Russian territory. All laws and other legal acts adopted in Russia must comply with the Constitution.

The Russian Federation enacted the Constitution on 12 December 1993. The Russian Constitution is the basis of the Russian constitutional law and the most important source of domestic law. The Constitution provides for a federal state and introduces the concept of separation of powers. The Constitution provides for the separation of executive, legislative

and judicial power. The legislature is structured as a parliament. The main legislative body, the Federal Assembly, is composed of two chambers. The Constitution deals with such matters as the national territory, the President, the Legislature, the Executive, the Judiciary and the fundamental rights contained in Chapter 2 of the Constitution.

The President states separate to the executive power. The President is the guarantee of the Constitution and possesses some executive, legislative and judicial powers.

The Government is responsible before the President and is headed by a Head of the Government, who is nominated by the President and confirmed by the State Duma.

The Russian Constitution is a rigid Constitution as to the complex procedure of adopting the amendments to the Constitution. The Constitution cannot be altered by the State Duma alone. The Constitution can only be amended under the procedure stipulated in Chapter 9 of the Constitution.

Unit IV

DRUGS — DEATH DANGER

Task 1 Presentation

Choose a topic and prepare a presentation on one of the following problems at home:

- (1) Drugs As One of the Most Tragic Evils of Modern Society (reasons, consequences and risks)
- (2) Drugs and Crime
- (3) Combating Drug Abuse in Russia

Your presentation is to meet the following requirements:

- (1) prepare it according to the plan given on p. 8
- (2) time frame 4—5 min
- (3) in the end suggest a problem question for your fellow-students to discuss
- (4) use the words and expressions given after the respective texts;
- (5) you are welcome to use additional information on the problem you are going to speak on (the Internet, magazines, books, newspapers, TV or broadcast information to add spice to your presentation);
- (6) a problem question may concern the reasons, consequences, comparison of events, geographical, social or ethnic peculiarities of an issue as well as any other aspects you can think of.

You can't do without these phrases

Asking problem questions

What is the reason for...?	В чем причина...?
What are the consequences of...?	Каковы последствия...?
How can you account for the fact that...?	Как вы можете объяснить тот факт, что...?
How does it happen that...?	Как так получается, что...?
What are the ways of...?	Каковы способы...?
How is ... connected with...?	Какова связь между...?
What is the relation between... and...?	Какова связь между...?
What is your point of view on...?	Какова ваша точка зрения на...?

For other helpful phrases use Appendix

Text 1 **Drugs as One of the Most Tragic Evils of Modern Society (reasons, consequences and risks)**

For the last several decades the using of dangerous drugs in human society has greatly increased. Nowadays the most horrifying aspect of taking drugs is the degradation and suffering and, very often, death, which these drugs bring to the addict.

The reasons for drug abuse can be various and among them there are physical and psychological personal problems, social instability, ill influence of drug addicted people around or youngster's interest to try something unusual, or some others. Some people take a drug because they are curious about what the effects feel like. Using drugs in this way is a kind of experimentation. You may have heard of so called «recreational» drugs. When people use this term, they are talking about drugs that are taken for temporary pleasure — when going to the a club or a party, for example, — or about those which people take to get away from life problems or lessen them.

But we can't but realize that drug experience from the very beginning constitute danger to a human body and lead to addiction which means hard illness for inner organs and inevitable death. And all these only in favor of some hours of relax or vague enjoyment!

There are several drug dangers lying on the surface to meet at the very beginning for a drug taker. The truth is that whatever and however you are assured in absolute reliability of the drug, it can never be 100% safe.

Different drugs carry different risks. Such drugs as heroin, alcohol or tranquillizers can lead to physical dependence or withdrawal symptoms. Drugs like amphetamine, ecstasy and cocaine are «uppers» — they speed the body up -and can be particularly dangerous for people who have heart or blood pressure problems. Drugs like heroin, alcohol and solvents are «downers» — they slow the body down — and can be very dangerous if mixed, because the body can stop altogether. This is an overdose and can be fatal. Others, including LSD, cannabis, magic mushrooms, are hallucinogenic, and this is especially dangerous for mentally ill persons.

Apart from the drug itself the general risk will depend on, first of all, **how much is taken**. The overdose can cause negative health effects including fatal. It us never known how strong the drug is — two tablets may look the same and have very different doses in them. Any harmful substances may be mixed with drugs as there is no quality control. The drug can be substituted on purpose and instead «light» you can suffer the influence of «heavy»

drugs. Mixture with alcohol has the similar effect as an overdose — coma or death. Injecting is the most dangerous way of using drugs, especially if the dose is shared. First, it has great possibility of overdose and, secondly, it is the straight way of passing all kinds of infections, including AIDS.

The scope of drug influence also depends on the physical and psychological state of the person. If you feel miserable, you will often feel worse. If you are anxious or depressed before taking LSD, for example, you are more likely to have a bad experience. Drug use could be more dangerous for those with heart, blood pressure, epilepsy, diabetes, asthma or liver problems. Drugs act differently depending how heavy you are: the effects may be more in a lighter person. If a person is very slim, or has anorexia or bulimia, the drug will make the problem worse. If a person is new to drug use, he may be anxious, unsure what to do and can get into problems very easily.

Places where the drug is taken also can be very risky. Some take drugs in dodgy places like canal banks, near railway lines, in underground, in derelict buildings. Accidents are much more likely in these places especially if people are out of their heads. Also if anything does go wrong it is less likely help will be at hand or an ambulance could easily be called. Another problem has been the use of ecstasy or any other kind of drug in clubs where people dance for hours in a very crowded and hot situation. This has led to people overheating and sometimes drug takers died of dehydration and heat exhaustion.

What people are doing while they are on drugs can also be risky for them and for people around. Driving, for example, or operating machinery whilst on drugs can greatly increase the chances of serious accidents. Penalties for driving under the influence of drugs resulting in an accident can be severe.



Words and Expressions to be Used in Presentation

drug misuse	исправомерное	использование
	наркотиков	
drug abuse	злоупотребление	наркотическими
	средствами	
the addict, addiction	наркоман, наркомания	
inevitable effect	неизбежный результат	
vague	расплывчатый, туманный, непонятный	

amphetamines, cocaine, solvents, cannabis	амфетамины, кокаин, растворители или сильно пахнущие вещества, конопля
hallucinogenic	галлюциногенный
injecting	инъекция, впрыскивание
epilepsy, diabetics, asthma, anorexia, bulimia	эпилепсия, диабет, астма, анорексия, булимия
dodgy places	безлюдные места
derelict buildings	заброшенные, покинутые дома
ill influence of drug addicted people	отрицательное влияние людей, уже принимающих наркотики
to lessen the problems	уменьшить проблемы
to constitute danger	представлять опасность

Text 2 Drugs and Crime

Many people, in particular teenagers and those in twenties, who become addicted to drugs, turn to life of crime. It happens in order to pay the large sums of money needed to buy their drugs. Usually it is burglary and robbery, and sometimes murder or manslaughter. That is why there is a term «drug related crime».

Drugs are related to crime in multiple ways. Most directly, it is a crime to use, possess, manufacture, or distribute drugs classified as having a potential for abuse (such as cocaine, heroin, marijuana, and amphetamines). Drugs are also related to crime through the effects they have on the user's behavior and by generating violence and other illegal activity in connection with drug trafficking.

Many people who are decent and well-intentioned citizens find themselves forced to commit a crime in order to get money for drugs. But if robbery, theft and burglary is a drug related offence, is not a matter to reduce the sentence. Offenders will have to serve sentences in young offender institutions or prisons as a result. Any judge, dealing with drug cases, is aware of the appalling effects of drug taking upon the lives of the old and young drug takers. Usually their mental and physical health has been broken through taking dangerous drugs.

In the UK there is a state project — the Special Drug Treatment and Testing Orders — which require close supervision of the offender by the court. It can be applied to the offenders aged 16 and over for the period of between six months and three years. This project is targeted at serious drug misusers to reduce the amount of crime they commit. A person is included into the project after careful assessment. Besides he should have

real motivation to be treated and give his own consent. The project provides three main elements: treatment, regular drug testing and regular reviews by the court of the offender's progress.

Another serious legal consequence of drug offending is that anyone caught and convicted will now have a criminal record. It means that this can spoil their chances of getting work. Often you are asked about drugs in applying forms for job and you will have to reveal your addiction in it or in your CV. Drug addiction will also create problems for those who wish to travel, as some countries have very strict rules prohibiting entry to foreigners who have even minor convictions for drugs offences.

In the US each state and the federal government have laws against the unlawful use, manufacture, and distribution of drugs. The purpose of these laws is to reduce the unlawful consumption of drugs, reduce drug-related crimes, and severely punish repeat offenders and major drug dealers. The most serious drug crimes are: producing illegal drugs, possession of drugs with the intent to distribute them, selling drugs.

Some states have enhanced penalties for drug crimes. These penalties go into effect if: minors are used to distribute the drugs, the drugs are delivered or sold to minors, or the drugs are sold or distributed on school property.

Special laws cover professional drug dealers. A «drug kingpin» or a person organizing, financing, or managing a business to manufacture, transport or sell drugs, commits a serious crime and can be sentenced to death penalty or 25 years of imprisonment, depending on the state laws.



Words and Expressions to be Used in Presentation

drug related crime	преступления, связанные с наркотиками
drug trafficking	торговля наркотиками
to be decent	быть порядочным, благопристойным
well-intentioned citizens	благонамеренные граждане
young offender institutions	учреждения для малолетних преступников
to be targeted at	быть нацеленным на
careful assessment	тщательная оценка
somebody's consent	чьё-либо согласие
to have a criminal record	иметь криминальное прошлое
to reveal somebody's addiction	обнаружить пристрастие к наркотикам

to reduce consumption of drugs
to require close supervision
to enhance penalties
to go into effect
kingpin

сократить потребление наркотиков
требовать строгого надзора
увеличить наказание
начать действовать, вступить в силу
босс, «авторитет»

Text 3 Combating Drug Abuse in Russia

According to the Russian mass media, Russia has had one of the fastest growing drug problems in the world in the past five years. It is now integrated into the global drug market with links to the synthetic drug markets of Western Europe and the Far East, as well as the booming heroin trade from Central Asia. Drugs are now trafficked in all regions of Russia and their use in affecting the youthful population. Russian prevention programs are at their starting stage and law enforcement is not very effective in dealing with the problem. In recent years organized crime activities with the drug trade have become one of the primary sources of profits.

Historically, before the collapse of the Soviet Union, Russia was considered to be a trans-shipment country for drug smuggling from Central Asia to Europe. But now it has developed into one of the major drug consumers itself with several million drug users all over the country. With approximately 1 million registered drug users in Russia in 2007 and approximately 3—4 million users in total, according to the latest Russian statistics, narcotics now assume a notable share of the estimated \$10 to 11 billion Russian shadow economy.

The rise of the Russian drug trade has an enormous negative impact on Russia's demographic situation. AIDS, tuberculosis and other diseases associated with the spread of drugs is having significant demographic impact on the Russian population that is already below replacement level. It also touches the future of economy. The drug trade threatens the labor force of the country because it affects the young and the working-age population.

The government of the Russian Federation pays great attention to the growing problem of drug abuse in the country. It works in a great amount of directions which are coordinated by the Government's Commission on Fighting Drug Abuse and Illegal Turnover. Its work is also assisted by the RF Ministry of Interior, the RF Public Health Ministry and the State Customs Committee, and many public organizations which carry out the work on fighting drug abuse, preventing drug taking and rehabilitating former drug takers. The special Federal Program «Complex Measures to

Withstand Abuse and Illegal Drugs Trade» was worked out and successfully implemented by central and local authorities.

As the most drug takers are of 13—18 years old the great care is taken of the youth. The mass anti-drug propaganda work is carried at schools where special lessons are devoted to the consequences of drug taking. The seminars which are called «When Trouble is Knocking on Your Door» are held with their parents, providing information about the most widely used drugs, offering the ways on prevention of drug abuse, specially stressing the peculiarities of psychology of children and teenagers using drugs. Great amount of rehabilitation centers are being established in Russia, where patients renounce their addiction to drugs and return to usual life after this hard disease.

Well-known Russian specialists are engaged in the area of narcomania treatment, speak in mass media, give lectures in educational institutions, replies questions of the public in popular TV programs.

According to the words of the chairman of the Government Commission Victor Cherkesov all these measures affect the drug situation on the whole and during the last 2 years it has stabilized. He also said that «the absence of drug addicted growth in Russia indicates that it is in our power to influence the amount of drug users».

For many years Russia has been developing cooperation on combating drugs with different countries and international organizations, for example the United Nations Organization, and strictly observed all ratified international conventions on drugs.



Words and Expressions to be Used in Presentation

to be integrated into
booming trade
to traffic
prevention programs
a trans-shipment country
drug smuggling
illicit

to have a significant impact
below replacement level

to carry out the work or policy
the peculiarities of psychology
to renounce the addiction
to observe strictly

быть включенным в
быстрорастущая торговля
транспортировать, торговать
программы по предотвращению
транзитная страна
контрабанда наркотиков
незаконный, недозволенный
оказывать мощное влияние/воздействие
ниже уровня, при котором еще воз-
можно пополнение
проводить работу или политику
особенности психологии
отказаться от наркотической зависимости
строго соблюдать



Task 2 Making a presentation in class

- (1) Work in threes. Make a presentation for your fellow-students. Be ready to explain the ideas your friends might fail to understand.
- (2) Work in threes. Suggest problem questions for your group mates to discuss and decide which of these may be the most interesting one for discussion with other groups.

You can't do without these Phrases

Continuing after an interruption

<i>Going back to what I was saying,...</i>	Возвращаясь к тому, что я говорил...
<i>As I was saying,...</i>	Как я и говорил,...
<i>To go back to my last point,...</i>	Возвращаясь к последнему пункту,...

Requesting information

I wonder if you could help me to understand...	Не могли бы вы мне помочь понять...
Would you mind clarifying ...	Разъясните, пожалуйста...
Can you give me an example	Приведите мне, пожалуйста, пример.

For other helpful phrases use Appendix

Task 3 Information exchange

1. This task deals with some other aspects of the drug problem. The work in threes is over. Now you are to work in groups of five.

Choose one of the five additional abstracts concerning the problem. Make a review of it. Exchange the information of your texts and, using it, suggest your solution to the following problems:

- (1) What should be done to stop drug abuse and why do we need to stop it?
- (2) What are the main factors conducive to taking drugs — social, psychological or physiological?

2. Report the results of your talk to the class.

Additional Abstract 1

Classification of Dangerous Drugs

Due to the danger to health and society, drugs are classified into three groups:

Class A drugs are regarded as the most dangerous. They include heroin, cocaine, crack, LSD and ecstasy. The punishment for their production, importation, supply and possession can be very severe.

Class B drugs are considered to be less dangerous, but they are nevertheless harmful to the people who use them. They are cannabis, speed and amphetamines.

Class C drugs are the least dangerous, and therefore are lowest in the list of seriousness. The better-known among them include diazepam, temazepam (muzzles), testosterone and anabolic steroids.

Boarder Customs officers are largely responsible for detecting the importation of drugs into the country. Modern technique and specially trained «snifter» dogs are used for this purpose. Having received the vital information that some drugs are about to arrive this service mount surveillance operations, which may last for months before they seize some ship or container. Great investigating work is done with the secret compartments that house the drugs.

The drug taker who uses analgesics such as heroin, morphine and pethidine will quickly become dependent upon these drugs, both physically and psychologically. The effects can be convulsions, coma and possible death.

With stimulants such as cocaine and amphetamines («speed»), it is very likely that the drugs user will quickly become dependent psychologically. The effects can include agitation, hallucinations, convulsions, and possible death.

Ecstasy is a stimulant drug, related to speed. It also has hallucinogenic effects, which means that it can distort the perception of reality. The effect on the brain may be that the user feels elated. But everyone can react differently to dangerous drugs and ecstasy can also cause panic, depression and even brain damage. Physical harm can include damage to the blood cells, leaving red marks on the skin, liver damage, and even kidney failure. One very serious danger is that of «hard raving in a hot place» after taking ecstasy. This can cause heat-stroke, and has been the cause of a number of deaths.

The depressants such as the sleeping tablets which contain barbiturates make the drugs user dependent upon them very quickly, both physically and psychologically. The effects can include anxiety, insomnia, tremors, convulsions, and possible death.

Speaking about hallucinogens such as LSD, we should mention that the dependence upon these drugs is known only partially. The effects can include nausea and vomiting. They may also involve personality change and psychosis (severe mental illness).

An effect of dependence upon cannabis is largely unknown. Cannabis is still the most commonly used drug. It is twice more often used than any other drug. The possible harmful effects include fatigue, paranoia and psychosis.

Additional Abstract 2

Legal Consequences of Involvement with Dangerous Drugs in the UK

As the drug problem has become a huge and heartbreaking one, every state combats it in its own way. Usually a state passes a set of certain laws concerning the use of dangerous and harmful drugs. The controlled drugs are classified into groups, which are intended to reflect the seriousness of their danger to the public. In majority of states the law says that it is a criminal offence to import, to produce, to supply, or even simply to have possession of any of these controlled and classified drugs.

Supply does not simply mean **sell**. Someone who merely hands over a dangerous drug to a friend for his or her use commits the serious criminal offence of supplying dangerous drugs.

In the UK legal consequences of involvement with dangerous drugs will largely depend upon the type of drugs concerned and what that involvement is. The presence of drugs can be easily identified by analyzing samples of blood or urine. According to these factors a person can be charged for criminal offence. The British parliament has stated that

The maximum penalties for supplying controlled drugs are:

in the case of Class A drugs — life imprisonment;

in the case of Class B and Class C drugs — 14 years of imprisonment.

The maximum penalties for merely possessing controlled drugs (for one's own use) are:

in the case of Class A drugs — 7 years of imprisonment;

in the case of Class B drugs — 5 years of imprisonment;

in the case of Class C drugs — 2 years of imprisonment.

It is regarded as an extremely serious crime to be involved in the production or importation of dangerous drugs or their supply to others. Anyone who deals in drugs for profit, or who smuggles drugs into a prison, will normally be sentenced to a long term of imprisonments. The most severe punishments (often in the range of between 10 and 20 years» imprisonment) are imposed on those who deal in large quantities with Class A drugs. Heavy sentences are imposed if the offender has committed previous drug-dealing offences. If someone supplies dangerous drugs, but not for personal gain, there will still very likely be a prison sentence, in par-

ticular if the drugs are Class A, but this will always depend on all the circumstances of the case.

When young people are before the courts for possessing dangerous drugs for their own use they are sentenced more leniently, if it is the first offence. Many efforts are made to help them to overcome the terrible addiction they have. They are sent to the rehabilitation centers or drug treatment clinics to receive counseling and treatment on drug addiction.

There are special police officers who give advice in schools and local communities in the field of drugs. There are also state projects throughout the country on this problem and anyone who needs help may get it through available advice or helpful literature.

Additional Abstract 3

Alcohol and Drugs

Alcohol is a depressant drug which in small amounts can help people to relax and feel more sociable. Some people use alcohol to escape from their problems. The effect of it depends on the strength of the drink and how fast it is consumed.

It also varies due to time of taking by a person the last meal, to person's weight, mood and surroundings. After using the drug the speech of a person can become slurred, co-ordination affected and emotions heightened. The after-effects of alcohol can leave you feeling ill for a day or so.

Most people are aware that drinking to excess can damage their health. The risk of taking alcohol (a depressant drug) is great and the users can end up feeling very down. Women get drunk faster than men on the same amount of alcohol, which is connected with physiology of a human body. Moreover women develop drink-related health problems faster than men and may have troubles with the health of their future children. Alcohol overdose leads to loss of consciousness. Users then risk choking on their own vomit — this can kill. Overdose can also cause alcoholic poisoning which can be fatal. Long-term overuse can lead to serious liver, heart and stomach problems. Mixing alcohol with other drugs has lethal effect.

There is also a clear link between excessive drinking and certain types of crime. Some offences are alcohol-related by definitions — drink-driving — for example. But these are by no means the only ones in which alcohol plays a large part. Very often theft, robbery, public disorder, hooliganism and even murder are associated with taking alcohol. It also destroys families and makes children in these families turn to crime.

In many countries it is illegal to sell alcohol to under-18s as the effect of alcohol is the most harmful to the developing young organism. Besides

after drinking young people are far more likely to have an accident and to become involved in a fight. Police have the legal power to confiscate alcohol from anyone who is under 18 and is drinking alcohol in a public place.

Additional Abstract 4

Solvent Sniffing (1)

Solvent sniffing usually means getting «high» by breathing in the fumes from butane, aerosols, glues or other products found around most people's houses or which can be easily bought from shops. Many products can be sniffed, such as butane gas (in cigarette lighters or refill canisters), aerosol sprays, solvent-based glues, correcting fluids, dry-cleaning fluids, the contents of some types of fire extinguishers, thinners, petrol.

Most of those who suffer from sniffing are youngsters. Usually they try it first only for experiment and sometimes later become heavy sniffers. Not many children try solvents before the age of 11, and the peak for experimenting is around 13—14 years.

Because there is such a wide range of substances there are many ways they can be misused. Butane gas and aerosols may be sniffed from bags, but are sometimes sprayed directly into the mouth. Glue is generally sniffed from bags, often freezer or crisp bags. Thinners may be sniffed from a cloth or a coat sleeve. Some may put their heads inside a plastic bag.



Sniffable products are widely available and they are portable. So people can sniff while walking around, they can sniff in school or anywhere around their home.

The effects of sniffing are similar to being drunk on alcohol. But people get the effects more quickly from sniffing because the substances enter the blood-stream from the lungs instead of the stomach. It greatly effects liver, kidneys, lungs, bone marrow or nervous system. This can take new users by surprise — they become intoxicated before they realize it.

The dangers of sniffing are terrible. Sniffing solvents can be lethal or cause long-term damage. It affects the heart, so if it is followed by exertion or fright, it may result in death. If butane gas or aerosols are sprayed directly into the mouth, they may cool the throat tissues causing swelling and perhaps suffocation. Some solvents contain poisonous substances such as lead in

some petrol or glues. Using solvents and open fire is incompatible because of fire risk. Sometimes very young users died at their first sniffing session. If solvent sniffers use large plastic bags, they may suffocate themselves.

Why do people do it? On the one hand, solvents can be an alternative to alcohol, but much cheaper. On the other, there is a kind of excitement which is got along with hallucinations. Sometimes sniffers may use solvents in an attempt to get out of problems that they already have. But generally it makes things only worse.

Notes to the text

to sniff solvents — нюхать сильно пахнущие химические вещества

Additional Abstract 5

If Your Friend is in Trouble....

We all need friends. Sometimes we need the help they can give us. Sometimes it is our turn to help them out. We can't call it «responsibility», but it is our moral duty to help people we care about. If someone you know has a problem with drugs, you should realize, first of all, that drug addiction is a medical disease and it should be cared medically, if a person is a permanent user. But if your friend is yet at the begging of the «drug way», you can try to prevent his possible addiction or positively contribute his treatment.

How to know that your friend is using drugs? If you've got any suspicions, make some observations to be sure of your facts before you do anything. It's important not to jump to conclusions in order not to get in an awkward situation.

There are some signs that can follow drug misuse:

- sudden changes of mood from happy and alert to sullen and moody;
- unusual irritability or aggression;
- loss of appetite;
- loss of interest in hobbies, sport, studying or friends;
- bouts of drowsiness or sleepiness;
- increased evidence of telling lies or furtive behavior;
- unexplained loss of money or belongings from home
- unusual smells, stains or marks on the body of clothes
- unusual powders, tablets, capsules, scorched tinfoil or needles or syringes.

But if you've found out that your friend has started to use drugs, first of all show him that you are caring and will support him whatever the circumstances are. You should stick by him and don't turn your back on him as if he is in a lower position. It will have terrible effect if you start blame him off to their face or to other people — in this way you man loose him as a friend for ever. Think about people you know who might be able to help.

You may try to talk with him but remember — never try it if he is just under the influence of drugs! It is useless and even dangerous. Choose proper time for the talk and be firm, consistent and caring during it. Give him some reasons for rejecting the misuse of drugs. For example, tell him that is illegal and it will inevitably bring to troubles with police and law. Tell him that it will have a destructing affect on his health and reflect on the health of his future children, making them heavily ill with chronicle diseases. Try to discover WHY he has used drugs. Once you know this you can try to tackle with the cause rather than the symptoms. If you've found the cause, try to assure him that it is a passing phase and is not the reason to make damage to himself.

It is very important not to keep on a drug user — he will have to make his own decisions. If he wants, offer to go with him to seek help from a doctor, clinic, counselor or whoever.

It can be hard work helping someone who has a problem with drugs. But do we have friends only to enjoy ourselves?

You can't do without these phrases

Expressing reservations (озабочка) about another speaker's opinion

<i>Possibly, but...</i>	Возможно, но...
<i>That may be true, but you have to see the bigger picture...</i>	Это может быть и верно, но нужно смотреть более широко...
<i>Yes, but you can look at it another way, too.</i>	Да, но на это можно посмотреть и с другой стороны.
<i>Yes, but that's only one side of the problem.</i>	Да, но это только одна сторона проблемы.

Keeping your turn

<i>Sorry, could I please just finish my point?</i>	Позвольте мне закончить свою мысль.
<i>Sorry, but if you could wait for a second, I'm just about to finish my point.</i>	Только одну минуту, я закончу свою мысль.

For other helpful phrases use Appendix



T a s k 4 D i s c u s s i o n

Choose one of the following problems and give your comments on it. Agree or disagree with it giving your reasons for or against. To illustrate, you may refer to some examples, historical facts, etc.

- (1) Problem of Drugs in Other Countries**
- (2) Drugs and Youth Problems**
- (3) Drugs in the History of Humanity**
- (4) Use of Drugs for Medical Purposes**
- (5) Pros and cons of legalization of drugs?**

Unit V

JUVENILE DELINQUENCY

Task 1 Think about the subject

Listen to your teacher's introduction of the topic «Juvenile Delinquency» and answer the questions:

- (1) What do you think of Socrates' observation?
- (2) Are the problems of the ancient times similar to those modern teachers and parents face?



Task 2 Discussion

Work in pairs. Read the text and discuss with your partner seriousness and the reasons of juvenile delinquency. Report the results of your talk to the class.

There are about 100 million people around the world who call the streets their home. And their numbers are rising by the hundreds of thousands each year. In Africa, they are orphans of civil war or victims of famine: in Latin America and Asia, they are victims of poverty. In the capitals of the Western World, they are runaways. Streets children have to look after themselves, living off rubbish, trying to earn money by odd jobs.

In the last ten years, crime in the United States has increased four times faster than the national population! The problem is much more chilling when one refers to statistics relating to juvenile crime. More crimes are now committed by children under fifteen than by over twenty five! Reports from the National Council on Crime and Delinquency and from the Federal Bureau of Investigation show a staggering upsurge in the number of juveniles arrested for serious crimes.

Notes to the text

orphan
rubbish

сирота
мусор, отбросы

<i>odd job</i>	случайная работа
<i>chilling</i>	страшный, ужасный
<i>staggering upsurge</i>	огромный рост

Task 3 Presentation

Read the texts given below and prepare a presentation on one of the following problems (homework):

Text 1 What is Juvenile Delinquency?

Text 2 The Juvenile Justice System.

Your presentation is to meet the following requirements:

- (1) prepare a presentation according to the plan given on page 8
- (2) time frame — 4—5 min.
- (3) in the end suggest a problem question for your fellow-students to discuss
- (4) use the words and expressions given after the respective texts

Text 1 What is Juvenile Delinquency?

Juvenile delinquency means different things to different people. To some, a juvenile delinquent is a boy or girl arrested for a law violation. To others, a single appearance in juvenile court identifies the delinquent. To many, the term covers a variety of antisocial behaviors whether or not the law is violated. Juvenile delinquency is a blanket term. It describes a large variety of youths in trouble or *on the verge of trouble*. The delinquent may be anything from a normal mischievous youngster to a youth that is involved in a law violation by accidents. Or he may be habitual offender and is recipient of some gratification from his conduct. As a blanket term, delinquency is like the concept of illness. A person maybe ill and have polio or measles. The illness is different, the cause is different, and the treatment is different. The same is true of delinquency. Like illness, delinquency describes many problems that develop from varied causes and require different kinds of treatment. So legally speaking, a juvenile delinquent is a child (age defined by statue) who commits any act that would constitute a crime if done by an adult and who is adjudicated as such by an appropriate court.

The police concept classifies the delinquent as the statistical delinquent and personality-disordered delinquent. The statistical delinquent is a youngster who is involved in a delinquent act through impulsiveness or immaturity. As an example, he is involved in an automobile theft without, at that time, realizing the consequence of his actions. Such actions usually occur «on the spur of the moment» while the individual is involved with other youngsters. This youngster is not a recidivist and responds to agency services provided. However he is a «statistic» because this impulsive delinquent act is reported by the arresting agency and, in some cases, in a subsequent referral to the juvenile court.

On the other hand, the personality-disordered delinquent is the youth who is often involved in a series of antisocial acts and, in most instances, a referral to the juvenile court and, in most cases, custodial care or some type of official help.

So attempting to define a delinquent is extremely difficult. Juvenile delinquency is not a simple term. It is very elusive and means many different things to different individuals, and it means many different things to different groups. When using the term «juvenile delinquency» properly, one realizes that almost everything a youngster does that does not meet with the approval of individuals or groups may be referred to as a delinquent act. For purposes of research, evaluation, or statistical records, such popular usage is not acceptable.



Words and Expressions to be Used in Presentation

juvenile delinquency
large variety of youths in trouble
to be involved in a law violation by accidents
to be habitual offender
problems develop from varied causes
to require different kinds of treatment
personality-disordered delinquent
to be involved in a series of antisocial acts
to be referred to as a delinquent act

Text 2 **The Juvenile Justice System**

The juvenile justice system has many segments. Police, courts, correctional institutes, and aftercare services (the correctional process that deals with the juvenile after institutionalization has taken place is referred to as

aftercare services). The interrelationship between various segments of the system is, apparently, the most significant problem in the juvenile justice system. In other words, the system is no more systematic than the relationship between police and court, court and probation, probation and correctional institutes, correctional institutes and aftercare services. In the absence of functional relationship between segments, the juvenile justice system is vulnerable to fragmentation and ineffectiveness.

As previously noted, delinquency is a phenomena as complex as nuclear physics. Its causes are multiply, and the emphasis shifts with the changes in society. Because there are so many possible causes of delinquency, a wide variety of factors tend to be held responsible — separately or in combination. The individual himself, his family, his neighbors, his school, his church, his place of residence, his government. The result: everyone is responsible for delinquency and, of course, when everyone is responsible for something, no one really is. Traditionally, all efforts in prevention have been almed toward containing and repressing incipient delinquents through law enforcement agencies. In recent years, there have been strong efforts to improve rehabilitative processes for already identified delinquents so that the amount of recidivism might be reduced. So the way to solve the delinquency problem is to prevent boys and girls from becoming delinquents in the first place. Society is not solving that problem because the emphasis is not placed on that all-important job: prevention. Society must find a way to correct the faulty home and environment before child becomes a police case. It is both unfair and impractical to rely upon a few private agencies to do this large-scale, complex public job.

The primary responsibility of law enforcement is the control and prevention of crime and delinquency through the enforcement of laws that are necessary for the good order of society. Since many crimes are committed by minors under the age of eighteen years, a large proportion of police works involves the detection, investigation, apprehension, and referral of these juveniles to the juvenile court. In addition, law enforcement agencies are concerned with minors who come to their attention for non-criminal reasons. The initial handling of neglected children, for example, is often a police matter; and police officers also have the responsibility of dealing with runaway, incorrigible, and wayward youngsters.

In almost every aspect of their work with juveniles, the police must have contact with at least one other agency in the community. It must be recognized that the police services are only a part of the total community effort to promote the welfare of children and young people. For police services to be made more effective, they must be planned in relationship to the overall community program as well as to the services offered by

individual agencies. Although police officers, and particularly special juvenile officers, should be familiar with the contribution and operation of all agencies in the community This contact should normally be close and continuous and, therefore, the relationship should be based on a clear understanding and amicable acceptance of the role of each of the participants. But there is often a lack of communication between the police and other young serving agencies in the community resulting in mutual criticism and feelings of hostility.



Words and Expressions to be Used in Presentation

juvenile justice system
relationship between police and court
court and probation
probation and correctional institutes
many possible causes of delinquency
to improve rehabilitative processes
to solve the delinquency problem
to prevent boys and girls from becoming delinquents
to correct the faulty home and environment
prevention of delinquency through the enforcement of laws
law enforcement agencies are concerned with minors who...
to deal with runaway, incorrigible, and wayward youngsters
to promote the welfare of children and young people
a lack of communication between...
to result in mutual criticism and feelings of hostility



Task 4 Making a presentation in class

1. Work in pairs. Make your presentation and discuss your problem question with a partner.

You can't do without these phrases

Understanding — Misunderstanding — Paraphrasing

<i>I see</i>	Понимаю
<i>I got you</i>	Я вас понял
<i>I didn't (quite) get you</i>	Я не (совсем) понял вас
<i>Did I get you right?</i>	Я вас правильно понял?
<i>What do you mean by saying that...?</i>	Что вы имеете в виду, говоря...?
<i>Is that the idea?</i>	Вы это хотите сказать?
<i>Let's clear it up.</i>	Давайте внесем ясность в этот вопрос.
<i>In other words...</i>	Другими словами...
<i>To put it another way...</i>	Если сказать иначе...
<i>She means/meant that...</i>	... имеет в виду, что...
<i>He wants/wanted to say that...</i>	... хочет/хотел сказать, что...
<i>She is/was trying to say that...</i>	...пытается сказать, что...

For other helpful phrases use Appendix

2. Work in two groups according to your Variant problem. Get together to discuss your problem questions with your fellow-students. Choose the most interesting and acute questions, share them with the other class. Report the results of your talk to the class.

Task 5 Information exchange

1. Work in pairs. One of you will work with Variant A, the other — with Variant B. Variant A is to read Part I of the text «Runaways», Variant B is to read Part II of the text «Runaways».

Text RUNAWAYS

Part I. More than a million American teenagers run away from home every year. Their parents are often puzzled or hurt. Why do they do it?

There is usually a lack of understanding on both sides — parents and child — problems in communication.

More of these runaways are girls. Their average age is fifteen. For one reason or another, they refuse to stay at home. Of course, the great majority of young people never run away from home. Nevertheless, the problem is a serious one. There is no «typical» runaway, though. Many come from homes broken by divorce or homes where there is an alcoholic parent. Some run away from parents who beat them.

But there are also many runaways who come from seemingly healthy homes where no such problems exist.

Steve aged 15, ran away when he was 13. His father drank, and everyone in the family suffered when he got drunk. One night his father grabbed a gun and, with his finger on the trigger, threatened to kill everyone in the family. Steve ran away — and stayed away. His chief concern was getting enough food and a safe, dry place to sleep.

«It's frightening to be homeless because you don't know about tomorrow», Steve says. «Everything you have is what you have on your back. You wonder where you are going to eat or live. You don't know if you'll be all right.»

Sharon's parents are divorced, but she says she had no real problem at home. She lived in a small town in Vermont. One evening she was watching TV when a friend rang up.

«We are going to New York. Want to come along?» Sharon — 14 years old — hesitated, then shrugged her shoulders and agreed. When the police finally traced her, she had become a drug addict.

Part II. Unfortunately, these young people often run into trouble. Few runaways have any idea of how to get along in the lonely and often dangerous world they find after leaving home.

Most take off with only a few dollars in their pockets. When this is spent they find it is not easy to make money if you are only fifteen or sixteen years old. It's useless for them to look for a proper job, because legally they are too young to get a job.

The police say that most runaways return home within a few days. Often phone call home is enough to patch things up.

However, the longer a runaway is away, the more likely he or she is to get into trouble. One set of problems is often replaced by another. Runaways often think that they will find friendly people willing to help them out. But the sad fact is that cities are full of people on the lookout for runaways, who only want to take advantage of them.

On the street, there are four main means of survival: begging, stealing, prostitution and drug dealing. It's like quicksand: the deeper in you go, the deeper down you sink. Sometimes, inevitably, it leads to suicide.

There are a lot of charity organizations which try to protect street children. But unfortunately, the number of teen runaways is rising and the kids are getting younger. There are about 100 million people around the world who call the streets their home. And their numbers are rising by the hundreds of thousands each year. In Africa, they are orphans of civil war or victims of famine; in Latin America and Asia, they are victims of poverty. In the capitals of the Western World, they are runaways. Street children have to look after themselves, living off rubbish, trying to earn

money by odd jobs. The two most difficult cities in the world are Rio de Janeiro, Brazil and Bangkok, Thailand. Many of the street children are beaten raped, and sold for sex. They cannot turn to the police for help because the police often do the same things to them. In some Latin American countries, street children are rounded up and imprisoned or killed, just to tidy up the streets for an important foreign visitor.

| 2. Tell your partner about your text and compare the information.

In the talk with your partner find out:

- (1) what makes children run away from their families;
- (2) if children from «healthy» families run away;
- (3) what attitude children expect adults to assume towards them;
- (4) what problems they face;
- (5) if it is possible to return runaway children;
- (6) in what countries the life of street children seems to be the most difficult.

| 3. Using the information from the texts complete the following phrases:

Unfortunately, these young people

Most take off with only.....

When this is spent they find.....

It is useless for them.....

Runaways often think that

But the sad fact is that cities are full of people.....

There are a lot of charity organizations which.....

But unfortunately, the number of teen runaways.....

| 4. Compare your phrases with those of your teacher.



T a s k 6 Round-table talk
«What social factors do you think
affect juvenile delinquency?»

| 1. Work in groups of five. Each member of the group is supposed to read and reproduce one of the 5 texts about social factors affecting juvenile delinquency.

I. All our **social problems**, especially our declining social morality, started with the free-for-all, «any thing goes» hippie movement of the 1960s. This time period is often blamed for giving birth to rising hedonism, the questioning of authority, unbridled pursuit of pleasure, the abandonment of family responsibility, demand for illicit drugs, and a number of other social ills. Sometimes, even the AIDS epidemic is blamed on the 1960s, although such accusers are off by about two decades.

Today's juvenile are nothing but a long line of troubled youngsters who have grown up in more extreme conditions of declining social morality than the generation before them. Their thinking is that each generation since the sixties has tried hard to outdo one another in expressing the attitude that «nothing really matters», culminating in the present teenage regard for angst and irony so common in contemporary culture.

Notes to the text

<i>hippie movement</i>	движение хиппи
<i>hedonism</i>	гедонизм, жажда удовольствий
<i>unbridled pursuit of pleasure</i>	необузданная погоня за удовольствием
<i>abandonment of family responsibility</i>	отказ от ответственности перед семьей, пренебрежение семейными обязанностями
<i>demand for illicit drugs</i>	употребление запрещенных наркотиков
<i>to outdo</i>	превзойти
<i>to culminate</i>	достичь высшей точки
<i>angst and irony</i>	страх и ирония

II. The fact is that nearly 22 percent of children under the age of eighteen live in **poverty**. Adolescents from lower socioeconomic status (SES) families regularly commit more violence than youth from higher SES levels. Social isolation and economic stress are two main products of poverty, which has long been associated with a number of D-words like disorganization, dilapidation, deterioration, and despair... The way police patrol poverty areas like an occupying army only reinforces the idea that society is the enemy whom they should hate. Poverty breeds conditions that are conducive to crime.

Notes to the text

<i>adolescent</i>	подросток
<i>deterioration</i>	ухудшение (деградация)
<i>dilapidation</i>	упадок
<i>despair</i>	безнадежность
<i>SES: (Socio Economic States)</i>	социально-экономический статус

III. One of the most reliable indicators of juvenile crime is the proportion of **fatherless children**. The primary role of fathers in our society is to provide economic stability, act as role models, and alleviate the stress of mothers. Of course, there are all those values of love, honor, cherish, and obey encapsulated to the marriage tradition. Probably the most important thing that families impart to children is the emphasis upon individual accountability and responsibility in the forms of honesty, commitment, loyalty, respect and work.

In fact, there is more evidence that abuse and neglect in fully-intact families lead to a cycle of violence. Most research results couldn't explain the correlation between fatherlessness and crime, but it is certainly unfair to blame single mothers. To complicate matters, there are significant gender, race, and SES interaction effects problems.

Notes to the text

<i>to alleviate</i>	смягчить, снизить
<i>cherish</i>	забота
<i>encapsulate</i>	заключать, включать
<i>impart</i>	передавать
<i>accountability</i>	ответственность
<i>commitment</i>	обязательство
<i>fully-intact families</i>	полные семьи
<i>correlation</i>	взаимосвязь
<i>SES (Socio Economic States)</i>	социально-экономический статус

IV. The idea that all behavior is learned behavior is associated with **environmental explanations**. Sure, everyone has a potential for violence, but we learn how to do it from observing others do it in the news, on TV shows, in action movies. The study of environmental factors is concerned primarily with social considerations.

The truth is that, in many places, there are a growing number of irresistible temptations and opportunities for juveniles to use violence. Brute, coercive force has become an acceptable substitute for ways to resolve conflicts and satisfy needs.

Most of the recent research in this area revolves around «neighborhood» factors, such as the presence of gangs, illicit drug networks, lack of informal supports, etc.

In such neighborhoods, families, school authorities, and even community organizations are often incapable of providing any protection for children. Criminologists say that the best predictor of future delinquency is past behavior. The strongest effect is when violence is modeled, encour-

aged, and rewarded for the first time. It determines the type of friends one chooses, which in turn, determines what behaviors will be subsequently modeled, established, and reinforced.

Notes to the text

<i>social considerations</i>	факторы социального характера, социальные факторы
<i>irresistible temptations</i>	непреодолимое искушение
<i>coercive force</i>	принудительная сила
<i>substitute</i>	замена
<i>drug</i>	наркотик
<i>predictor</i>	признак, позволяющий предположить/прогнозировать что-либо

V. Popular explanations of juvenile crime often rest on ideas about the corrupting influence of television, movies, music videos, video games, or computer games. The fact is that TV is much more pervasive, and has become the de facto babysitter in many homes, with little or no parental monitoring. Where there is strong parental supervision in other areas, including the teaching of moral values and norms, the effect of prolonged exposure to violence on TV is probably quite minimal. When TV becomes the sole source of moral norms and values, this causes problems. Most of the scientific research in this area revolves around tests of two hypotheses: the catharsis effect, and the brutalization effect; Catharsis means that society gets it out of their system by watching violence on TV, and brutalization means we become so desensitized it doesn't bother us anymore. The results of research in this area are too mixed to give any adequate guidance, and it may well be that social science is incapable of providing us with any good causal analysis in this area.

Notes to the text

<i>pervasive</i>	проникающий, всеобъемлющий
<i>parental supervision</i>	родительский надзор
<i>exposure</i>	
<i>hypotheses</i>	предположения (hypothesis — предположение)
<i>catharsis effect</i>	эффект очищения, катарсис
<i>brutalization effect</i>	эффект ожесточения, потеря жалости / человечности
<i>desensitized</i>	нечувствительный

2. Listen to your fellow-students, and in group discussion suggest:

- (1) The heading to each text;
- (2) The logical order of the social factors starting from the most important down to the least important ones.

You can't do without these phrases

Prioritizing ideas

1. Highest Priority

First and foremost,...

Our top priority is...

Above all,...

2. Also a Priority

But also important is...

Another consideration is...

Aside from that,...

3. Lowest Priority

Least important is...

Of least concern is...

Last but not least

На первом месте, прежде всего во-первых

Наиважнейшим является...

Главным образом, в основном,...

Важным является также...

Следующее, что следует принять во внимание, это...

Помимо этого,...

Наименее важным является...

Наименьшее значение имеет...

Последний по счету, но не по важности

For other helpful phrases use Appendix

3. Answer your teacher's questions, listen to the statements read by your teacher and say whether you agree or disagree with them.



T a s k 7 D i s c u s s i o n

(Many psychologists attribute teenage cruelty and criminality to mass media. Children get so familiar with the crime that it becomes humanized and accessible. They accept the idea of crime as almost normal accompaniment of everyday life and a pattern to follow.)

Work in pairs. Each of you is supposed to read either Text A or Text B. Take turns to reproduce the information in your text. Discuss it with a partner and suggest your solution to the problem: «What should be done to protect children from the harmful

influence of mass media?» Make a list of possible solutions. Report to the class. Talk about your ideas with other members of the class.

Text A

According to a new study, violent TV shows makes it difficult to recall brand names or commercial messages. Violence creates anger, and instead of hearing the commercials, viewers are attempting to calm themselves down after violent scenes. The conclusion: sponsoring violent programs may not be profitable for advertisers.

This conclusion is good news for the parents, teachers, and, and lawmakers who are struggling to limit the amount of violence on U.S. television. Why are they worrying about reducing television violence? The numbers tell the story: A typical child will see 8,000 murders and 100,000 acts of violence between the ages of three and twelve! It is impossible to believe that this input won't affect young children. In fact, researchers have noted three possible effects of viewing this much violence:

1. Children may become less sensitive to other people's suffering.
2. They may also become fearful of interacting with other people.
3. They may be more likely to behave in a way that's harmful to others.

It's hard to understand why the entertainment industry resists making changes. Parents, teachers, and doctors are urging the industry to get rid of violence in children's shows. In addition, violence seems not to make money for advertisers. Even artists in the industry are warning the industry not to continue avoiding change. Lawmakers want to investigate the way networks market violent shows to teenagers. They are also asking the industry to offer violence-free hours, when no violent content is allowed. Hopefully, parents in the United States will someday feel good about their children turning on the family TV.

Text B

Historically it happened so, that Russian society, including state censorship, treated violence on the screen more tolerantly, than, for example, erotic, and furthermore — pornography.

Violence on the Russian screen most frequently appeared in detectives, mystical and criminal dramas, and so-called «historical and revolutionary dramas» and adventure movies.

With the beginning of «perestroika» the Russian censorship had been gradually losing its power. The amount of films containing episodes of

violence steadily grew. Violence has become the basic attraction in Russian thrillers, criminal dramas, horror films and detectives.

The amount of screen violence impresses: on average 60% of all production, made in Russia contains episodes of violence. Practically all TV channels include episodes of violence: victims of murders, accidents, military actions, terrorism.

There are also special programs specializing in criminal topics. These programs can be seen in the morning, in the daytime and in the evening.

All this performs a harmful influence on children. One of the features of child's mentality is that the information received by a child from the screen is perceived as a true one. Both in game and in real life situations children frequently imitate what they have seen. As a result they can perceive violence as an acceptable social model of behavior and a way to solve problems.

One can agree or disagree with these conclusions, but one cannot deny a really horrifying statistics of children and teenage cruelty and criminality, as well as the fact, that the overwhelming majority of minor criminals gave among the motives of crimes the «screen examples and analogies» they watched.

In Germany, Sweden and other countries of Europe special law have appeared, protecting children from aggression on the screen. In Russia there are still no protective measures of this kind.

All that cannot but evoke alarm, because screen violence penetrates into our society more and more. It can be said that in Russia the Convention of Child's Rights concerning mass media is not working.

T a s k 8 Expanding the point

1. Work in pairs. Together with your partner put the following parts of the text in an appropriate order. In this text an English teacher suggests a possible solution to the problem of discipline in a classroom. Do you agree with the suggestion?

T e x t 'Problem Children'

- (1) Some within the teachers' unions consider that the permissive nature of modern society is responsible. Small children who are continually encouraged to express their individuality without restriction are naturally reluctant to accept school discipline when they grow older.

- (2) Perhaps the problem can be solved by improving facilities for the psychological guidance of these difficult children or by better cooperation between the schools and the parents — for the parents may be mainly responsible for the aggressive behaviour of their offspring.
- (3) Teachers in some secondary schools in Britain are worried that their jobs may become impossible shortly unless something can be done to restore discipline in the classrooms.
- (4) Furthermore, modern teaching techniques, which appear to stress personal enjoyment at the expense of serious academic work, might be teaching the child to put his own selfish interests before his duties to the community in which he lives.
- (5) But some of us believe that there ought to be a return to more «old-fashioned» methods. At present in some schools teachers may not even slap a child who misbehaves, but I personally feel that caning should be reintroduced and that this might produce the desired results.
- (6) In the problem schools, mostly in large cities, a small minority of teenage pupils deliberately disrupt lessons to such an extent that the teachers can no longer teach their classes effectively.

2. Answer the questions:

- (1) What does the teacher suggest?
- (2) Do you agree with the teacher's point of view?
- (3) What are your proposals?

T a s k 9 Role play

Act out a press-conference devoted to the problem of reducing and preventing juvenile delinquency.

The participants of the press-conference are

- (1) journalists
- (2) students of law
- (3) lawyers
- (4) politicians
- (5) sociologists.

It is necessary to appoint a chairman to conduct the discussion.

UNIT VI

YOUNG PERSONS ACCUSED OF CRIME

Task 1 Presentation

Read the texts given below and prepare a presentation on one of the following problems (homework):

- (1) Young Offenders and Possible Punishment
- (2) Child Abuse
- (3) Children and the Court

To make your presentation successful you are to meet the following requirements:

- (1) prepare a presentation according to the plan given on page 8;
- (2) time frame — 4–5 min.
- (3) in the end suggest a problem question for your fellow-students to discuss
- (4) use the words and expressions given after the respective texts

Text 1 Young Offenders and Possible Punishment

There are main punishments that are available to the courts when dealing with young offenders. Offenders between ages of 10 and 18 may be sentenced to various forms of detention: in the case of children aged 10–14, where they have committed a serious crime; in the case of children aged 14–17, where they have committed a serious crime. In the most serious cases of crimes by children or young persons under the age of 18 (for example, if a child commits murder) they will be ordered to be detained. This is a type of sentence, which will result in the offender being kept in custody for a number of years, until it's quite safe to release him. In cases where a child or young person is ordered to be kept in custody for a long time, he may start his sentence in one form of institution and then, when he is old enough, be transferred to a prison.

Where custodial sentences are imposed on young offenders the emphasis should always be to provide them with training to *rehabilitate* them. One major criticism of custodial sentences for young offenders is that once «inside», they may learn much more about the crime and how to commit

it from their fellow inmates than they knew before they were sentenced. That's why these institutions are sometimes scornfully referred to as «Universities of Crime». But how do they come to be prosecuted at all?

In Great Britain a child under the age of ten years is presumed to be too young to commit a crime. Until 1998, as we have seen, children between the ages 10 and 14 were presumed not to understand the full consequences of their actions. They could not therefore be convicted of crime unless it could be shown that they knew that what they were doing was seriously wrong. The Crime and Disorder Act 1998 abolished this rule. Children in this age bracket are now presumed to understand the consequences of their actions, and are legally responsible for them.

When police officers believe that young persons have committed offences they may give them an **informal warning**. This amounts to little more than telling them in stern language not to misbehave again, although a record is kept that a warning has been given.

Sometimes the police may give a **formal caution**. If this happens the young person is not taken to court» but has to attend a police station with his or her parent (s) or appropriate adult. A senior police officer will formally warn the young person of the seriousness of their behaviour, and the risk of prosecution if they offend again.

Formal cautions are only given where the offence is admitted, and adults responsible for the child agree. If not, serious considerations will then be given to prosecuting the young person in court. If a caution is administered, a record is made of it; and if the young person gets into trouble again, the court may be told about it. Sometimes when accepting a caution the young person may have to agree behave in a particular way in future—for example, not to truant from school.

When police who are investigating a crime have reason to believe that a young person under the age of 17 has been involved, there are special rules relating to interviewing of suspects. These are designed to ensure that they have a parent or appropriate adult present at the Interview, that a lawyer can be there to protect their legal interests, and that the police questioning is entirely fair.

If the prosecuting authority (in Great Britain that is the Crown Prosecution Service — CPS) believes a young person has committed a crime and that it is necessary to bring him or her before a court, they will then be charged with the offence, and will have to appear before a **youth court**. Youth courts used to be known as «juvenile courts». The youth court is a branch of the magistrates» court, and justices who sit in this court are specially trained to deal with young persons.

If the young person denies the offence, the justices will hold a trial. If he or she pleads guilty or is found guilty, the justices will have to decide what action to take. Youth courts do their utmost to avoid sending young offenders away from home into custody; and they will never do so without first obtaining the report of a probation officer or other social worker. They will always try to impose a constructive community sentence if possible, but they must also have in mind the interests of the public, and the need for innocent citizens to be protected from serious crime or repeated offending.

If a young person is charged with a very serious crime, such as murder or manslaughter, he or she will be tried in the Crown Court by a judge and jury. When that happens the public and the press are allowed into court, although the judge may make an order that the names of those on trial should not be published. In any other type of case, however serious, if a young person is sent to the Crown Court for trial, the Crown Court has the power to decide that it would be better in that particular case if he or she was tried by a youth court. If that happens, the case goes back to the youth court for trial.

The justices have power to insist that the young person's parents should attend court. If the young person does not have a lawyer, the parents may be allowed to represent their child. Youth courts do not sit in public. This means that members of the general public are not allowed to sit in court, and there will be no press or media reporting of these cases. This is to protect young people from having their future lives blighted because they have been in trouble at an early age.



Words and Expressions to be Used in Presentation

- to understand the full consequences of the actions
- to commit a crime
- to be «detained during Her Majesty pleasure»
- to be sentenced to
- to be kept in custody
- custodial sentences
- to be convicted of crime
- to be suspected of committing crime
- to give an informal warning
- to give a formal cautioning
- to be charged

to be taken to court
to attend a police station
the risk of prosecution
to admit the offence
to administer a caution
to accept a caution
to bring smb before a court
to appear before a youth court
to deny the offence
to hold a trial
to plead guilty
to find smb guilty
to send into custody
to impose community sentence
to insist
to represent the child
to sit in public
to be tried in the Crown Court
age bracket
manslaughter

Text 2 **Child Abuse**

No young person should ever be sexually or physically abused. No young person should ever be treated cruelly or be neglected (in law, this means being deprived of adequate food, clothing, medical aid, or lodging). No young person should ever be harmed by an adult, and any kind of harmful conduct counts as «*child abuse*». When this happens, the child concerned should be protected by the law.

Not all cases of serious child abuse are reported to the police. When a report is received, the law in most cases moves swiftly to protect children by separating them from anyone who presents as a danger, punishing anyone who abuses or behaves cruelly towards them, and providing the children with a safe and healthy environment in which to live.

Much has been learned in past years about the ill-treatment of children. Judges who deal with these cases have specialist training and now have much more knowledge and understanding than before. They appreciate that it is very common for children who have been abused to feel in some way guilty or responsible for what has happened, especially if the abuse has gone on for a long time. Judges know how painful and confusing

these feelings can be, and that assists them to deal with these cases sensitively in court.

How does the law protect the child who has been the victim of crime and deal with the person responsible? What happens if the person accused of abuse or ill-treatment denies the allegation?

Police forces and all social service departments have child protection teams. If a young person has been the victim of crime, he or she will first be seen by a police officer who is specially trained to deal with this type of case. The police officers and social workers in these teams have great experience in dealing with problems of this type. If the person accused of an offence is arrested and charged, the police and the courts will ensure that, when it is necessary, there is no contact between that person and the child they are accused of harming.

The child will first be interviewed by the police about what happened. The interviewing of young children in these circumstances calls for considerable skill. If the child is very young, he or she will first be put at ease. It is essential that the interviewer should gain the child's confidence. This interview takes place in a special room. It is made as informal and comfortable as possible. Small children will find it is well stocked with toys. It will be fitted with a video camera to record what the child has to say. Those watching the video recording of the interview (which is always made) will often find that for some time the child is playing with toys and just chatting with the interviewer. Gradually the child will be brought round to the subject of the case. The child will be asked questions about the case, but this will be done in an informal way. Usually a police woman and social worker will conduct the interview; but a parent or an adult friend of the child may also be present.

In order to test the consistency of his or her account the child will be expected to go over the events more than once. Sometimes the doll the child has been playing with will be used to help the child explain and demonstrate what has happened. The advantage of this system is that there is a permanent record for all to see of what took place during the interview. This will help everyone to assess the evidence.

Children will be given a great deal of support if they have to go to court to give evidence. The court will order that special measures be taken to protect the child as far as possible. There will be no publicity of the child's name. As going to court is not a pleasant experience, much is done to try to make sure it is not traumatic—in the hope that children will understand that it is very much better to complain about their treatment than continue to be abused. Children will never have to be in the same room as the person who is accused of abusing or ill-treating them.

In these cases they do not go into court at all, but give evidence by means of a video-link between their room and the court.



Words and Expressions to be Used in Presentation

to be sexually and physically abused
to assist smb.
to be treated cruelly
to be neglected
child abuse
corporal punishment
to be outlawed
to prohibit the striking
child protection teams
to provide the child with a safe and healthy environment
ill-treatment of children
the victim of crime
to deny the allegation
to be accused of abuse
to deal with
to be charged with
to takes place
to conduct the interview
to be put at ease
to gain the child's confidence
to test the consistency
the advantage of smth
to assess the evidence
to give evidence
to complain about the treatment
to take special measures
video link trial

Text 3 Children and the Court

There are many unhappy cases where parents separate, or divorce, or where for some other reason the courts have to concern themselves with «child welfare». It is important to point out that wherever there is a serious family problem, or there is reason to believe that a child is not being properly cared for, the courts have the power to make orders (give in-

structions) concerning the child. Whatever order is requested or being considered, the court must always be guided by what is in the best interests of the child.

In this connection, in Great Britain the most important Act of Parliament providing for the welfare of children is the Children Act 1989. At the beginning of the Act, three general principles are set out for the guidance of the courts. These are:

- (1) The child's best interests always come first. The child's welfare shall be the paramount consideration.
- (2) Any child case must be heard as quickly as possible, otherwise the child may suffer. That any delay in dealing with a case concerning a child is likely to prejudice the child's welfare.
- (3) The courts should intervene and take some actions only if it is really necessary. The court should only make an order if it believes that doing so would be better for the child than making no order at all.



When deciding what to do in any case concerning a child, the court must go through a checklist of points. These are called the **welfare checklist**, taking into account: the wishes of the child; the child's age, sex, background and anything else relevant to that child; the child's physical, emotional and educational needs; the likely effect on a child of any change in the child's life and circumstances; any harm which the child has suffered or is at risk of suffering; how capable the child's parents are of meeting the child's needs.

The courts deal with the very wide range of cases that come before them. The most important types of orders are likely to relate to three things:

- (1) Who should look after the child: this may be parents or other members of the family or the local authority;
- (2) Who should have contact with the child: that is, who should see the child, and when;
- (3) Where the child should live.

Whatever decisions it makes, the court will also make a supervision order, which means that the child's progress will be carefully monitored by a trained social worker.

If the court makes an order which does not seem to be working in the best interest of the child, all those concerned with his or her welfare may ask the court to reconsider the situation, and decisions made by the court

can be changed if it is appropriate. If necessary the court will make new orders.

Judges sometimes say that they understand what the child wants, but the child does not know what may be in his or her best interests; and that has to be the judge's decision. In every family case the court will take into account the wishes of the child and his or her family. Sometimes children ask to see the judge. This wish is rarely granted. When the judge does see the child, this will be after all the other evidence has been heard; but the judge must then tell the parties in court what the child has said, for there can be no secrets between the judge and child. This is because justice must be seen to be done, and the parties in the case must as a matter of fairness be given the chance to consider and answer what the child has said.



Words and Expressions to be Used in Presentation

to divorce/to separate
to concern with «child welfare»
the power to make orders
to act in the best interests of the child
to set out the general principles
to take some actions
the welfare checklist
the child's needs
the child's background
to meet the child's needs
wide range of cases
foster parents
to make a supervision order
the local authority
to monitor the child's progress
to reconsider the situation
to take into account



Task 2 Making a presentation in class

1. Work in threes. Make a presentation for your fellow-students. Be ready to explain the ideas your friends might fail to understand. Appoint the leader of the group who will be responsible for opening and closing the presentation and introducing the next speaker.
2. Work in threes. Suggest problem questions for your group mates to discuss and decide which of these may be the most interesting one for discussion with other groups
3. Answer your teacher's questions.



Task 3 Discussion

(Cities and towns across the United States have come up with some unusual solutions to juvenile crime. They have worked out some methods of punishing young offenders. Here's your chance to pass judgment on three of them.)

Work in groups of threes. You are going to discuss some unusual methods of preventing juvenile delinquency and punishing young offenders. Read one of the texts given below and discuss the methods suggested in it with your friends. What do you think of them? Suggest your own idea of punishment.

Texts What works? Methods of punishing

1. Teen Court

The 16-year-old defendant has already admitted shoplifting a tube of lipstick from a department-store. Standing at the witness box, absent-mindedly twirling her hair, she looks as if her day in court is boring her. She is in teen court — where the judge is not a lawyer, and jury are all teenagers.

However, teen courts are gaining respect and attention. At least 185 teen courts are operating in 24 states around the US. At most of these courts, teenagers are charged with misdemeanors — minor crimes ranging from traffic rules violations to attempted burglary. They plead guilty to have their penalty set by a jury of their peers.

Although teen juries usually cannot order fines or jail term, they can sentence offenders to perform community service, offer apologies, write essays, and return to teen courts as jurors. Once the sentence is completed the teen's record is cleaned, as though he or she has never committed a crime.

«This is not a mock trial», says Dela Rosa, who has helped to create more than 50 teen courts around the country. «The teens take this court very seriously. And if they don't, they learn their lesson the hard way.»

In fact, many teen juries impose harsher penalties than the standard courts do. The lipstick thief had to perform 48 hours of community service, attend an anti-theft class, write a 1,000-word essay, and serve on a teen-court jury.

But do the teen courts really help to keep kids out of trouble? Supporters say the courts are an effective way to stop delinquent teens before they become serious criminals. The courts help to ease the burden on the already overloaded juvenile justice system. And they have been a success. The statistics shows that 40 to 50 per cent of young offenders commit crimes again. But only 10 per cent of children who have gone through teen courts get arrested again.

Critics say such numbers are deceiving. Since most defendants are first-time offenders charged with minor crimes, few of them are likely to become repeated offenders anyway. «For the young people involved, teen court is an invaluable learning experience», says Hunter Hurst, director of the National Center for Juvenile Justice in Pittsburgh, «But I have strong doubts that this court will change their behaviour».

Legal experts also question whether teen courts are really fair to defendants. When teenagers have an option of a teen jury instead of facing an adult judge they may plead guilty, even if they're not. And while teen-court jurors receive weeks of training and must pass a law test, critics say even the most highly trained teen is not mature enough for jury duty.

Sometimes inexperience leads to overzealous verdicts. Bad attitude, although not a crime, can lead to harsh punishment, as the Houston shoplifter found out. A jury in Los Angeles ordered one offender to perform 750 hours (one month) of community service. And in some teen courts

the proceedings are disrupted by participants who doze off, break into laughter, or appear unprepared to try a case.

«If young people are sufficiently different from adults, are they capable of running a court?» asks Hurst. «Is that what we want?»

Notes to the text

<i>to gain respect</i>	завоевать уважение
<i>traffic rules violations</i>	нарушение правил дорожного движения
<i>peers</i>	сверстники
<i>mock trial</i>	инсценирование судебного процесса
<i>to impose penalty</i>	налагать штраф
<i>to ease the burden</i>	облегчить бремя
<i>overloaded</i>	перегруженная
<i>deceiving</i>	вводящий в заблуждение, обманчивый
<i>fair</i>	справедливый
<i>mature</i>	зрелый
<i>overzealous verdict</i>	слишком суровый приговор
<i>to doze off</i>	дремать

2. The Law Says: Be Home By 8:00

It's a typical night in New Orleans. At the St. Thomas housing project, 14-year-old boys spray gunfire into the night. Across town, in the city's famed French Quarter, a group of teenage girls vomit on the street after a night of heavy drinking. Not far away, police burst into a motel room full of stolen goods, and arrest two 17-year-olds and a 16-year-old.

As one of the nation's most violent cities, New Orleans has had its share of youth crime. So last year, the city adopted a curfew to get teenagers off the street. Today anyone under 18 must be indoors by 8 p.m. on school nights and 11 p.m. Friday and Saturday.

New Orleans police say the curfew has produced dramatic results. Juvenile murders have fallen by 33 per cent, rape by 67 per cent, armed robbery by 33 per cent, and car theft by 42 per cent.

Seeing these results, local governments across the nation have found youth curfews hard to resist. Of the 77 largest American cities, 59 now have curfews. The laws vary from place to place. Most allow police to round up teens at night, while others also cover school hours. In some cases, offenders are taken to detention centers; in others they are handed a citation, like a parking ticket, and then escorted home.

Despite their apparent success, curfews have drawn a chorus of criticism from teens, parents, and civil liberties advocates. Many law-abiding teens find the restrictions unfair. «It is totally and completely wrong to punish all of the teenagers when only a small percentage is really guilty ones,» says Jessica Levi, 15, of Washington, D.C., where a curfew was adopted some years ago.

Parents and their kids often complain that curfews get in the way of after-school jobs, social activities, and athletics. And civil liberties groups such as the American Civil Liberties Union charge that curfews violate the First Amendment right to peaceful assembly. Courts have overturned many curfew laws on these grounds.

Law enforcement groups, however, say you can't argue with success. In Dallas, where crime dropped 15 per cent during curfew hours, police are content with the new law. «We don't look at the curfew as another way to hassle juveniles,» says Vicky Hawkins of the police department. For us it is another tool to keep kids safe.»

3. Punish the Parents

When 15-year-old Jeremiah Beck was caught shoplifting a bottle of cologne, he got off scot-free — but his mother didn't. Though she hadn't set foot near the scene of the crime, Anita Beck went to court for Jeremiah's mistake. The charge? Failing to supervise her son. Faced with a growing number of minor crimes committed by juveniles, the town of Silverton, Oregon, where the Becks live, passed a law holding parents responsible for their kids' wrongdoings. The law allows judges to fine parents up to \$1,000 and requires them to take «parent effectiveness» classes if their kids commit a minor crime.

The law was recently adopted statewide and may become a model for communities around the nation. The reason: «It seems to be working. Since the law took effect in January, Silverton's juvenile crime rate has declined by 55 per cent», Police Chief Randy Lunsford claims. Before, minor offenders often went unpunished and felt free to try more serious crimes, he says. Now, parents are forced to step in and police their kids before they graduate from petty offence to armed robbery. «This law isn't meant to punish parents; it is meant to get them actively involved in parenting their kids», says Tima Lasater, assistant to Silverton's city manager.

Not everyone considers the law such a good way out. Many parents claim it's unconstitutional to charge one person for someone else's crime. «This law smacks of totalitarianism,» says attorney Jossi Davidson, who represents a group of parents challenging the law. «It's too much govern-

ment intrusion into families» lives. It absolutely violates due process, under which you can't be punished unless you've done something wrong.»

Anita Beck was found innocent, but sooner or later, Davidson says, a Silverton parent who is found guilty will appear. A higher court, he predicts, will judge the law unconstitutional.

Meanwhile, other parents are still stuck in court. Sylvia Whitney was charged when her 17-year-old son, Scott, got caught with a beer. While Scott takes a court-ordered alcohol-awareness course, his mom is fighting the charge. Scott takes her side. «It should be my fault», he says. «I got in trouble; she didn't. The government's trying to be my dad and it's not right.

You can't do without These Phrases

If your partner is not logical, you say

It doesn't follow from what you said.

Это не вытекает из того, что вы сказали.

It doesn't make sense.

Это не кажется мне логичным.

It doesn't prove a thing.

Это ничего не доказывает.

It isn't true to fact.

Это не соответствует действительности.

You are repeating yourself.

Вы повторяетесь. (Вы уже это говорили.)

What has it got to do with the problem?

Какое это имеет отношение к обсуждаемой проблеме?

For other helpful phrases use Appendix



Task 4 Round-table talk **«What should be done with these young criminals?»**

1. Before you read the cases, match the name of the crime on the left with the definition on the right.

(1) arson

(a) buying alcohol while under the legal drinking age

(2) vandalism

(b) stealing a car or truck

(3) motor vehicle theft

(c) setting a fire on a building

- | | |
|---------------------------|---|
| (4) burglary | (d) destroying property |
| (5) weapons law violation | (e) breaking into a building to steal something |
| (6) liquor law violation | (f) illegally carrying or using a gun |

2. Work in threes. Read the six cases that follow. Decide on an appropriate punishment or treatment for each crime and give your arguments for. Use the information from this unit and your own practical knowledge to make recommendations.

Some possible options are:

- (1) prison or detention center
- (2) boot camp (special detention center for young offenders)
- (3) probation (released from prison or boot camp, but must report weekly to officials who check behaviour)
- (4) community sentence (must do useful work for the town, such as cleaning streets, parks, etc)
- (5) other alternative sentences (for example, punishing parents for their children's crime)

Arson

Kevin, a thirteen-year-old, is playing with matches and sets fire to his family's apartment. The apartment is so badly damaged that the family has to move out. He has been warned before not to play with matches.

Vandalism

A gang of adolescents breaks into a library in a small town and most of the electronic equipment. They also rip pages out of expensive books pull other books from the shelves. They are caught leaving the library through the window.

Motor vehicle theft

An eighteen-year-old is caught driven a stolen vehicle to another town. He seems to be going to the garage and is probably planning to take the car apart and sell it for parts.

Burglary

A couple of sixteen-year-olds break into a supermarket after it closes. They steal \$46 from the cash register and try to get into the safe. They are caught as they exit the building.

Weapons law violation

A teenage girl is caught with a gun in her school locker. She says it is not hers. Apparently it belongs to her boyfriend. She says he has asked her to take care of the gun, but she doesn't know where he is.

Liquor law violation

A group of sixteen-year-olds goes to a liquor store. They use fake identification to buy whisky. A policeman sees them drinking on the street outside the store, examines their identification and takes them to the police station.

3. Share your recommendations with other students. As you listen to the other groups, feel free to ask questions about their ideas.

Task 5 Extension

Work in groups of three. Comment on one of the following statements. Agree or disagree with each giving your arguments for or against.

1. Press and media shouldn't be allowed to sit in a youth court even if a child is charged with a serious crime, such as murder or manslaughter.
2. During the trial a child being a victim of the crime shouldn't be in the same room with the accused.
3. Parents should be punished for their child's wrongdoings.
4. Juvenile offenders are usually found among children from broken homes or unhappy poor families.
5. Drug addiction and alcohol consumption is one of the main reasons for juvenile delinquency.
6. Children may be punished by being smacked or beaten in some other way.

You can't do without these phrases

Making oneself understood

<i>You got me wrong.</i>	Вы меня неправильно поняли.
<i>You didn't (quite) get me.</i>	Вы не совсем правильно поняли меня.
<i>That's not the point.</i>	Дело не в этом.
<i>I mean to say that...</i>	Я хочу сказать, что...
<i>The point is that...</i>	Дело в том, что...
<i>I'm coming to that.</i>	Я сейчас скажу об этом.
<i>Are you following me?</i>	Вы понимаете о чем я говорю? (Вы следите за ходом моих мыслей?)

For other helpful phrases use Appendix

Unit VII

TRANSNATIONAL CRIMES

When criminal acts, deals and schemes violate the laws of more than one country, they are said to be transnational crimes. The UN has classified all transnational crimes into 17 groups.

Task 1 Pair work. There are two variants: A and B

Variant A

1. Read the information about a series of transnational crimes, prepare a description of each crime, without mentioning its name, then do the activities that follow.

MONEY LAUNDERING aims at legalizing ill-gotten profits. A huge portion of this money is earned through bribery, corruption, black-market activity, tax evasion, and especially through arms smuggling, the sale of stolen art objects, and drug trafficking.

It has been established that the annual proceeds from the illicit sale of narcotics worldwide are between \$300 billion and \$500 billion. What do the drug barons do with this fabulous wealth? In the United States, nothing, because this is dirty cash. But it can be laundered abroad and brought back to the U.S. to buy whole industries, real estate and political influence.

The most common way of laundering money is to take it to a foreign country clandestinely, and place it in bank accounts there via repeated international transfers, after which it will be impossible to trace its origin. Finally, the «clean» bills are legally invested in the economy but remain under the underworld's control.

We do not know the true magnitude of money laundering, but investigation by the Group of Seven industrialized nations is yielding fruit. Investigation is carried out in those countries where the secrecy of bank deposits is guarded by law; the aim of investigation is to secure information on suspicious bank accounts.

TERRORISM. Only recently, most Americans knew little about the scope of international terrorism because their country was not affected. The terrorist act at New York's International Trade Center, the explosion dur-

ing the Olympic Games in Atlanta, and the blowing up of American planes made them aware that Americans and American interests are becoming a target of international terrorism.

Governments in all countries (except those that support international terrorism) hoped to curb international terrorism through international negotiations and accords. But every round of talks left the adherents of a «firm hand» dissatisfied. As a result, acts of terrorism are continuing, while modern communications and means of transport are making it easier to commit such acts. Governments that are tough toward terrorists must therefore be prepared for sudden terrorist retaliation.

An international mechanism that would ensure the arrest and extradition of international terrorists is still in the making. Criminologists are still studying the problem of terrorism, which knows no state frontiers.

THEFT OF ART WORKS AND CULTURAL OBJECTS. Such crimes pose a potential threat to the cultural heritage of all nations. Tombs and monuments were blown up in the days of the Egyptian pharaohs, too. But today's sophisticated weapons used in perpetrating crime and high demand for cultural objects (which can be easily transported nowadays) have enabled international plunderers to work out a system through which they can deprive a whole region, or even a whole country, of its priceless cultural heritage. Every year art works worth an estimated \$4.5 billion are stolen and sold on the world market. Investigators are searching for 45,000 valuable works of art, as 2,000 new objects appear on the list every month.

THEFT OF INTELLECTUAL PROPERTY. The concept «theft of intellectual property» includes violation of the rights of authors and performers, and unlawful use of copyright marks and trademarks. The temptation to reproduce protected works illegally and sell them cheaply or at their usual prices, is overwhelming, especially in countries with an underdeveloped economy. It is difficult to measure in monetary terms the extent of the damage done to the countries where intellectual property is produced and registered. The Association of American Software Makers has estimated that illicit use of software alone causes losses of \$7.5 billion annually. Copyright marks cannot be forged by small enterprises or lone entrepreneurs. This job requires skillful coordination and a streamlined marketing system — a business that often requires collusion with government officials.

ILLCIT ARMS TRADE. Armed conflicts in hot spots worldwide are fueled by an international network of arms producers and suppliers. The scale of their activity defies statistical valuation. There are not many underworld

arms dealers, but they are great tricksters who act in collusion with government agencies. Complete information on the illicit arms trade is unavailable, despite the fact that the origins of the arms and military equipment can be traced.

The most dangerous aspect of these crimes is illicit trafficking in radioactive materials. All attempts at such deals have so far failed, with the goods not reaching the addressees. In a number of cases, the people who stole and transported radioactive materials, and those surrounding them were exposed to radiation. Acting on the recommendations of international organizations, many countries have already established control on the sources of radioactive materials.

HIJACKING OF PLANES. Airlines suffered a great deal from this crime in the 1970s and 1980s. Only in rare cases were the culprits lone criminals who demanded ransoms. In most air crimes the terrorists made political demands in an attempt to demonstrate their power, make their organizations known, and propagate their ideologies.

Countermeasures against hijacking were swift and effective. Today there are much fewer cases of hijacking.

2. Speak out to share your descriptions with your partner, who is to guess what crime has been described by you.
3. This time it is you who are to guess the names of the transnational crimes described by your partner. Do not look at the text of your partner.

The following list of the names of crimes will be of help to you:

fraud in insurance
piracy
penetrating legal businesses
bribing public figures
hijacking on highways,
trade in humans
trade in human organs
computer-related crime
drug trafficking
ecological crime

V a r i a n t B

1. Read the information about a series of transnational crimes, prepare a description of each crime, without mentioning its name, then do the activities that follow.

PIRACY. This long forgotten phenomenon reappeared in the mid-1970s, manifesting itself in the illegal shipment of narcotics from South and Central America to the United States in yachts and fishing vessels, which criminals seized in the high seas or at a port after killing their owners or crew, whoever were on board. Several thousand vessels were seized in acts of piracy.

Today piracy also occurs in narrow navigable canals. Thousands of African, South-East Asian and Latin American thieves do not miss the opportunity to steal any valuables and cargoes from vessels lying at anchor or moving at a low speed. However, such theft is on the decline.

Piracy in South-East Asia is believed to be controlled by organized crime, often associated with the armed forces. Criminologists are inclined to infer that synchronized attacks on vessels in different parts of the world are not coincidental, and can be traced to a single center.

HIJACKING ON HIGHWAYS. One may be surprised that this type of crime is included in the UN classification, since the hijacking of a truck within a country would normally be defined as a theft. Hijacking frequently occurs when trucks travel enormous distances from Eastern to Western Europe, or from Central Asian to Baltic countries. Unfortunately, the frequency of truck hijacking rises in proportion to the growth of trade turnover.

The exact scales of highway hijacking is not known since only four countries have answered the UN questionnaire on this subject. This type of felony is bound to become a burning problem as state borders become more and more open, and as organized crime becomes more widespread, especially in Eastern Europe.

FRAUD IN INSURANCE. With insurance now a global industry, swindle in one country now affects all countries. Although the overall damage caused worldwide by this crime has not been estimated, we know, for example, that it causes Australia to lose around \$1.7 billion annually, and the United States \$100 billion.

Anxious to have a finger in the swindle pie, organized crime is seeking to bring together small businesses operating in different areas of insurance (for instance, in sea-borne cargoes insurance), or to penetrate the insurance industry itself.

COMPUTER-RELATED CRIME. As soon as governmental and commercial organizations started making intensive use of computers, the mafia

reached out for computer networks. Although the exact extent to which these networks are exposed to criminal influences has not been established, we know that organized crime is making active use of ail computer-related facilities.

ECOLOGICAL CRIME. The entire world population suffers from ecological crime, the perpetrators being mostly enterprises that act in collusion with environmental regulators. This became particularly manifest when production began to be transferred to developing countries, where controls are either almost non-existent, or depend on the whim of foreign manufacturers. The latter lavishly bribe government officials in these countries. When it comes to employment and gross domestic product growth, the poor nations prefer industrialization to a clean environment. The underworld has already seized a hefty portion of the business of transporting and burying health-hazard substances.

TRADE IN HUMANS has been gaining momentum and includes transporting illegal immigrants to their destinations, procuring women for prostitution, hiring people for slave labor, acquiring household servants from developing countries, and selling children for illegal adoption for enormous sums.

There are adequate laws to prevent such crimes, and their stringency matches the transparency of state frontiers. However, the problem of trade in human beings is gaining a new aspect as large numbers of Third World inhabitants seek to emigrate to relatively more prosperous countries. For the most part, the flow of illegal immigrants to developed countries is controlled by the underworld. Ordinarily, these people fail to find jobs and join marginal groups who are exploited and forced into crimes and disturbances.

2. Your partner (A) is to describe a number of transnational crimes for you to guess the names of the crimes. Do not look at the text of your partner.

The following list of the names of crimes will be of help to you:

hijacking of planes
drug trafficking
terrorism
money laundeting
corruption
trade in human organs

theft of art works and cultural objects
sham bankruptcy
illicit arms trade
theft of intellectual property

3. This time it is you who are to share your descriptions with your partner, who is to guess what crime has been described by you.

Task 2 Mind Map

(A Mind Map is a way of organizing vocabulary to show the connections between words or ideas.)

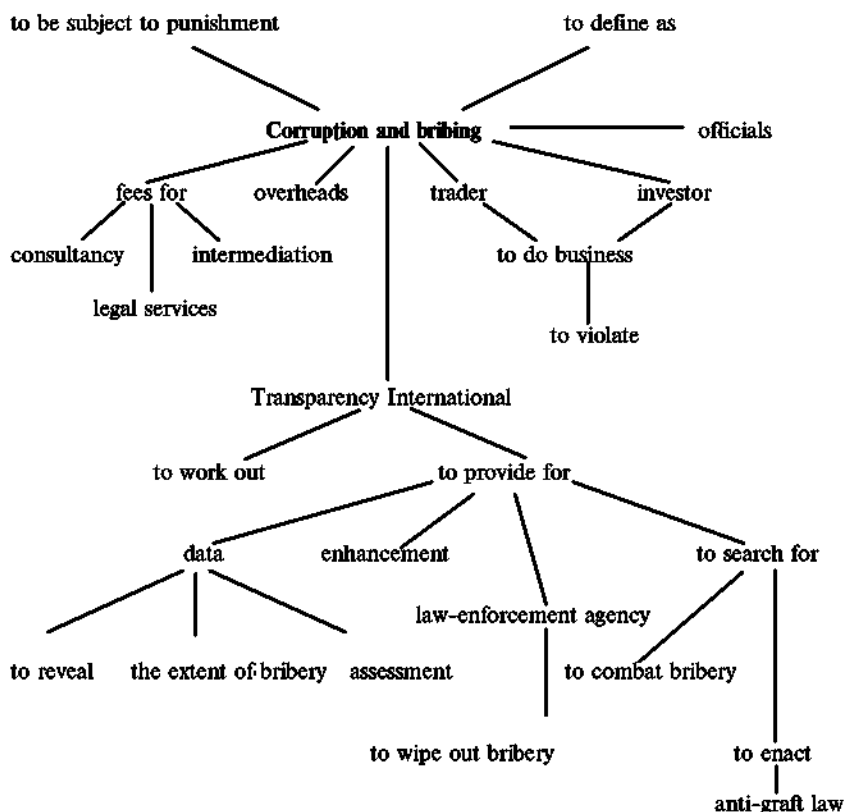
1. Work in pairs.

This Mind Map is based on the idea «corruption and bribing». Use this Map to speak on the following text.

CORRUPTION AND BRIBING PUBLIC FIGURES, PARTY LEADERS, AND ELECTED OFFICIALS. To date, bribing officials is not subject to punishment in a number of countries, although other cases of bribery are defined as a crime in the Criminal Code of the country concerned. Under the veil of commission or fees for consultancy, intermediation or legal services, bribes have become part of business overheads worldwide.

Traders and investors often say that they wouldn't be able to do business in certain countries without violating the business and political ethics of these countries. A recently formed international organization called *Transparency International* has set out to work out the fundamental principles of international business ethics. These principles must provide for:

- (1) publication of data revealing the extent of bribery and corruption of politicians and businessmen in each of the countries concerned, according to assessments by foreign business partners;
- (2) bringing pressure to bear on national law-enforcement agencies for the purpose of wiping out bribery;
- (3) searching for means of international cooperation to combat bribery of officials, including means such as enacting anti-graft laws in the countries concerned;
- (4) enhancement of international cooperation between non-governmental organizations, such as the International Chamber of Commerce.



2. Work in pairs. Make up Mind Maps for the subjects of the following texts and, using these, speak on each of the crimes concerned. Report the results of your work to the other pairs. Which of the Mind Maps seems to be the most coherent and graphical to you?

TRADE IN HUMAN ORGANS. The first transplantation of the kidney is known to have taken place in 1954, of the lungs in 1963, and of the heart in 1967. Nearly half a million kidney transplantations have been carried out to date. Transplantation of body organs as a branch of medicine has given rise to an industry that supplies donor organs. The United States has about 70 organ-supplying agencies, and state and federal authorities are trying to regulate their activities.

There are some 12,000 potential donors in the United States. As this is much fewer than the number needed, illegal businesses that supply organs for transplantation are highly lucrative; a great many of them are based in Third World countries. «Donors» often commit murder for the sake of

organs, or they get organs from children of poor families who sell this «commodity» for a pittance.

After the appearance of the first world press reports exposing illegal trade in human organs, a number of countries set up special commissions to draft laws that would regulate the acquisition of transplantation organs. There is sufficient evidence to prove that the delivery of organs from the Third World is controlled by criminal groupings based in Western Europe.

DRUG TRAFFICKING. The global turnover of this illicit trade is estimated at an annual \$300 billion to \$500 billion. Vital international agreements such as the United Nations» 1961 World Convention on Narcotic Drugs, 1971 Convention on Psychotropic Substances, and 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances created a basis for establishing international controls. However, controls are not in place due to the following reasons:

- the UN cannot monitor the efficacy of these measures and implement the International Drug Control Program because it lacks funds;
- for the same reason, the relevant national and regional programs are not financed;
- countries differ strongly in their approaches to the problem of drug trafficking (some insist on bans, others on control and tolerance);
- many states lack legislative and technical bases for compliance with the international covenants.

SHAM BANKRUPTCY. The globalization of trade has turned sham bankruptcies in one country into an international crime. We do not know the true magnitude of this phenomenon, but analysis of selective cases show that the mafia will buy a lucrative enterprise and bankrupt it for the sake of even greater gains. Coordinated international efforts are indispensable for combating such crimes.

PENETRATING LEGAL BUSINESSES. When one drinks beer one doesn't care whether the brewery is mafia-owned. Drug cartels and other criminal organizations own a large number of enterprises. The amount of drug money alone invested in legal businesses is estimated at \$200 billion to \$500 billion. The number of businesses owned by criminals has been growing in direct proportion to those owned by respectable people.

With criminal-owned businesses mushrooming at such a pace, a time will come when the world economy will find itself under the underworld's control. It's very difficult to establish whether a company manager has connections with narcobusiness, whether an enterprise has been bought in order to launder dirty cash. Half of the daily international money transfers are believed to be laundered in areas with offshore banks and/or tax havens.

Task 3 Opinion Poll

Let's see what you think of the following questions. Walk round the class and have a talk with your class-mates.

You may make notes in order to share the information obtained with the class.

1. What type of crime do you find the most horrible (invincible)?
2. Do you know any examples of the crimes you've read about?
3. What immediate actions must be taken to protect individuals and businesses against the perils posed by the underworld?
4. Why do you think it is urgently necessary for countries:
 - to extradite criminals and put them on trial,
 - promptly exchange information on criminal activities,
 - provide technical assistance to one another for crime prevention purposes,
 - prevent cross-border activities by smugglers of firearms, explosives and substances that can be used in making nuclear, biological and chemical weapons?
5. Which of these measures do you think are the most stringent and efficient?

You can't do without these phrases

Logical connectors

1. Cause

Thus

Таким образом, итак

That's why

Поэтому

As a result

В результате

Consequently

Следовательно

Therefore

Поэтому

2. Contradiction

As a matter of fact

В действительности, в сущности

Indeed

Действительно

In fact

На самом деле

3. Contrast

However

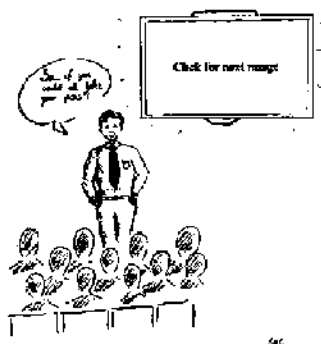
Тем не менее

Still

Все-таки

For other helpful phrases use Appendix

Task 4 Presentation



A. Select one problem to report on to the class:

1. The underworld has a strong impact on private individuals, on certain economic sectors and on the world economy as a whole.
2. The transnational crimes are so horrible that they can become unbearable to humanity in the future.
3. Increasing international cooperation must be recognized as an indispensable requisite in combating organized crime worldwide.
4. Besides poisoning the climate of entrepreneurship and corrupting political leaders, transnational crime makes a mockery of human rights.
5. The mafia kills democracy in whatever society it dominates.
6. The transnational crimes can be vanquished only through the concerted efforts of politicians, businessmen, journalists and law-enforcers worldwide.

To make your presentation successful you are to meet the following requirements:

- (1) prepare the presentation according to the plan on page 7
- (2) time frame — 4–5 min.
- (3) to conclude, suggest a problem question for your fellow-students to discuss

B. Take notes on each other's presentations. Ask questions about the information that you hear.

UNIT VIII

THE POLICE

Task 1 Think about the subject

Listen to the text «Enforcing the Law» presented by your teacher and get ready to list the police functions:



Task 2 Discussion

Work in pairs. Now read the text «The Role of the Police» and say if you can think of any other functions not listed here? Compare your conclusions with those of your classmates. Report to the class on the police functions.

Text The Role of the Police

The police have many functions in the legal process. Though they are mainly concerned with criminal law, they may also be used to enforce judgments made in civil courts. As well as gathering information for offences to be prosecuted in the courts, the police have wide powers to arrest, search and question people suspected of crimes and to control the actions of members of the public during public demonstrations and assemblies. In some countries, the police have judicial functions; for example they may take a decision as to guilt in a driving offence and impose a fine, without the involvement of a court.

A just legal system needs an independent, honest police force. In countries where the public trust the police force, they are more likely to report crimes, and it seems that they are also more likely to be law-abiding

Task 3 Presentation

Prepare a presentation on one of the following problems (homework):

(1) Police Forces

(2) Police Power of Interviewing

To make your presentation successful you are to meet the following requirements:

(1) prepare a presentation according to the plan given on page 8

(2) time frame — 4—5 min.

(3) to conclude, suggest a problem question for your fellow-students to discuss

(4) use the words and expressions given after the respective texts

Text 1 Police Forces

There are now 43 police authorities in the United Kingdom. Each is responsible for policing in its area. In 1992 a National Criminal Intelligence Service was set up to gather information sent in from all over the country. The facilities provided by this agency are available to all the police forces. The Police National Computer, which stores a vast amount of information about crime and criminals, is another important instrument in the fight against crime.

Many police officers are highly trained and dedicated experts. Specially selected officers are permitted to carry firearms when dealing with dangerous criminals. Police officers are trained in many other skills. The following is a list of just a few of the specialist branches of the force:



Crime prevention. All forces have a department of officers trained to give advice on how citizens may best protect themselves and their property against criminals. They often visit schools and make presentations to children.

Community relations. The job of Community Liaison Officers is to improve relations between the police and the

different parts of the community they serve, including young people in the area. This includes race relations work and visiting of schools.

Dog handling. These officers are specially skilled in training and handling police dogs, whose duties may range from protection against violent criminals to assisting in the investigation of crime (drug, terrorism).

Mounted police. Even in these modern times the police still make use of horses as a particularly effective means of crowd control. Police horses must be at least 16 hands high. They undergo a period of intensive training to learn to cope with noisy traffic and hostile crowds, pistol shots and missiles.

Scenes of crimes and forensic science. Scenes of Crimes Officers are expert in visiting the scenes of crimes and searching for clues. They take fingerprints or the castings of shoe-prints, and remove any item of interest which will require laboratory examination. Police officers are also trained to work in the laboratories.

Drugs Squad. These officers must become expert in the identification of a whole range of prohibited dangerous drugs and substances. They must become familiar with the «drugs scene» and the various types of people who become involved in it..

Murder Squad and Flying Squad. These branches of the force deal with the most serious investigations into murder and other violent crime, such as armed robbery. The Flying Squad gets its name from the ex-Royal Flying Corps vehicles which it once used.



Criminal Investigation Department (CID). CID officers wear plain-clothes and specialize in detective work. They are frequently called in to interview suspects who have been arrested by uniformed officers. Police officers are also specially trained to investigate cases of child abuse, or fraud.. A special branch are involved in the work of Interpol.

The powers of the police are set out in a number of Acts of Parliament. The police have four main powers, to:

Stop and search. The police may stop and search a suspect if they have reasonable grounds for believing that certain offences have been committed, such as theft, the possession of stolen goods, offensive weapons, knives, or other bladed articles, or the unlawful taking of a vehicle.

Arrest. The police may arrest without a warrant (issued by a magistrate) anyone suspected of committing an «arrestable» offence. «Arrestable»

offences are the more serious offences. The police may arrest with a warrant in other cases.

Detain. The police may detain a suspect while they carry out their investigations. This includes the power to question the suspect.

Enter and search premises. This includes the power to seize evidence with or without a warrant, where, for example, they have reasonable cause to believe that someone is committing an arrestable offence, or to save life, or to prevent serious damage to property.

These powers are very great, and they are given to the police as part of their overall responsibility to enforce the law, but they are all governed by the law, and are subject to strict control by rules and regulations. If the police exceed their powers, the person who has been wronged may take action in the courts against the officers concerned and the police force to which they belong. The officers may be disciplined.



Words and Expressions to be Used in Presentation

fight against crime
highly trained and dedicated experts
deal with dangerous criminals
protect property against criminals
to improve relations between the police and the community
to cope with noisy traffic and hostile crowds, pistol shots
visit the scenes of crimes
search for clues
take fingerprints or the castings of shoe-prints
identification of a whole range of prohibited dangerous drugs and substances
to investigate cases of child abuse or fraud
set out the powers of the police
«arrestable» offence
detain a suspect
to question the suspect
the power to seize evidence
to have reasonable cause to do smth.
to prevent serious damage to property
to enforce the law
to be subject to strict control by rules and regulations

police exceed their powers
take action in the courts against smb.

Text 2 Police Power of Interviewing

One of the important powers of the police, which has caused much difficulty and controversy, is the power to question or interview persons suspected of crime. In some cases, the prosecution's case against a defendant includes evidence that he confessed to the crime. This has on occasion led to the courts deciding that certain defendants have made «false confessions»—admitting to offences which they have not committed.

We may wonder how this could come about, but there is no doubt that people questioned about even the most serious offences, including murder, have sometimes admitted to committing the crime, and yet it has later been proved that they were innocent. There are now many rules relating to police interviews, and a great deal has been done to try to make sure that these are conducted fairly, and that anything said by the suspect after his arrest is accurately recorded.

The Police and Criminal Evidence Act 1984 provides numerous laws to protect people who are being interviewed by the police, and it is responsible for detailed codes of practice that govern the manner in which these interviews should take place.

All suspects being interviewed now have the right to the advice of solicitors and to have them present at their interviews. Children under the age of 16 must be accompanied by a parent or some other «responsible adult» concerned for their welfare. All interviews should now be tape-recorded, and copies of the tapes provided to the defence, so that the defendant and his lawyers will be able to check what the defendant said, and demonstrate any unfairness to the jury. These rules and codes of practice have done much to remove the serious disquiet which resulted from a number of sensational cases.

The new police constable must then begin his or her career working «on the beat»—patrolling the streets—and will do this for the rest of a probationary period, which is usually two years. New recruits are told: «*working the local streets with experienced colleagues, you'll learn how to relate to people, judge situations and act accordingly. With the support and constructive criticism of your colleagues, you'll gain experience of all types of police work and all aspects of our role within the community*». The career structure in the police force allows men and women the opportunity to be promoted from constable to sergeant, then through the various grades of inspector and superintendent, right up to the ranks of Deputy Chief Con-

stable and Chief Constable. In London, the head of the force is called the *Metropolitan Commissioner*. He heads a force which now has more than 25,000 police officers—one-fifth of all the officers in England and Wales. Each police force is supervised by a Police Authority. In England and Wales these consist of local councillors, magistrates, and other independent members.

Ever since the first police force was founded, the police have come under criticism—for denying civil liberties, for failing to catch criminals, or for catching the wrong people. They have also been roundly criticized for discriminating against members of ethnic minorities. In some cases these criticisms have proved to be justified, and there have been a small number of extremely serious cases in which police officers, who have been paid to enforce the law, have been found to have broken it. These cases, which have resulted in serious injustice, have had a profound effect upon the whole criminal justice system and, of course, the police and the manner in which they carry out their duties. They have also resulted in very significant changes in the law.

Criticisms of the police should be seen in proper perspective. Complaints against the police are normally carefully investigated, but few of them are found to be true.

The police perform many duties fundamental to the well-being of society but which are unlikely to make them popular. Some find it hard to accept that for every bad police officer, there are many good ones dedicated to the community in which they serve. Few would wish to face and disarm a dangerous criminal, or enter the home of someone who has been murdered, or handle the case of a child who has been badly abused, or attend the scene of a horrific road accident to unravel its causes. It is worth remembering that the police regularly receive commendations and awards for outstanding bravery and service to the community—from tackling and arresting armed criminals, to carrying out difficult and dangerous undercover operations; from rescuing the victims of serious crime, to saving the lives of those threatening to commit suicide.

The British people tend to have a love-hate relationship with their police. This is, perhaps, inevitably having regard to their role as chief law enforcers in the country. This role is, however, a crucial one, and the police force is the important and necessary element in the administration of justice.



Words and Expressions to be Used in Presentation

to cause difficulty and controversy
to question or interview persons
to confess evidence to the crime
to make «false confessions»
to conduct interviews fairly
to provide numerous laws to protect people
codes of practice
to have the right to the advice of solicitors
to provide copies of the tapes to the defence
to demonstrate unfairness to the jury
a probationary period
to head a force
to found police force
to deny civil liberties
to result in serious injustice
to carefully investigate complaints against the police
to perform duties fundamental to the well-being of society
to handle the case
a badly abused child
to tackle armed criminals
to carry out dangerous undercover operations
to rescue the victims of serious crime
administration of justice



Task 4 Making a presentation in class

1. Work in pairs. Make your presentation and discuss your problem question with a partner.
2. Work in two groups according to your variant.
Get together to discuss your problem questions with your fellow-students. Choose three the most interesting and acute questions, share them with the other class. Report the results of your talk to the class.

You can't do without these phrases

Starting, resuming and winding up a talk

<i>Speaking of...</i>	Говоря о...
<i>To begin with,...</i>	Прежде всего...
<i>We are getting away from the subject.</i>	Мы отклоняемся от темы.
<i>That's beside the point.</i>	Это не относится к делу.
<i>Get to the point.</i>	Говорите по существу.
<i>Keep to the point.</i>	Не отклоняйтесь от темы.
<i>Don't go into details.</i>	Не вдавайтесь в подробности.
<i>In short...</i>	Короче говоря...
<i>To sum it up...</i>	Подводя итог сказанному... (В итоге...)
<i>That's all there is to it.</i>	Вот и все (что можно было сказать по этому вопросу)

For other helpful phrases use Appendix

Task 5 Interview

Work in 3 groups. Imagine that two of your students are policemen. They introduce themselves. One of them is a constable, the other — an officer of CID. Act out the interview. Ask a constable and an officer of CID about police service. Make use of the ideas of the texts for presentation to ask your own questions.

Task 6 Information exchange

1. Work in pairs. There are two texts: Variant A — «London Police» and Variant B — «Francois Vidocq».

Each of you will work with one of the Variants — A or B. Read your text and be ready to answer the questions prepared by your partner. Think of all possible questions that will help you to understand what your partner's text is about.

Then find coincidences and differences between the two texts concerning

- (a) the persons involved
- (b) the place and the country
- (c) the time of the action
- (d) the details of the text
- (e) the result of the activities

Variant A

London Police

Despite the cruel penalties inflicted upon criminals, the state of lawlessness in the seventeenth and eighteenth centuries was appalling. By the second half of the eighteenth century, the general population lived with a terrifying sense of insecurity. Gangs of criminals roamed the towns. Any form of transport was risky.



Keeping law and order has always been a difficult task. In their desperation Justices of the Peace would also employ thief-takers to catch criminals. Thief-takers were often no better than the criminals themselves. Sometimes they were criminals, who knew the criminal underworld well.

The most notorious thief-taker of all was *Jonathan Wild*, who operated in the early part of the eighteenth century. Nick-named «the thief-taker general», he began his career in a small way, informing on criminals who were suspected of crime.

Eventually he built up a criminal empire of his own. His specialty was the organization of robberies and burglaries. He was then paid rewards by the victims for securing the return of their property.

In 1719, as a direct result of activities of this kind, Parliament passed the Second Transportation Act, which laid down that anyone taking a reward for receiving stolen goods, anyone who did not also help to arrest the thief and give evidence against him, was guilty of a «felony» (serious crime which could result in sentence of death).

Eventually, Wild was himself caught and prosecuted. He had for a reward returned some stolen lace to its owner. He was acquitted of the charge of stealing the lace, but was found guilty of failing to give information which would lead to the capture of the criminals. He was executed and his skeleton is now displayed in the museum of the Royal College of Surgeons. The first police force to become an organized body of men wearing uniforms and given special powers was the *Metropolitan Police Force* («The Met»), named because it policed the metropolis of London. This force was created by the Metropolitan Police Act 1829. At that time *Robert Peel* was the Home



Robert Peel

Secretary, and policemen were therefore known as «Peelers» or «Bobbies». The new police force first went out on duty on 29 September 1829. The force made a poor start. By the end of the year, some men had been recruited, some had been dismissed, because of being drunk on duty.



«Peeler»

It is hardly surprising that public opinion was very much against it. Newspapers complained bitterly that the police behaved with brutality in their enthusiasm to make arrests. At the same time the police were blamed for failing to clear up crime. Nevertheless, the value of an organized police force soon became apparent.

In the remainder of the century the police force grew rapidly. The conditions of employment improved. Their work came under the direct supervision of local councillors giving local communities a degree of control and sense of pride in their police. Women first joined the force in the 1920s.

Notes to the text

to inflict penalty upon
terrifying sense of insecurity
list of wanted criminals
to bring smb to trial
to police

to recruit
to dismiss
to be blamed
apparent
the supervision of local councillor

назначить наказание
ужасное чувство незащищенности
список разыскиваемых
привлекать кого-либо к суду
нести полицейскую службу
привлекать к военной службе
освободить от должности
быть обвиненным
видимый? явный
надзор со стороны члена местного совета

Variant B Francois Vidocq

Crime is as old as human beings. Every society has rules about how to behave, and there are always some people who decide to break them. As a result, there have been police forces, courtrooms and judges since the days of ancient civilizations.



Francois Vidocq

But strange as it may seem, there have not always been detectives. No one used specialist skills for tracking down criminals until early in the 19th century. Then it took just one extraordinary criminal to change everything. His name was *Francois Vidocq* (1755—1875).

He was not a hardened criminal. He never robbed unsuspecting people, or innocent men. But when he was young he loved fencing, gambling, and fighting with men over women. Sooner or later, he was bound to get into trouble. Several times he was arrested, two times he was sent to the galleys, but he always managed to escape.

No wonder, at the age of only twenty three Vidocq was famous among criminals.

It was impressive to escape the galleys once — but twice! This was almost beyond belief, and his fellow criminals regarded him as a hero. This did not make his life easier. The authorities were still hunting for him, and it was difficult to survive without falling deeper into a life of crime.

He joined a group of violent robbers for protection, but when he refused to work with them, they betrayed him and he was arrested.

But this time something changed. The chief of police could see that Vidocq was made of unusual stuff. He offered him a choice — to go back to the galleys or to give the names of some of his criminal friends.

For Vidocq, the choice was not easy. He had never done anything badly wrong.

And he did not want to go back to the galleys. So he gave the necessary information.

Being an informer was an ideal role for Vidocq. He had not lost his knack for disguises, and the criminal underworld trusted him. Before long, he was giving the police more information than they could have dreamed possible — and the criminals themselves had no idea how the police could know so much.

By 1811, his work was so successful that he employed other agents to help him. In 1812 he established *Surete*, the world's first secret security service.

With his powers of deduction, his cunning disguises and his unfailing eye for detail, Vidocq came to be feared and hated by criminals all over France. It seemed there was no end to his inventiveness. Ideas occurred to him that had never occurred to anyone else.

He was the first to suggest using fingerprints to identify criminals, he made the radical move of introducing women agents. Many offices were opened in different cities.



PRISON DE LA FORCE, RUE SAINT-ANTOINE.

He lived an extravagant, flamboyant life, and became a living legend. He had many literary friends who were more than willing to write about his exploits-famous writers such as Victor Hugo, Honore de Balzac, Alexander Dumas all knew him well, and based some of their fictional characters upon him.

Notes to the text

to track down criminals

hardened criminal

fencing

gambling

violent robber

to betray

knack for disguises

employ

cunning

powers of deduction

inventiveness

flamboyant life

exploit

fictional

выслеживать преступника

закоренелый преступник

скупка краденного

игра в азартные игры

жестокий (отчаянный) грабитель

предавать

умение маскироваться

использовать, нанимать

искусный, хитрый

способность делать выводы, дедуктив-

ные способности

изобретательность

яркая жизнь

подвиг

вымышленный

2. Work in two groups — A and B. Each group is to sum up the information from the text of the opposite group and present it to the class.

Task 7 Work in pairs

1. Listen to the extract from Roald Dahl's story «The Hitch-hiker».
2. Work in pairs. Discuss the idea of the story with a partner giving comments on the following questions:

- (1) Why did the policeman stop the driver?
- (2) Did the policeman act within the law?
- (3) Is it possible to arrest a person and put him to prison for over speeding?
- (4) What punitive measures can be taken for such an offence?
- (5) How should the offender behave in such circumstances?
- (6) Can an offender make a complaint of the unlawful behavior of the policeman?

3. Compare your comments with those of your class-mates.

Task 8 Expanding the point

(This is the interview with Karen Giles, an experienced Metropolitan Police officer. Unfortunately the journalist has lost his questions and mixed all parts.)

1. Work in pairs. Restore the interview:

(1) in its logical order

(2) ask questions about each part

2. Act out the interview (journalist and police officer)

What is it like to be a police officer in London?

J. _____?

P. I work shifts which means that I work two early turns (06.00—14.00 or 15.00), two late turns (13.00—23.00) and then two night duties (01.00—06.00) and then I have four days off.

J. _____?

P. Most British police officers do not carry firearms. There are teams of officers who have extra training and carry guns but they are only called in for very serious incidents where perhaps a person has used a gun.

J. _____?

P. I work on a response team which means that we answer calls made to Scotland Yard and the local police station by people from the local community. We deal with family arguments, people who have had their homes broken into, assaults, people who are lost or who have fallen over at home and cannot get up — lots of very different situations

J. _____?

P. I joined the Metropolitan Police Service which is based in London and Greater London just over twenty eight years ago. It is a very large police force with about thirty one thousand police officers and sixteen thousand civilian staff. The City of London has its own police service and covers a very small area which includes St. Paul's Cathedral and Pudding Lane, where the Great Fire of London started many years ago.

J. _____?

P. I decided to join the police service after a police woman visited my school when I was about fifteen years old. I lived in a small town in the South West of England and my mother was very worried when I decided to travel to London to join the police. I had never visited London and when I stepped off the train at Paddington Station I was startled by the noise and all the traffic.

J. _____?

P. It is a challenging job and there are many different aspects to policing a large city. Some of my colleagues have police dogs. Some ride police horses, others ride police motorbikes and many in plain clothes.

J. _____?

P. It is difficult sometimes because there are many tragic situations which need to be dealt with by police — people who die suddenly as a result of accidents or who have been attacked. It is important to be compassionate and strong in these situations. However, there are many good experiences — a colleague was called to a house and delivered a baby boy — yes it does happen occasionally.

J. _____?

P. The skills you need as a police officer in the UK are varied. You need a very good sense of humor. A strong constitution (you should not faint at the sight of blood), a sense of duty in serving the community. You should like talking to people (I talk a lot) and most of all believe in the importance of law and order.

Task 9 Competition

Work in two groups A and B. Discuss the following problem questions. Group A is supposed to give arguments for, Group B — arguments against.

Brainstorm as many arguments for and against as you can in five minutes. The group that will sound more articulate and convincing in presenting stronger arguments will win the competition.

- (1) Do you think that citizens are to be aware of the laws which affect their lives?**
- (2) Do you believe that the mere presence of the police deters people from committing offences?**

You can't do without these phrases

Try to sound more convincing by adding

Take it from me.../Take my word for it! Поверьте мне... (я ручаюсь...)

Upon my word... Честное слово.

... I assure you. ... уверяю вас.

For other helpful phrases use Appendix

T a s k 10 Work in pairs

1. Restore the dialogue between a policeman and a visitor from another country. The words of the policeman are given in the right order. The visitor's lines given below are all mixed up.

Dialogue

Keep to the left

A street in an English town. A policeman stops a car. In the car there is a visitor from another country.

Policeman: (holding up his hand) Stop!

Visitor: _____

Policeman: — Why are you driving on the right side of the road?

Visitor: _____

Policeman: — You are driving on the wrong side.

Visitor: _____

Policeman: — That's right. You're on the right and that's wrong.

Visitor: _____

Policeman: — My dear sir, you must keep to the left. The right side is the left.

Visitor: _____

Policeman: — Certainly. At the end of this road, turn left.

Visitor: _____

Policeman: — You'll be right if you turn left. But if you turn right, you'll be wrong.

Visitor: _____

The words of the visitor.

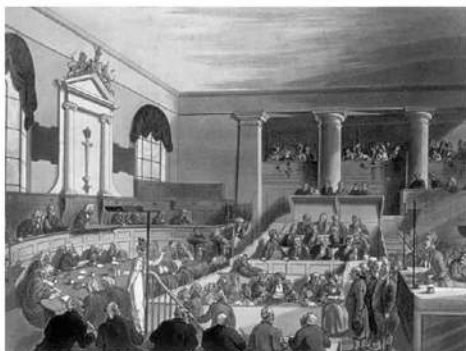
- (1) But you said that I was driving on the right side.
- (2) It's like a looking-glass! I'll try to remember. Well, I want to go to Bellwood. Will you tell me the way?
- (3) Do you want me to ride on the wrong side?
- (4) A strange country! If right is wrong, I'm right when I'm on the wrong side. So why did you stop me?
- (5) Now let me think. Turn left in! In England left is right, and right is wrong. Am I right?
- (6) Thank you. It's as clear as daylight!
- (7) What's the matter?

2. Act it out.

3. Explain what accounts for the humorous effect in it. Be ready to answer your teacher's questions.

UNIT IX

TRIAL



Task 1 Think about the subject

1. Brainstorm the following questions:

- (1) What is a criminal trial intended for?
- (2) What does the word «evidence» mean?
- (3) Who are the participants of the criminal trial?
- (4) What does «open court» mean?

2. In small groups of three or four brainstorm vitally important principles of justice which govern every criminal trial

Task 2 Presentation

Prepare a presentation on one of the following problems at home:

- (1) The First Four Stages of a Criminal Trial
- (2) Defence Evidence and Closing Speeches
- (3) Judge's Summing-up
- (4) Verdict
- (5) Sentence

To make your presentation successful you are to meet the following requirements:

- (1) prepare a presentation according to the plan given on page 8
- (2) time frame — 4—5 min.

- (3) in the end suggest a problem question for your fellow-students to discuss
- (4) use the words and expressions given after the respective texts

Text 1 The First Four Stages of a Criminal Trial

The trial begins with the arraignment (accusation) of the defendant.

The defendant is accused in court of the offences which are to be tried. This is done by the clerk reading out the indictment, the document which contains the charges. After each charge is read the defendant is asked: «Do you plead guilty or not guilty?» If the defendant pleads guilty to the charges against him, this means that he admits that he committed the offences. Then there is no need for a trial, and a judge will sentence him to the appropriate punishment. If he pleads not guilty, he denies committing the offence and the trial moves to the next stage.

Twelve jurors are sworn to try the case. A defendant has the right to challenge (to object to) any of the jurors who are chosen to try his case, but only if he can give a good reason for the objection. For example, if a juror knows a defendant, or knows any of the witnesses in the case, that would be a good reason for objecting to him. If the judge agrees with the objection, the jurors are replaced by others to make up 12.

The barrister for the prosecution makes a prosecution opening speech, telling the jury what the case is all about. The purpose of this statement is to help the jury to understand what the charge is and to follow the evidence when it is given. Then he calls the prosecution witnesses. They must be sworn and give evidence according to certain rules. The side (the prosecution or the defence), calling the witness asks questions first, in order to bring out what the witness has to say (the examination-in-chief or direct examination). The party calling the witness is not allowed to ask questions that are designed to lead the witness into giving a particular answer (leading questions). Another important rule is the rule against allowing hearsay evidence. Witnesses may talk about what they saw and heard, but not about what other people may have told them. The evidence of the witness may be tested in cross-examination by the lawyer for the other side (the defence or prosecution). He is allowed to ask any questions provided that they are relevant to the case.

When the prosecution have called all their evidence, their case is then «closed». It is possible for the defence to make a submission (argument) to the judge that there is no case to answer. This is called a submission of no case and it means arguing that the prosecution have failed to put reliable evidence before the court which could result in a safe verdict of

guilty. If the judge agrees, he'll stop the case and direct the jury to find the defendant not guilty. If the judge disagrees, the case moves to the next stage.



Words and Expressions to be Used in Presentation

begin the trial with the arraignment (accusation)

defendant

find the defendant guilty (not guilty)

accuse the defendant of the offences

read out the indictment

plead guilty or not guilty to the charges against smb

offence

commit an offence

try an offence

deny committing an offence

clerk

sentence smb to the appropriate punishment

judge

be sworn by

juror

have the right to challenge a juror

challenge a juror

jury

direct the jury

object to, objection

give a good reason for the objection

agree with the objection

object to a juror

make a prosecution opening speech

witness

prosecution witness

defence witness

lead the witness into giving a particular answer

agree with

disagree

barrister for the prosecution (for the defence)

examination — in — chief (direct examination)

evidence

of the witness

hearsay evidence
prosecution evidence
reliable evidence
follow the evidence
give the evidence according to certain rules
test the evidence in cross examination
put reliable evidence before the court
party (side)
give a particular answer
leading question
lawyer
questions relevant to the case
make a submission to smth
 submission of no case
result in a safe verdict of guilty
stop the case

T e x t 2 Defence Evidence and Closing Speeches

The defence evidence is the fifth stage of a criminal trial. The defendant may give evidence, and his lawyer can call any witnesses to support his case. The procedure of giving evidence is the same both for the prosecution and for the defence — examination-in-chief (direct examination), cross-examination.

A defendant does not have to give evidence, but the law is that if he does not, the jury may «draw inferences» from his failure to do so. In other words, they may hold it against him when deciding whether he is guilty. Normally, when a defendant gives evidence he must be called as the first defence witness. This is because he is entitled to sit in court throughout the trial, and it would not be right to allow him to call witnesses, and then tailor his evidence to the evidence they have given.

The cross-examination of a defendant can be the highlight of a criminal trial. This is the prosecution's chance to demonstrate the case against him very directly and personally.

What happens if a witness (whether for the prosecution or the defence) breaks his oath and tells lies? Any person who gives false evidence in court about an important matter may in theory be charged with the criminal offence of perjury but the prosecution for perjury is rare. People are usually charged with perjury only when they have conspired together in a carefully prepared plan to give false evidence.

The prosecution and defence closing speeches are the sixth stage of a criminal trial. The prosecution barrister will usually make a final speech to the jury explaining how, in the light of all the evidence which has been called, the prosecution say that their case is proved. In their closing speeches, barristers are allowed to comment on the evidence.



Words and Expressions to be Used in Presentation

defendant

evidence

 false evidence

 defence evidence

 give evidence

lawyer

witness

 witness for the defence (for the prosecution)

 defence witness

 call witnesses to support a case

procedure

examination-in-chief (direct examination)

cross-examination

jury

 make a speech to the jury

draw inferences

decide whether smb is guilty

be entitled to sit in court throughout the trial

be the highlight of a criminal trial

demonstrate the case against smb

hold smth against

be guilty of

tailor smth to

break the oath

tell lies

perjury

 be charged with perjury

 be charged with criminal offence of perjury

 prosecution for perjury

conspire

closing speeches

prosecution barrister (defence barrister)
prove a case
comment on

Text 3 Judge's Summing-up

Judge's summing-up is the seventh stage of a criminal trial. There are two main parts to every summing-up:

The judge must first tell the jury what the law is. This includes giving them «legal directions» that the prosecution must prove the case so that they are sure that the defendant is guilty. He must also give directions as to what the prosecution must prove in order to make them sure. If there are several defendants charged with a number of different offences, the judge must ensure that the jury understand what the law is in each case. If there are two or more charges, the judge must tell the jury to consider the charges separately, each on its own merits, and make a separate decision in each case. It is possible for the jury to find the defendant guilty of all charges, or guilty of theft, not guilty of assault, etc.

The judge must remind the jury of the important parts of evidence, including the evidence called by the defence. He must do his best to give a fair and balanced summary of the facts. This does not mean that he should try to make the prosecution and the defence cases sound equally strong. Where it is clear that the evidence for one side is much stronger than the evidence for the other, a fair summing — up will reflect that.



Words and Expressions to be Used in Presentation

judge's summing-up
judge
jury
law
give smb legal directions
prosecution
prove the case
be sure that
defendant, defence
make smb sure of smth
charge
 consider the charge separately
 find smb guilty of all charges
 be charged with

number of different offences
ensure that
on one's own merits
make a separate decision
theft
assault
remind smb of smth
evidence
 evidence for one side
do one's best
give a fair and balanced summary of the facts
the prosecution and the defence cases
fair summing-up

Text 4 Verdict

The eighth stage of a criminal trial is verdict. It is the jury who must decide whether the defendant is guilty or not guilty. This decision is called their verdict. When the judge has finished his summing-up, the jury will go to their room, and consider their verdict in private. One of the jury is elected by them to be their foreman or a forewoman. He or she will act as their unofficial chairman and spokesman and will announce the jury's verdict to the court.

Jurors who are considering their verdict are always guarded by the court ushers, who must ensure that no one interrupts or interferes with them while they are deliberating. They may not discuss the case with anyone — even family or friends — for they must not allow their decision to be influenced by people who have not heard all the evidence as jurors.

If the jury need a long time to reach their verdict, they may be allowed to separate and go home, and come back the next day to continue their decisions. In some particularly serious or sensitive cases, which have attracted much publicity, they may have to spend the night in a hotel under the supervision of the ushers.

If a jury cannot reach a majority verdict (the verdict must be one on which at least 10 of the jurors agreed), there may be a re-trial. If after a re-trial the second jury also disagree, the prosecution will then drop the case and offer no further evidence. When this happens the judge will order that a verdict of not guilty be recorded, and the defendant will go free.

The judge must faithfully follow the verdict and pass sentence for the crime or crimes which the jury decide the defendant has committed.



Words and Expressions to be Used in Presentation

verdict

- consider a verdict in private
- announce a verdict to the court
- reach a majority verdict
- follow a verdict
- verdict of not guilty

jury, juror

be guilty (not guilty) of
defendant

- decide whether the defendant is guilty or not guilty

judge

summing-up

foreman, forewoman

chairman

spokesman

- act as an unofficial chairman and spokesman

usher

- under the supervision of the usher

- be guarded by the court ushers

ensure that no one interrupts or interferes with smb

deliberate

case

- serious case

- sensitive case

- discuss a case

- drop a case

allow one's decision to be influenced by

evidence

- hear the evidence

- offer no further evidence

attract much publicity

re-trial

disagree

prosecution

record

go free

crime

- pass sentence for a crime

- commit a crime

Text 5 **Sentence**

The last (the ninth) phase of the trial is a quite separate one. It is because the sentence of the court is the punishment which the court must decide to impose. It is the judge who passes sentence in a case. The jury play no part in this.

Deciding what the punishment should be is always one of the most difficult aspects of the judge's duties. In some cases he may have no choice but to pass a particular sentence, but in most cases he does have a discretion.

The judge must take into consideration all the circumstances of the offence itself. He will have heard about this in the course of the trial. In particular, he must consider the effect that the offence has had on the victim of the crime.

The judge is given information about the defendant's own personal circumstances. If the defendant has not pleaded guilty and there has been a trial, the judge is already likely to know a good deal about him — his age, family, and employment situation. He will now be told in open court if the defendant has committed any crimes before, and if he has, his list of previous convictions will be read out. He is naturally expected to be more lenient towards a defendant of good character who has been a law-abiding citizen than a defendant who has been in trouble many times.

The judge must give the lawyer representing the defendant the chance to plead for leniency (a light sentence).

If a sentence of imprisonment is passed, the Dock Officer, whose job is to guard a defendant in court, makes a record of the sentences and escorts him to prison at the end of the day.



Words and Expressions to be Used in Presentation

sentence

pass a particular sentence

light sentence

sentence of imprisonment

make a record of the sentences

pass a sentence of imprisonment

impose punishment

judge

aspect of the judge's duties

have no choice

case

jury

have a discretion
circumstance

take into consideration all the circumstances of the offence
the defendant's own personal circumstances

in particular
crime

victim of a crime
commit a crime

plead

plead not guilty
plead for leniency

know a good deal about smth

tell in open court

read out list of previous convictions

be lenient towards a defendant of good character

law-abiding citizen

be in trouble

lawyer

guard a defendant in court

escort smb to prison

represent a defendant

consider the effect that the offence has on the victim of the crime



Task 3 Making a presentation in class

1. Work in groups of five. Make your presentation for your fellow-students. Be ready to elaborate on the ideas your friends might fail to understand.
2. Answer your teacher's questions.
3. After your presentation name the stages of a criminal trial, put them in the correct order (do it in writing).
4. Write your problem questions to the texts on separate cards.

Task 4 Extension

Discuss your problem question. Listen and decide whose question you like best. Give your comments on it.



Task 5 Round-table talk

Work in groups of three. Take a card from the pile of cards given by your teacher to your group. Read out the situation in the card and decide which stage of a criminal trial the situation describes.

You can't do without these phrases

If your partner ignores facts, you say

Let's take facts.

Давайте рассмотрим факты.

Let's stick to facts.

Давайте придерживаться фактов.

There is no getting away from the fact that...

Нельзя не принять во внимание тот факт, что...

You should take into consideration the fact that...

Вы должны принять во внимание тот факт, что...

I proceed from the fact that...

Я исхожу из того, что...

You can't deny that...

Вы не будете отрицать, что...

The fact that...

Тот факт, что...

...let alone...

...не говоря уже о...

Actually...

В сущности. На самом деле.

In fact...

Фактически...

That won't get us anywhere.

Это (нас) ни к чему не приведет.
Так мы ни к чему не придем

You are carrying it too far.

Вы слишком далеко зашли.

For other helpful phrases use Appendix

<p>Card 1. «Members of the jury, this defendant is charged with three offences: theft, assault, and possessing an offensive weapon, that is a large lock-knife. The prosecution says that on Saturday 31 December 2005 he entered a pet shop where he appeared to be acting suspiciously.»</p>	<p>Card 2. «It will be for you to decide what actually happened in this case. You must consider each of these charges separately. In each case before you can convict, the prosecution must make you sure that the defendant is guilty. I will now call the evidence before you.»</p>
<p>Card 3. «Jurors who are chosen to serve on a jury will take the oath on the Bible, Muslims on the Koran. If the jurors have no religious beliefs, they will be asked to affirm and permitted to make a solemn promise to give a true verdict according to the evidence.»</p>	<p>Card 4. At trial, the judge ruled the jury that an alibi notice was necessary in respect of the possible evidence.</p>
<p>Card 5. W and F were tried on four joint counts of handling stolen goods. The jury retired at 1.00 p.m. on Thursday and were given the majority direction at 3.35 p.m. At 4.36 p.m., they were called back and asked whether they had reached any verdicts. They returned guilty verdicts on counts 1—3 in respect of F. When asked if they were likely to reach verdicts on the remaining matters, the forewoman said «we are one away from having a majority». The jury were released for the night.</p>	<p>Card 6. An application by the defence that the video-recorded interview be excluded, on the ground that the substance of her evidence was hearsay because it came from what she had been told by her mother, had been refused by the judge.</p>
<p>Card 7. Thomas has been charged with murder. He is pleading «not guilty» to the charge.</p>	<p>Card 8. The judge in his summing-up failed to give the jury the proper warning that, even if they concluded that the alibi was false, that did not of itself entitle them to convict the defendant. The prosecution must still make them sure of his guilt.</p>

<p>Card 9. 14 months' imprisonment for aggravated vehicle taking six months consecutive for dangerous driving and six months consecutive to both terms for driving with excess alcohol (total 26 months); disqualified from driving for two years.</p>	<p>Card 10. At the conclusion of the evidence, there was a submission of no case to answer in respect of the counts of murder and attempted murder.</p>
<p>Card 11. The judge directed the jury on recent possession, and added: «I told you that you are entitled to draw certain inferences from recent possession but it is for you to (say) how recent is recent. What might be recent possession, for example, for a painting worth a couple of million pounds would, you might think, be very different from what would be recent possession of a packet of cigarettes. It depends upon the property, does it not, and it depends upon the circumstances.»</p>	<p>Card 12. Four years' imprisonment, disqualified from driving for five years and ordered to take an appropriate driving test.</p>
<p>Card 13. The defendant pleaded guilty to two offences of unlawful wounding, two of taking a vehicle without consent, one of burglary and one of false imprisonment.</p>	<p>Card 14.</p> <p>— So, Mr. Smith, you took Ms. Jones to a movie that night, didn't you?</p> <p>— Objection, Your Honour, counsel is leading the witness.</p> <p>— I'll rephrase the question. Mr. Smith, where did you go that night? Who did you go with?</p>
<p>Card 15.</p> <p>— I know Harry well enough to know that two beers usually make him drunk, so I'm sure he was drunk that night too.</p> <p>— Your Honour, the witness has no firsthand knowledge of Harry's condition that night.</p>	<p>Card 16. The party calling the witness is not allowed to ask questions that are designed to lead the witness into giving a particular answer. Another important rule is the rule against allowing hearsay evidence. Witnesses may talk about what they saw and heard, but not about what other people may have told them.</p>

Card 17. The judge tells the jury what the law is. He gives them «legal directions». He must also give directions as to what the prosecution must prove in order to make them sure.	Card 18. The judge reminds the jury of the important parts of evidence. He does his best to give a fair and balanced summary of the facts.
Card 19. Jurors who are guarded by the court ushers, who must ensure that no one interrupts or interferes with them while they are deliberating.	Card 20. The judge takes into consideration all the circumstances of the offence itself. He considers the effect that the offence has had on the victim of the crime. The judge is given information about the defendant's own personal circumstances.
Card 21. The defence argued that the effect of the Criminal Law Act 1967, s. 6(2) was that on an indictment for murder a person might be found not guilty of murder but guilty either of manslaughter or of causing grievous bodily harm with intent.	Card 22. At the trial counsel for the company submitted that there was no case to answer the judge rejected the submissions, whereupon the company changed its plea to guilty.
Card 23. At the first trial a Mrs. Freestone gave evidence implicating Miss C. She had been in a cell with her and Miss C had told her that the deceased had «got what he deserved» and that her boyfriend and friend «had gone and waited for him and they had sorted him out».	Card 24. Colk pleaded guilty, on the basis that he had not personally used any violence to the victim. The other defendants pleaded not guilty.
Card 25. The trial judge directed the jury to put the question of diminished responsibility out of their minds since it had not been put forward as a defence and there was no evidence to substantiate it.	Card 26. At the start of the trial, defence counsel submitted that evidence as to those conversations should be excluded.
Card 27. At the end of the defence case prosecuting counsel applied for and obtained leave to adduce evidence in rebuttal relating to entries on all the till rolls.	Card 28. She said that on the day of the search, she had not heard C shout anything and was unaware of the presence of the drugs in the flat. Defence counsel posed the question for the jury—if a tenant is visiting infrequently does she have control simply through knowledge?

Card 29. At the defendant's trial for burglary, the prosecutions sought to put before the jury notes of two interviews which the police claimed had been made contemporaneously but neither of which had been signed by the defendant. The defendant's case was that there had only been one interview, at which no notes had been taken, and that the allegedly contemporaneous notes had in fact been fabricated.

Card 30. The judge submitted that neither the seriousness of the offence nor the danger to the public justified a sentence as long as 14 years. The judge came to the conclusion that the sentence was somewhat too long. A distinction should be made between false imprisonment for a period of three-and-a-half hours, and other offences of even greater seriousness. Some credit was due for the guilty plea. Keeping in mind the element of public protection, the judge would substitute a sentence of 12 years for the sentence of 14 years.



Task 6 Discussion

1. Work in groups of three. Decide if the following statements are true or false? Agree or disagree with them giving your arguments for or against.
2. Choose one of the following statements and give your comments on it. Share your comments with your partners. Report the results of your talk to the class.

- (1) The justice system exists to do justice.
- (2) Those who know both the accuser and the accused are unlikely to say where there is likely to be the truth in the accusation.
- (3) There have always been critics of jury system.
- (4) Jury trial is a very important symbol of democracy.
- (5) In recent times there have been strong moves to reduce the right to trial by jury.
- (6) Different criminal trials are held in accordance with different rules of procedure.

- (7) Every person who is accused of a crime must know what the accusation is like.
- (8) A person may be convicted of a crime on evidence given in court and obtained in pre-trial investigation.
- (9) In a criminal trial the burden of proving the defendant's guilt is always on both the prosecution and the judge.
- (10) A trial by jury is actually a trial by a judge and a jury.
- (11) An adversarial system involves two sides, the prosecution and defence, as opponents fighting the case out before the jury and the public.

T a s k 7 Information exchange

1. Work in four groups A, B, C, D. Each group will read its case (A, B, C, D) and fulfill the assignments below the case.

Case A

Thomas has been charged with murder. He is pleading «not guilty» to the charge. The leading prosecution witness is Boot, a policeman. In his evidence he states that he saw Thomas running away from the scene of the crime. Thomas has evidence which suggests that Boot was at home at the time he said he saw Thomas but the judge refuses to let Thomas's lawyer question Boot about it.

When Thomas gives his evidence the judge allows the prosecuting lawyer to question him. During the questioning the prosecution lawyer tells the court that Thomas has previously been found guilty of a serious criminal offence.

Answer the questions:

- (a) What can Thomas's alibi be like?
- (b) If you were a defence lawyer what questions would you ask the prosecution witnesses? Make a list of questions.

Case B

The appellant was convicted of the offences of taking a car without consent and driving whilst disqualified. Following the conviction he told his lawyer that he had recognized a female juror as being associated with the «Wheels Project» (a rehabilitation scheme for driving offenders) which he had attended following a previous conviction.

The juror made it clear that she had not immediately recognized the appellant but had eventually identified him as someone she had seen walking towards the Wheels Project Center where she was a cleaner. She guessed he was on probation of some sort. She did not think that the appellant had recognized her and did not disclose to any other juror that she had seen the appellant before.

Prove that there was (was not) a real danger of bias on part of the juror

Case C

The defendant was tried and convicted for a double murder. Shortly afterwards, one of the jurors told a solicitor that the jury, when considering the verdict, had tried by occult means to make contact with the spirit of one of the victims. This led the Court of Appeal to ask the Treasury Solicitor to make enquiries, which revealed that in the hotel where the jury had been spending the night together, the foreman and three others had set up a «ouija board». That is, they were sitting at a circular table round the edge of which there were bits of paper with letters of the alphabet on them, each person with a finger on an upturned glass placed in the middle of the circle, in the hope that the movement of the glass towards one letter or another would reveal a message from beyond the grave. By this means, they got — or thought they got — the message «Stephen Young done it».

Prepare the conversation of the jurors during the spiritualistic seance

Case D

F and R were both convicted of conspiracy to import and supply heroin from Pakistan. The Crown case was that an informer, Jamil, with the approval of Customs officers arranged with R to import heroin, which was replaced by harmless powder once it arrived in England. Both F and R met Jamil at a railway cafe in Birmingham and discussed the procedure of obtaining samples of «heroin» for resale. When F picked up a bag containing the replaced powder he and R were arrested. They made untruthful accounts not realizing that their movements had been monitored and later when R was told he had been under surveillance he made admissions. In his defence F said that he thought that there was a medical drug in the bag, and blamed R; R said that he was on legitimate business and knew nothing of any drug and was supervising the delivery of lawful goods. He made admissions because that was what the Customs officer wanted to hear and he wanted to be freed as soon as possible.

When the jury had to stay in a hotel overnight one of the jurors made telephone calls from her room. She was separated from the rest of the

jury and the judge ordered the chief clerk to ask her about the call which was established to have been on a domestic matter. With the counsel's agreement the judge permitted the juror to join the others and return a verdict. R and F appealed against the conviction.

Find two violations of criminal procedure

2. Each group answers the question relating to its case:

- A — If you were the judge, which would you decide: to order a re-trial or to call a new jury?
- B — What do you think may affect impartiality of jurors?
- C — Did the result of the spiritallstic seance really affect the verdict of the jury?
- D — What was the purpose of replacing heroin by harmless powder organized by Customs officers and the informer?

(3) Report the results to other groups. Use some of the ideas below:

- This case deals with the violations of the Code of practice
- The same rights of both the parties to the case should be observed during the trial
- Statements made by witnesses have to be questioned by both parties to the trial
- The rules of evidence play very important part in a trial
- The judge is to take the previous conviction into account when deciding on punishment
- This case deals with a danger of a bias on part of the juror
- The duty of the jury is to consider the facts of the case and reach the verdict on the evidence of the case
- The duty of the judge is to follow the rules of procedure

Task 8 Role play

- 1. Each group (A, B, C, D) analyses any case in Task 7 and gives reasonable grounds for an appeal.
- 2. The group appoints «the judges of the court of the second instance» to consider the appeal and make a decision on it (allow or dismiss the appeal).

You can't do without these phrases in court

Your Honour !	Ваша честь (обращение к судье на судебном процессе)
Objection	Возражение, протест
That's a leading question	Наводящий вопрос
Objection, Your Honour, counsel is leading the witness	Я протестую, Ваша честь, обвинитель (защитник) задает наводящий вопрос свидетелю
That's narration	Не относящаяся к делу информация
The witness is narrating	Свидетель дает информацию, не относящуюся к делу
That's relevance	Относящееся к делу высказывание
Objection, Your Honour, this question is irrelevant to this case	Я протестую, Ваша честь, этот вопрос не относится к делу
That's hearsay	Показание с чужих слов

Task 9 Expanding the point

1. Homework. Study the simplified rules of evidence as well as the manner in which evidence may be presented and choose the phrases likely to be used by the participants in the trial (do it in writing).

Text Simplified Rules of Evidence

Rule 1. Leading Question

A *«leading» question* is one that suggests the answer desired by the questioner, usually by stating some facts not previously discussed and then asking the witness to give a yes or no answer. Leading question may not be asked on direct examination (examination-in-chief). They may be used on cross-examination.

Example: «So, Mr. Smith, you took Ms. Jones to a movie that night, didn't you?»

Objection: «Objection, Your Honour, counsel is leading the witness.»

Possible Response: «Your Honour, leading is permissible on cross-examination», or «I'll rephrase the question.» For example, the question can be rephrased: «Mr. Smith, where did you go that night? Who did you go with» (This would not suggest the answer the attorney desires.)

Rule 2. Narration

Narration occurs when the witness provides more information than the question called for. Witnesses' answers must respond to the questions. A narrative answer is objectionable.

Example: «What did you do when you reached the front door of the house?»

Witness — «I opened the door and walked into the kitchen. I was afraid that he was in the house — you know, he had been acting quite strangely the day before.»

Objection: «Objection, Your Honour, the witness is narrating.»

Response: «Your Honour, the witness is telling us a complete sequence of events.»

Rule 3. Relevance

Questions and answers must relate to the subject matter of the case; this is called «*relevance*.» Question or answers that do not relate to the case are «*irrelevant*.» Irrelevant questions or answers are objectionable.

Example: (In a traffic accident case) «Mrs. Smith, how many times have you been married?»

Objection: «Your Honour, this question is irrelevant to this case.»

Response: «Your Honour, this series of questions will show that Mrs. Smith's first husband was killed in an auto accident, and this fact has increased her mental suffering in this case.»

Rule 4. Hearsay

«*Hearsay*» is something the witness has heard someone said outside the courtroom. Also, any written statement made outside the courtroom is hearsay. Hearsay evidence is objectionable. However, there are exceptions to the hearsay rule for purposes of the mock trial. If an exception applies, the court will allow hearsay evidence to be introduced. In a mock trial, hearsay evidence is allowed when the witness is repeating a statement made directly to the witness by one of the witnesses in the case. Hearsay is also allowed if one of the witnesses is repeating a statement made by an individual who is no longer alive. Note that this exception to the hearsay rule does not extend to witness testimony about what another person heard a witness said. This is «double hearsay.»

Example: «Mary, the plaintiff, told me that Harry, the defendant, was drunk the night of the accident».

Objection: «Objection, Your Honour, this is double hearsay.»

Response: «Your Honour, since Harry is the defendant, the witness can testify to a statement he heard, the witness can testify to a statement he heard Harry makes.»

Rule 5. Firsthand Knowledge

Witnesses must have directly seen, heard, or experienced whatever is they are testifying about. A lack of firsthand knowledge is objectionable.

Example: «I know Harry well enough to know that two beers usually make him drunk, so I'm sure he was drunk that night too.»

Objection: «Your Honour, the witness has no firsthand knowledge of Harry's condition that night.»

Response: «The witness is just generally describing her usual experience with Harry.»

Rule 6. Opinions

Unless a witness is qualified as an expert in the appropriate field, such as medicine or ballistics, the witness may not give an *opinion* about matters relating to that field. Opinions are objectionable unless given by an expert qualified in the appropriate field. As an exception to this rule, a lay witness may give an opinion based on common experience.

Example: (Said by a witness who is not a doctor) «The doctor put my cast on wrong. That's why I have a limp now.»

Objection: «Objection, Your Honour, the witness is giving an opinion.»

Response: «Your Honour, the witness may answer the question because ordinary persons can judge whether a cast was put on correctly.»

Rule 7. Opinions on the Ultimate Issue

Witnesses, including experts, cannot give opinions on the ultimate issue of the case: the guilt or innocence of the defendant or the liability of the parties. These are matters for the judge and the jury to decide. Opinions on the ultimate issue in a case are objectionable.

- Example:** «I believe that Mr. Smith was negligent in driving too fast in this case.»
- Objection:** «Your Honour, the witness is giving an opinion on the ultimate issue — the negligence of Mr. Smith.»
- Response:** «The witness is commenting that the driver was speeding. This is not the ultimate issue in this case.»

Rule 8. Additional Rules of Evidence

- Objections during the testimony of a witness must be made only by the direct examining and cross-examining attorney for that witness.
- Cross-examination is not limited to the scope of direct questioning.
- A shot redirect examination, limited to no more than two questions, will be allowed following cross-examination, if an attorney desires. Questions on redirection are limited to the scope of the cross-examination.

2. Work in pairs. Compare the list of phrases you have compiled with that of a partner and share them with the class.

3. Work in pairs. Discuss with your partner answers to the following questions:

- (a) Do the examples help you to better understand the rules?
- (b) Do you think the responses are justifiable? Can they help to overrule the objection?
- (c) Could you give your own examples with the phrases you have chosen from the text?
- (d) Could you give your own examples to illustrate each case?

4. Share your ideas with the class.

Task 10 Competition

Work in three groups.

Read the following rules of criminal procedure and act out procedures 1–3. Decide on which group is the best in acting out.

T e x t Rules of Criminal Procedure

Procedure 1. Introduction of Documents or Physical Evidence:

Sometimes the parties wish to offer as evidence letters, affidavits, contracts, or other documents, or even physical evidence such as a murder weapon, broken consumer goods, etc. Special procedures must be followed before these items can be used in trial.

S t e p 1. Introducing the Item for Identification

- (a) An attorney says to the judge, «Your Honour, I wish to have this (letter, document, item) marked for identification as (Plaintiff's Exhibit A, Defence's Exhibit A, etc.).»
- (b) The attorney takes the item to the clerk, who marks it appropriately.
- (c) The attorney shows the item to the opposing counsel.
- (d) The attorney shows the item to the witness and says, «Do you recognize this item marked as Plaintiff's Exhibit A?»

Witness: Yes.

Attorney: Can you, please, identify this item?

Witness: This is a letter I wrote to John Doe on September 1.
(Or witness gives other appropriate identification.)

- (e) The attorney may then proceed to ask the witness question about the document or item.

S t e p 2. Moving the Document or Item into Evidence.

If the attorney wishes the judge or the jury to consider the document or item itself as part of the evidence and not just as testimony about it, the attorney must ask to move the item into evidence at the end of the witness examination. The attorney proceeds as follows:

- (a) The attorney says, «Your Honour, I offer this (document / item) into evidence as Plaintiff's Exhibit A, and ask that the court admits it.»
- (b) Opposing counsel may look into the evidence and make objections at this time.
- (c) The judge rules on whether the item may be admitted into evidence.

Procedure 2. Impeachment

On cross-examination, an attorney wants to show that the witness should not be believed. This is best accomplished through a process called «impeachment», which may use one of the following tactics: (1) asking questions about prior conduct of the witness that makes the witness' truthfulness doubtful (e.g., «Isn't it true that you once lost a job because you falsified expense reports?»); (2) asking about evidence of certain types of criminal convictions (e.g., «You were convicted of shoplifting, weren't you?»); or (3) showing that the witness has contradicted a prior statement, particularly one made by the witness in an affidavit. Witness statements in the Mock Trials Materials are considered to be affidavits.

In order to impeach the witness by comparing information in the affidavit to the witness' testimony, attorneys should use this procedure:

Step 1. Repeat the statement the witness made on direct or cross — examination that contradicts the affidavit.

Example: Now, Mrs. Burke, on direct examination you were out of town on the night in question, didn't you? (Witness responds, «Yes.»)

Step 2. Introduce the affidavit for identification, using the procedure described in Procedure 1.

Step 3. Ask the witness to read from his or her affidavit the part that contradicts the statement made on direct examination.

Example: All right, Mrs. Burke, will you read paragraph three? (Witness reads, «Harry and I decide to stay in town and go to the theatre.»)

Step 4. Dramatize the conflict in the statements. (Remember, the point of this line of questioning is to demonstrate the contradiction in the statements, not to determine whether Mrs. Burke was in town or out of town.)

Example:

- So, Mrs. Burke, you testified that you were out of town on the night in question, didn't you?
- Yes.
- Yet, in your affidavit you said you were in town, didn't you?
- Yes.

Procedure 3. Qualifying an Expert. Only a witness who is qualified as an expert may give an opinion as to scientific, technical, or other specialized knowledge in the area of his/her expertise.

(Note: A lay witness may give an opinion about something related to one's common experience (*see Rule 6*.) Expert cannot give opinions on the ultimate issue of the case.

Before an expert gives his/her expert opinion on a matter, the lawyer must first qualify the expert. First, the lawyer must lay a foundation that shows the expert is qualified to testify on issues related to that expert's field of expertise. To lay a foundation, the lawyer asks the expert to describe factors such as schooling, professional training, work experience and books he/she has written that make a person an expert regarding a particular field. Second, once the witness has testified about his/her qualifications, the lawyer asks the judge to qualify the witness as an expert in a particular field.

Example: The wife of Harold Hart is suing Dr. Smith and General Hospital for malpractice. She claims they did not treat Mr. Hart for an obvious heart attack when he was brought to the hospital. Mrs. Hart's lawyer is examining expert witness, Dr. Jones:

Q: Dr. Jones, what is your occupation?

A: I am a heart surgeon. I am Chief of Staff at the Howard University Medical Center.

Q: What medical school did you attend?

A: I graduated from Georgetown Medical School in 1978.

Q: Where did you do your internship?

A: I did a two year internship in cardiology at John Hopkins University from 1978—1980.

Q: Did you afterwards specialize in any particular field of medicine?

A: Yes, I specialized in heart attack treatment and heart surgery.

Q: Have you published any articles or books?

A: I wrote a chapter in a medical text on heart surgery procedures after heart attacks.

Q: Describe the chapter.

A: I set out the steps for identifying heart attacks and doing open heart surgery.

Q: What professional licenses do you have?

A: I am certified by the D.C. Board of Medical Examiners to practice medicine in D.C.

Attorney № 1: Your Honour, I ask that Dr. Jones be qualified as an expert in the field of medicine.

Judge: Any objection?

Attorney № 2: We object. No foundation has been laid regarding Dr. Jones's ability to render an opinion as to all fields of medicine.

Judge: Objection sustained. Dr. Jones's expertise seems to be limited to certain areas of medicine.

Attorney № 1: Thank you, your Honour. We ask that Dr. Jones be qualified as an expert in the field of heart surgery.

Judge: Any objection?

Attorney № 2: No, your Honour.

Judge: Let the record reflect that Dr. Jones is qualified to testify as, an expert in the field of heart surgery. Once qualified, an expert may give opinions relating only to the expert's area of expertise. That is, an expert cannot give an opinion in an area outside his/her expertise.

Example: (Dr. Jones has been qualified as an expert on heart surgery.)

Q: Dr. Jones, what is your opinion as to Mr. Hart's cause of death?

A: The patient suffered a massive heart attack caused by clogged arteries.

Q: Dr. Jones, in your opinion was the patient also suffering from a rare lung disease transmitted through contact with the North American mongoose as the defence contends?

Objection: The witness is testifying outside her area of expertise.

Judge: Sustained. Please, confine your opinion to matters related to care and treatment of the heart.

Q: Dr. Jones, in your opinion, how should the patient's doctors have treated him?

A: They should have recognized that the patient was having a heart attack based on his chest pains, purple face, difficulty breathing, and numbness in his left arm. They should have given him the proper medication and treated him in the emergency room right away.

Q: Who was at fault in this matter?

A: Dr. Smith and General Hospital were definitely negligent.

Objection: The witness is testifying to the ultimate issue of the case, which is whether Dr. Smith and General Hospital are liable for malpractice. That is a question of fact for the judge (or jury, when the case is tried before a jury) to decide.

Judge: Sustained.

Task 11 Mock trial

Study the case below and act it out. Be ready to play the role of (1) the judge, (2) the defendant, (3) the prosecution lawyer, (4) the defence lawyer, (5) the prosecution witnesses, (6) the defence witnesses (witnesses are not permitted to use notes in testifying during the trial), (7) the experts of both sides, (8) the jurors, (9) the clerk, (10) the usher. Follow the rules of criminal procedure and simplified rules of evidence you have studied.

You may add and extend the facts of the case, think of any situation relevant to the facts. You are allowed to read other cases and articles while preparing for a mock trial.

Case

On August 22, 1990, shortly after midnight, Jaeger called 911 from his home and reported that his nineteen-year-old live-in girlfriend, Mary Barndt, had shot herself. When police and paramedics arrived, they found Mary partially clothed and lying in the kitchen. A .22 caliber pistol was lying pretty close to her right foot, and an empty shell casing was found between her ankles. The police also found a bra next to her body.

Mary was unconscious and had a weak pulse when the paramedics began to treat her injuries. The bullet entered her neck just above her clavicle and had struck her subclavian artery, causing severe internal bleeding. In an attempt to preserve evidence, one of the police officers taped brown paper bags on Mary's hands. She died shortly after arriving at the hospital.

Jaeger told one of the officers that when he arrived home from work at about 7:30 p. m., the house appeared empty. However at 8:30 p. m., he discovered Mary's thirteen-month-old daughter alone in a back bedroom. He admitted that he was angry and upset that Mary had left the child unattended. He called Judy Clark, Mary's mother, in an attempt to locate Mary, but she did not know Mary's whereabouts. Jaeger also told police that when Mary finally returned home at around 12:10 a.m., he told her that he was tired of her lying and wanted her out of the house by the next day. He said that he then called her mother again and that after a struggle, Mary reluctantly took the phone. He asserted that after Mary began talking to her mother, he threw a blanket and pillow into the hall for her and he then went to bed. He stated that he later awoke to a bang and that he found Mary lying unconscious on the kitchen floor. He maintained that she shot herself.

However, other evidence contradicted Jaeger's story. The police swabbed both Jaeger's and Mary's hands for gunshot residue (GSR). These swabs were then taken to the state crime lab and examined by two separate experts. Both experts concluded that the swabs taken from Jaeger's hands

contained elements of GSR while the swabs taken from Mary's hands did not. Thus the GSR evidence suggested that Jaeger, not Mary, had fired a gun. In addition to the GSR evidence, Dr. Edward A. Leis, the Deputy Chief Medical Examiner, performed an autopsy on Mary's body. The autopsy showed that Mary died from a gunshot wound to the neck. Moreover, on the basis of the autopsy results, Dr. Leis opined that Mary's death was a homicide, not a suicide.

The State charged Jaeger with second degree murder. However, at the preliminary hearing on that charge, the magistrate dismissed the information for lack of probable cause. The State appealed from the dismissal, and the court of appeals reversed. The central issue at Jaeger's trial was whether Mary's death was a suicide or a homicide. During trial, Jaeger sought to admit certain medical records from Valley Mental Health's Adolescent Residential Treatment & Education Center («ARTEC»). Mary was a resident of ARTEC from 1986 to 1987 because she was ungovernable, ran away from home, and abused alcohol and drugs. The ARTEC records contained statements Mary allegedly made admitting that she had attempted suicide in the past but denying any suicidal ideation while a resident of the program. The State objected to the admission of the records; the court sustained the objection, ruling that they were irrelevant.

Jaeger was ultimately convicted as charged and was sentenced to serve a term of five years in prison. Thereafter, he moved for a new trial on the basis that the trial court erroneously excluded evidence of Mary's past suicide attempt. The court denied the motion. Jaeger now appeals.

You can't do without these phrases

Being emphatic

<i>Much to my surprise (disappointment) ...</i>	К моему великому удивлению (разочарованию)
<i>Fortunately...</i>	К счастью,...
<i>Unfortunately...</i>	К сожалению,...
<i>Frankly (speaking)...</i>	Откровенно говоря ...
<i>Strange enough...</i>	Странно, но...
<i>Funny enough...</i>	Смешно, но...
<i>To make things worse...</i>	И что усугубляет дело...
<i>On top of all that...</i>	В довершение всего...
<i>Evidently...</i>	Очевидно...
<i>Most probably...</i>	По всей вероятности...
<i>..., to put it mildly.</i>	..., мягко выражаясь.
<i>...all the more reason why...</i>	... тем больше оснований для того, чтобы

For other helpful phrases use Appendix

Unit X

PUNISHMENT

Task 1 Think about the subject

Listen to your teacher's introduction of the topic «Punishment» and brainstorm the following questions:

- (1) What is punishment?
- (2) What word combinations can be associated with punishment?
- (3) What is the aim of punishment?
- (4) What types of modern punishment do you know?
- (5) What bodies are normally responsible for imposing punishment?

Task 2 Presentation

Prepare a presentation on one of the following problems (homework):

Text A History of Punishment

Text B Types of Punishment Available to the Court

Text C Bail in the UK and the USA

To make your presentation successful, you are to meet the following requirements:

- (1) to prepare a presentation follow the plan given on page 7
- (2) time frame — 4—5 min.
- (3) to conclude, suggest a problem question for your fellow-students to discuss
- (4) use the words and expressions given after the respective texts

Text A History of Punishment

The progress of civilization has resulted in a vast change in both the theory and in the method of punishment. In primitive society punishment was left to the individuals wronged, or their families, and was vindictive or retributive: in quantity and quality it would bear no special relation to

the character or gravity of the offense. Gradually there arose the idea of proportionate punishment, of which the characteristic type is the *lex talionis* — «an eye for an eye.»



The second stage was punishment by individuals under the control of the state, or community. In the third stage, with the growth of law, the state took over the punitive function and provided itself with the machinery of justice for the maintenance of public order. Henceforward crimes were against the state, and the exaction of punishment by the wronged individual (such as lynching) became illegal. Even at this stage the vindictive or retributive character of punishment remained, but gradually, and especially after the humanist thinkers

Cesare Beccaria (1738—1794) and *Jeremy Bentham* (1748—1832), new theories begin to emerge.

Two chief trains of thought have combined in the condemnation of primitive theory and practice. On the one hand the retributive principle itself has been very largely superseded by the protective and the reformative approach. On the other, punishments involving bodily pain have become objectionable to the general sensibility of society. Consequently, corporal and capital punishment occupy a far less prominent position in societies. It began to be recognized also that stereotyped punishments, such as ones that belong to penal codes, fail to take due account of the particular condition of an offense and the character and circumstances of the offender. A fixed fine, for example, operates very unequally on rich and poor.

Modern theories date from the eighteenth century, when the humanitarian movement began to teach the dignity of the individual and to emphasize rationality and responsibility. The result was the reduction of punishment both in quantity and in severity, the improvement of the prison system, and the first attempts to study the psychology of crime and to distinguish between classes of criminals with a view to their improvement.

These latter problems are the province of criminal anthropology and criminal sociology, sciences so called because they view crime as the outcome of anthropological or social conditions. The law breaker is himself

a product of social evolution and cannot be regarded as solely responsible for his disposition to transgress. Habitual crime is thus to be treated as a disease. Punishment, therefore, can be justified only in so far as it either protects society by removing temporarily or permanently one who has injured it or acts as a deterrent, or when it aims at the moral regeneration of the criminal. Thus the retributive theory of punishment with its criterion of justice as an end in itself gave place to a theory which regards punishment solely as a means to an end, utilitarian or moral, depending on whether the common advantage or the good of the criminal is sought.

In early times a superstitious belief in omens, ghosts, witchcraft and the like was very common. Superstitions maintained a grip on the lives of many people. It was tempting and easy to blame almost any misfortune on somebody else, and harmless, sometimes senile old women were often the target, being accused of all kinds of witchcraft. «Witches» were frequently executed. It was estimated that between 1643 and 1661, no fewer than 4,000 persons suffered death for witchcraft.



In the days before newspapers, radio and television, only a tiny minority of the population could read. Trials and public ceremonies of hanging and mutilation were the major form of entertainment. Important executions were used as an excuse for public holidays. Executioners had almost star status, and being an executioner was a highly sought after occupation — so highly prized that the «business» was even handed down from father to son.

At one time the pay for executioners was quite good, simply because there was so much work about. It is estimated that during the reign of Henry VIII (1509—1547), well over 70,000 executions took place. Many of these have rightly been described as «judicial murders», with innocent men and women being sentenced to death simply because their presence on earth was inconvenient to the King. Among the many who were beheaded were two of Henry's wives.

If beheadings were bungled, hangings were hardly scientific affairs. Due to the short «drop», death was often not instantaneous. Many a convict died by strangulation, a sight of prolonged struggling. As late as the nineteenth century there were in theory no fewer than 220 offences for which men and women could be hanged. These included such «crimes» as ap-

pearing in disguise on a public road...stealing sheep...shooting rabbits...stealing anything of the value of five shillings or more, and writing letters extorting money». As time went by, fewer and fewer offences were punished by hanging.

Executions in England have never lacked «theatre». In the thirteenth century the English devised the penalty of «hanging, drawing and quartering». This was usually reserved for cases of High Treason, although it did not seem difficult for imaginative lawyers to find some way to ensure that anyone who offended the monarch might be found guilty of this crime. The words used by the judges when sentencing in these cases describe the fate which awaited the condemned man. He was sentenced to be «dragged along the surface of the ground, tied to a tail of a horse and «drawn» to the gallows and there «hanged» by the neck until he be half dead, and then cut down; and his entrails be cut out of his body and burnt by the executioner; then his head is to be cut off, his body divided into «quarters» to be set up in some open places directed». When these sentences were carried out, important landmarks were used as display areas for heads and limbs as a grim warning to others.

With the passage of time the attitude of society towards the excesses of the criminal law gradually changed. In part influenced by the great reformers, the courts and the people themselves came to rebel against all the savagery.

As to the courts, in cases where the death penalty was the likely sentence juries would often acquit a defendant for whom they had some sympathy, regardless of the strength of the evidence. Judges became increasingly fussy that the precise technicalities of the law should be observed.

In 1840, Lord Chief Justice Denman declared that where a man had been sentenced to death, but the judge had forgotten to order that his body should be buried within the walls of the gaol where he had been held, the sentence was incorrect and should be altered to imprisonment.

As to the people, the last public execution in England took place in 1868, in front of Newgate Prison. The condemned man was Michael Barrett, an Irish rebel sentenced for his part in a bomb attack. The crowd sympathized with Barrett, and was so hostile towards the hangman that the execution almost caused a riot. From that time onwards all executions were held inside prisons. It was not until 1969 that the death penalty for murder was finally abolished.

During these many centuries, despite all appearances to the contrary, not all criminals were executed. A variety of other punishments were inflicted for less serious crimes.

Imprisonment has always been a favoured form of punishment. For hundreds of years the Tower of London was regarded as the premier prison in the land. In the late eighteenth century there was quite literally a prison fleet — of prison ships known as hulks. The old ships used to accommodate the ever-growing prison population were no longer seaworthy. Prisoners were kept in appalling conditions.

In fact there were relatively few prisons, and they were often overcrowded. Some were little better than dungeons. In the nineteenth century, many prisoners were made to work the treadwheel. These differed in shape and design, but the principle was similar to that of a «hamster wheel», with the prisoners walking endlessly, turning the huge wheel to work the prison factory machinery.

Charles Dickens was a great force for prison reform, but of a different kind. He did not actively campaign, but stirred the public conscience with his writings about the cruelties of the day. As a child of 10 living in London, he had seen his father go to the Marshalsea prison for debt, and he had been sent to work in a blacking factory in Hungerford Market. There he labeled bottles of blacking used for cleaning boots and shoes. At the end of each day he had to walk four miles to his lodgings in Camden Town. No doubt the experiences of the Dickens family provided the inspiration for many of his writings. Imprisonment for debt was finally abolished in 1869.

Over a century later, prison reform remains an important issue. Despite many advances, serious complaints are still made by respected and influential people about the conditions of prisoners, many of whom are detained in prisons which were built during Dickens» lifetime.



Words and Expressions to be Used in Presentation

to result in a vast change

vindictive or retributive character of punishment

proportionate punishment

to take over the punitive function

to provide itself with the machinery of justice

maintenance of public order

wronged individual

the protective and the reformatory approach

punishments involving bodily pain

to become objectionable to the general sensibility of society

to occupy a far less prominent position in societies
to fail to take due account of...
to operate very unequally on rich and poor
to teach the dignity of the individual
to emphasize rationality and responsibility
reduction of punishment both in quantity and in severity
to study the psychology of crime
to distinguish between classes of criminals with a view to their improvement
law breaker
be responsible for his/her disposition to transgress
to justify punishment
to protect society
to aim at the moral regeneration of the criminal
to seek the common advantage or the good of the criminal
to blame almost any misfortune on somebody else
to be accused of all kinds of witchcraft
being an executioner was a highly sought after occupation
to hand down business from father to son
to behead
to quarter
to die by strangulation
to carry out sentences
to acquit a defendant
regardless of the strength of the evidence
public execution
the condemned man
to abolish the death penalty for murder
to inflict other punishments for less serious crimes
a favoured form of punishment
to keep prisoners in appalling conditions
to abolish imprisonment
to detain people in prisons

Text B Types of Punishment Available to the Court

In the criminal justice system only the courts have the power to punish offenders.

There are custodial sentences where a defendant is deprived of his freedom. Certain custodial sentences are mandatory — the judge has no option but to impose them. For example, judges must impose a

sentence of life imprisonment for murder, and under new laws introduced by the Crime Sentences Act 1997, they must now pass a sentence of life imprisonment where a defendant has been convicted of two serious offences of violence, including manslaughter, rape, wounding or causing grievous bodily harm with intent to cause really serious bodily injury. In these cases, a life sentence must be passed, unless the judge considers there are exceptional circumstances which would justify another sentence. Where an offender commits a second drug-trafficking offence involving class A drugs, a sentence of at least seven years' imprisonment must be imposed; and when an offender is convicted of his third domestic burglary, a minimum sentence of three years must be passed.

In all other cases sentences are discretionary. This means that judges have the discretion, or choice, to decide what the length of the sentence should be. In these cases they should impose custodial sentences only if they believe that no other method of dealing with an offender can be justified. The court will choose to pass a custodial sentence if an offender has committed a serious crime, a number of crimes, or has shown by his past record of offending that he is likely to go on committing crimes. Custodial sentences take different forms, depending on the age of the offender.

IMPRISONMENT. Prisons are for offenders aged 21 or over. There are many prisons throughout the United Kingdom, and as they are designed to hold all types of criminals, the security arrangements and facilities for the inmates may be quite different. Prisons vary greatly, but they must almost all provide security-high walls. Video cameras are common. Each prison will have its own rules and routines, and should offer inmates facilities for recreation and rehabilitation.

The most dangerous criminals are housed in maximum security units, where special arrangements will be in place. The least dangerous offenders will go to open prisons. These are prisons without boundary walls—the inmates will be locked up at night, but during the day they can be trusted to stay on the prison premises, or return to the prison if they are allowed out. There are several women's prisons. Most of these are open prisons. In women's prisons there are limited facilities for inmates to look after their babies.

The amount of time which an offender will actually spend in prison or in a young offender institute will vary according to the type and length of the sentence. Where an offender has been convicted of murder, the court must pass a sentence of imprisonment for life. At present, the Home Sec-

retary is responsible for deciding when «lifers» can be released on parole. Parole means being released on licence, and under supervision. Once released, a «lifer» can be recalled to prison at any time. In deciding how long a «lifer» shall serve, the Home Secretary will have regard to the opinions of the judge who tried the case, the Lord Chief Justice, the prison authorities, and the Parole Board, which advises on parole in all cases where the sentence is four years or more.

A person serving a life sentence is normally released on parole after serving about 12 years; but a life sentence can mean that the offender will actually be kept in prison for life, and that has happened in some cases. These are called «whole life» sentences. Inmates must now be informed if they are to spend the rest of their lives in prison.

DETENTION. Young offender institutions are in effect special «prisons» for offenders over 18 years of age and under 21; Where custodial sentences are imposed on young offenders the emphasis should always be to provide them with training and guidance—to rehabilitate them.

One major criticism of custodial sentences for young offenders is that once «inside», they may learn much more about crime and how to commit it from their fellow inmates than they knew before they were sentenced. That is why these institutions are sometimes scornfully referred to as «Universities of Crime».

Offenders between the ages of 10 and 18 may be sentenced to various forms of detention: in the case of children aged 10—14, where they have committed serious crime; in the case of children aged 14—17, where they have committed serious crime, *or* a number of offences. In the most serious cases of crimes by children or young persons under the age of 18 (for example, if a child commits murder) they will be ordered to be «detained during Her Majesty's pleasure». This is a special type of sentence, which will result in the offender being kept in custody for a number of years, until it is quite safe to release him. In cases where a child or young person is ordered to be kept in custody for a long time, he may start his sentence in one form of institution and then, when he is old enough, be transferred to a prison.

COMMUNITY SENTENCES. Community sentences are those where the offender is not kept in custody but is allowed to remain free in the community on certain conditions. but if he or she does commit a further offence, or breaks the conditions of the order, they may be brought back before the court which passed the sentence and be re-sentenced—and possibly sent to custody.

There are currently several types of community sentence, and they are all managed and supervised by local probation services.

FINE. In the case of most offences, the court has the power to order the offender to pay a fine and a sum of money by way of compensation to his victim. Before making any order for the payment of money the court must first enquire into the offender's financial situation to make sure that its order is one which can be met. If he fails to pay within a certain time, he may have to serve a term of imprisonment «in default of payment». Where a child under the age of 16 has been found guilty of an offence, and the court decides to impose a fine, it will normally have to be paid by his parent or guardian.

OTHER PENALTIES. The types of punishment which have been referred to are the main ones, but they are not the only ones. All sorts of orders are available to meet particular situations:

- (1) Dangerous drugs, firearms, ammunition and other weapons will be confiscated and destroyed. People who are convicted of dealing in dangerous drugs may have their property confiscated.
- (2) People who are dependent upon drugs or have a tendency to misuse drugs may be made the subject of a drug treatment and testing order. This will form part of a community order such as a rehabilitation or community punishment order and requires them also to undergo a treatment programme for their problem. It includes regular testing to show whether they are still taking drugs.
- (3) People who commit serious motoring offences will be disqualified from driving. Some sentences of disqualification are mandatory, and the court has no option but to pass them. If someone commits a serious crime such as burglary or robbery using a car, the car may be confiscated.
- (4) People who commit company frauds may be disqualified from being company directors.
- (5) People who commit offences of violence in pubs may be made the subject of exclusion orders and be prohibited from entering the pubs for between three months and two years.
- (6) People who commit sex offences will be required to register their names and addresses with their local police, and keep them notified of any change of address.

DISCHARGE. An absolute discharge is not a punishment. It amounts to the offender being released without any conditions, and no record will be kept of this order. It is sometimes made if the court believes that the offender ought not to have been prosecuted at all.

Orders of conditional discharge are widely used for minor crimes and first offenders. No penalty is imposed, on condition that the offender stays out of trouble for the period of time given. This can be anything up to two years. If the offender does commit another offence within this time, he or she can be brought back to court and re-sentenced for the original offence.



Words and Expressions to be Used in Presentation

mandatory sentences
to impose a sentence of life imprisonment for...
to pass a life sentence
justify another sentence
discretionary sentences
past record of offending
to house criminals in maximum security units
to stay on the prison premises
to look after their babies
to pass a sentence of imprisonment for life
to release «lifers» on parole
to release on licence
to release under supervision
to be recalled to prison
to serve a life sentence
to be kept in prison for life
«whole life» sentences
to impose sentences on young offenders
to provide young offenders with training and guidance
to be kept in custody for a long time
to remain free in the community on certain conditions
to be brought back before the court
to be re-sentenced
to make an order for the payment of money
to enquire into the offender's financial situation
to impose a fine
to have their property confiscated
to misuse drugs
to be made the subject of a drug treatment
to commit serious motoring offences
to be disqualified from driving
to keep police notified of any change
an absolute discharge
to stay out of trouble
to be brought back to court
to be re-sentenced for the original offence

Text C **Bail in the UK and the USA**

Traditionally, *bail* is some form of property deposited or pledged to a court of law to persuade it to release a suspect from jail on the understanding that the suspect will return for trial or forfeit the bail (and be guilty of the crime of failure to appear). In some cases bail money may be returned at the end of the trial, if all court appearances are made, no matter whether the person is found guilty or not guilty of the crime accused. If a bondsman is used and a surety bond has been obtained, the fee for that bond is the fee for the insurance policy purchased and is not refundable. In some countries granting bail is common. Even in such countries, however, bail may not be offered by some courts under some circumstances; for instance, if the accused is considered likely not to appear for trial regardless of bail. Countries without bail imprison the suspect before the trial only if deemed necessary. Legislatures may also set out certain crimes to be unbailable, such as capital crimes. Under the current law of England and Wales, *bail* simply refers to the release of the accused before trial. Under Scots law, no deposit or pledge of property is asked for; bail is only granted where the court is satisfied the accused will turn up for trial.

In England and Wales

In the UK there are three types of bail

Police bail where a suspect is released without being charged but must return to the police station at a given time.

- (1) *Police to court* where having been charged a suspect is given bail but must attend his first court hearing at the time and Court given
- (2) *Court bail* where having already been in court a suspect is granted bail pending further investigation.

Under the Police and Criminal Evidence Act 1984, the police have power to release a person, who has not been charged, on bail. This is deemed to be a release on bail in accordance with the Bail Act 1976.

After a person has been charged, he must ordinarily be released, on bail or without bail. Unless the accused has a previous conviction (or equivalents in cases of insanity) for certain specified homicide or sexual offences, the accused must be released either on bail or without bail unless:

(a) If the person arrested is not an arrested juvenile —

- his name or address cannot be ascertained or the custody officer has reasonable grounds for doubting whether a name or address

furnished by him as his name or address is his real name or address;

- the custody officer has reasonable grounds for believing that the person arrested will fail to appear in court to answer to bail;
- in the case of a person arrested for an imprisonable offence, the custody officer has reasonable grounds for believing that the detention of the person arrested is necessary to prevent him from committing an offence;
- in the case of a person who has attained the age of 18, the custody officer has reasonable grounds for believing that the detention of the person is necessary to enable a sample to be taken from him;
- in the case of a person arrested for an offence which is not an imprisonable offence, the custody officer has reasonable grounds for believing that the detention of the person arrested is necessary to prevent him from causing physical injury to any other person or from causing loss of or damage to property;
- the custody officer has reasonable grounds for believing that the detention of the person arrested is necessary to prevent him from interfering with the administration of justice or with the investigation of offences or of a particular offence; or the custody officer has reasonable grounds for believing that the detention of the person arrested is necessary for his own protection;

(b) if he is an arrested juvenile—

- any of the requirements of paragraph (a) above is satisfied
or
- the custody officer has reasonable grounds for believing that he ought to be detained in his own interests.

If he is granted bail it will be bail to appear at a Magistrates' Court at the next available sitting.

Under current law, a defendant has an absolute right to bail if the custody time limits have expired and otherwise ordinarily a right to bail unless there is sufficient reason not to grant it,

Any person accused of committing a crime is presumed innocent until proven guilty in a court of law. Therefore a person charged with a crime, should not be denied freedom unless there is a good reason.

The court should take into account:

- (1) the nature and seriousness of the offence or default (and the probable method of dealing with the defendant for it),

- (2) the character, antecedents, associations and community ties of the defendant,
- (3) the defendant's bail record,
- (4) the strength of the evidence.

Current U.S. law

In 1984 Congress replaced the Bail Reform Act of 1966 with new bail law, codified at United States Code. The main innovation of the new law is that it allows pre-trial detention of individuals based upon their danger to the community; under prior law and traditional bail statutes in the US, pre-trial detention was to be based solely upon the risk of flight.

The new bail law provides that only persons who fit into certain categories are subject to detention without bail: persons charged with a crime of violence, an offense for which the maximum sentence is life imprisonment or death, certain drug offenses for which the maximum offense is greater than 10 years, repeat felony offenders, or if the defendant poses a serious risk of flight, obstruction of justice, or witness tampering. There is a special hearing held to determine whether the defendant fits within these categories; anyone not within them must be admitted to bail.

Bail laws vary somewhat from state to state, as is typical of U.S. jurisprudence. Generally, a person charged with a non-capital crime is presumptively entitled to be granted bail. Recently, some states have enacted statutes modelled on federal law which permit pretrial detention of persons charged with serious violent offenses, if it can be demonstrated that the defendant is a flight risk or a danger to the community.

Some states have very strict guidelines for judges to follow; these are usually provided in the form of a published bail schedule. These schedules list every single crime defined by state law and prescribe a presumptive dollar value of bail for each one. Judges who wish to depart from the schedule must state specific reasons on the record for doing so. Some states go so far as to require certain forfeitures, bail, and fines for certain crimes.

In Texas, bail is automatically granted after conviction if an appeal is lodged, but only if the sentence is fifteen years imprisonment or less. In Tennessee, all offenses are bailable, but bail may be denied to those accused of capital crimes.

In the United States there are several forms of bail used, these vary from jurisdiction, but the common forms of bail include:

1. **Recognizance** — when an accused is released on recognizance, he promises to the court that he will attend all required judicial proceed-

ings and will not engage in illegal activity or other prohibited conduct as set by the court. Typically a monetary amount is set by the court, but is not paid by the defendant unless the court orders it forfeited; this is an unsecured appearance bond or release on one's own recognizance.

2. **Surety** — by a surety bond, a third party agrees to be responsible for the debt or obligation of the defendant. In many jurisdictions this service is provided commercially by a bail bondsman, where the agent will receive 10% of the bail amount up front and will keep that amount regardless of whether the defendant appears in court. The court in many jurisdictions, especially jurisdictions that prohibit bail bondsmen, may demand a certain amount of the total bail (typically 10%) be given to the court, which, unlike with bail bondsmen, is returned if the defendant does not violate the conditions of bail. This is also known as surety on the bond.
3. **Property** — the accused or a person acting on his behalf pledges real property having a value at least equal to the amount of the bail. If the principal fails to appear for trial the state can levy on the property to recover the bail.
4. **Cash** — typically «cash-only», where the only form of bail that the Court will accept is cash.
5. **Combinations** — courts often allow defendants to post cash bail or bond, and then impose further conditions, as mentioned below, to protect the community or ensure attendance.

Conditions of release. Many varied non-monetary conditions and restrictions on liberty can be imposed by a court to ensure that a person released into the community will appear in court and not commit any more crimes. Common examples include: mandatory calls to the police, surrendering passports, home detention, electronic monitoring, drug testing, alcohol counseling, surrendering firearms.

Protective order also called an order of protection has one very common feature of any conditional release, whether on bail, bond or condition. It is a court order requiring the defendant to refrain from criminal activity against the alleged crime victim, or stay away from and have no contact with the alleged crime victim. The former is a limited order, the latter a full order. Violation of the order can subject the defendant to automatic forfeiture of bail and further fine or imprisonment.



Words and Expressions to be Used in Presentation

to grant bail
to release on bail
to return bail money
to use a bondsman
to obtain surety bond
unbailable crimes
to ask for deposit or pledge of property
to release a suspect without being charged
to have a previous conviction
custody officer
to have reasonable grounds for doubting
to fail to appear in court to answer to bail
to arrest a person for an imprisonable offence
to prevent a person from committing an offence;
to prevent a person from causing physical injury to any other person
to prevent a person from causing loss of or damage to property
to have an absolute right to bail
to take into account
the strength of the evidence
the risk of flight
to be subject to detention without bail
to pose a serious risk of flight
to pose a serious risk of obstruction of justice
to pose a serious risk of witness tampering
to be admitted to bail
to be entitled to be granted bail
a bail schedule
to prescribe a presumptive dollar value of bail for each crime
to lodge an appeal
to deny bail
to release an accused on recognizance
to attend all required judicial proceedings
to engage in illegal activity or other prohibited conduct
to set a monetary amount
to levy on the property
to recover the bail
to ensure attendance

mandatory calls to the police
surrendering passports
home detention
electronic monitoring
drug testing
alcohol counseling
surrendering firearms
to refrain from criminal activity against...
the alleged crime victim
to subject the defendant to automatic forfeiture of bail



Task 3 Making a presentation in class

1. Work in threes. Make a presentation for your fellow-students. Be ready to elaborate on the ideas your friends might fail to understand.

2. Answer your teacher's questions.

3. Work in threes. What do you make of these questions? Report the results of your talk to the class.

- (1) What is the difference between bail laws in Great Britain and the USA?
- (2) Do you agree with the following statement of an American lawyer Daniel Webster: «Every unpunished murder takes away something from the security of every man's life»?
- (3) Do you approve of the necessity for the defendant to have the right to bail? Why?
- (4) What type of punishment is the most efficient?
- (5) What types of punishment should be abolished and why?

4. Work in threes. Read your problem questions and discuss them. What do you make of them? Decide which problem question(s) you would like to suggest for discussion with other groups.

Task 4 Information exchange

Work in groups of five.

1. Read the following texts (A, B, C, D, E) dealing with several types of community sentences. Share the information in your text with your fellow-students and then discuss the following questions:

1. What are advantages and disadvantages of each type of community sentence?
2. What type of community sentence you think is the most efficient?
3. What type is the most appropriate to be used in our country?
4. Find similarities and differences between these types.

Text A

A **community punishment order** used to be called «community service». Under a community punishment order the court may order an offender over 16 years to do unpaid work on behalf of the community for between 40 and 240 hours. The type of work may involve almost anything—helping local youth groups, painting and decorating a local Community Centre, clearing the banks of a canal. A range of options is open for women offenders. They may do the same work as men, or they may, for example, be asked to help volunteers at an old people's home, or at a women's refuge.

The purpose of this sentence is to punish, but at the same time to benefit the community and give the offender the opportunity to repay society for the wrong he has done. It will also, it is hoped, give the offender some idea of his or her real worth and value in the community, and a sense of satisfaction resulting from a good job well done.

Notes to the text

<i>a community punishment order:</i>	приказ с выполнением общественных работ
<i>refuge</i>	прибежище
<i>to benefit the community</i>	приносить пользу обществу

Text B

A **community rehabilitation order** used to be called probation. Community rehabilitation orders can be made only in the case of offenders over the age of 16 years. In the case of children under 16, supervision orders are made; these are usually supervised by a young offender team.

Probation Officers play an extremely important and valuable role in the criminal justice system. They prepare pre-sentence reports for the courts on

adult offenders. In all cases involving young offenders, reports are written by the young offender team. These reports are confidential and will be seen only by the defendant, his lawyers, the court clerk, and magistrate or judge; but they will be sent to the prison (or place of detention) if a custodial sentence is passed. Probation officers organize and supervise the probation orders of those actually placed on rehabilitation. They also supervise the after-care of offenders released from custody. They help to arrange places in bail hostels for homeless people who are charged with crime, but who have not yet been tried, and they help to run probation hostels for offenders who have been convicted, and who need accommodation.

Rehabilitation orders last for not more than three years; and the court may make conditions—for example, that the offender should live at a place directed by the probation officer, or attend a course of one kind or another. The aims of these orders are to rehabilitate the offender, protect the public from harm, and prevent further offending.

Special programs are designed to reduce offending. These are based on helping offenders by changing the way they think about themselves and their actions. As time goes by the probation officer may see the offender less frequently. If he or she makes really good progress the officer can apply to the court to revoke (cancel) the order.

Notes to the text

<i>a community rehabilitation order.</i>	судебный приказ о реабилитации преступников, отбывающих наказание в виде probation
<i>probation</i>	пробация, испытательный срок, условное освобождение на поруки
<i>supervision orders</i>	приказ об осуществлении надзора
<i>probation order.</i>	судебный приказ о направлении на probation
<i>after-care</i>	исправительно-воспитательное воздействие на лиц, освобожденных из под стражи
<i>probation officer.</i>	сотрудник службы probation; чиновник, надзирающий за лицами, направленными судом на probation

Text C

Combined community punishment and rehabilitation orders combine community punishment and rehabilitation, and are therefore called «combination orders». The offender will have to do a certain amount of unpaid community work and will have to comply with the rehabilitation requirements. In these cases, the minimum period of rehabilitation is 12 months; the maximum number of work hours is 100 hours.

Notes to the text

to comply with

подчиняться (правилам)

Text D

An attendance centre order may be made if the offender is under 21 years of age. This type of order is made when the court decides that the offender should lose his leisure over a certain period. The order will require him to report to a particular place at a particular time. The order is normally made for a total of 12 hours: the maximum for an offender under 16 is 24 hours; and, for an offender over 16, 36 hours. A good illustration of an attendance centre order is when magistrates order «football hooligans» to attend an attendance centre on Saturday afternoons—at the very time football matches are being played. This keeps them out of trouble and at the same time punishes them.

Notes to the text

attendance

явка, посещение, присутствие

attendance centre order

судебный приказ об обязательной явке правонарушителя в определенное место и в определенное время

attendance centre

исправительное учреждение для лиц от 12 до 21 года с обязательным ежедневным присутствием

leisure

(зд.) свобода передвижения

Text E

Curfew orders may be made, as part of community sentences or as a condition for prisoners released on licence. These orders are intended to confine the offenders to certain places or areas at certain times of day, or to enable the supervising authorities to know where they are. These are new orders, and when the facilities become available in each area they will be enforced by means of electronic monitoring («tagging»).

Notes to the text

curfew

комендантский час

to confine

ограничивать передвижение

facilities

оборудование

tagging

следование по пятам, отслеживание

electronic monitoring

контроль за местонахождением правонарушителя с помощью электронного устройства

You can't do without these phrases

Sequence markers

1. Generalization

In most cases...

В большинстве случаев...

On the whole...

В целом...

For the most part...

Большей частью...

In general...

В общем...

2. Stating the obvious

Naturally...

Как и следовало ожидать,...

Clearly...

Несомненно, очевидно...

Obviously...

Конечно, безусловно...

Expectedly...

Естественно...

3. Summary

In general...

В общем...

In brief...

Вкратце, в нескольких словах...

4. Addition

In addition...

Кроме того, к тому же...

Moreover...

Более того,...

Besides...

Сверх того, кроме того...

What's more...

Более того,...

For other helpful phrases use Appendix

2. Report the results of your discussion to other groups.

Task 5 Expanding the point

Work in groups of five. Each member of the group is supposed to read one of the following texts (A, B, C, D, E) dealing with the purposes of punishment. Take turns to reproduce the information in your text to your fellow-students and then discuss the following questions:

- (1) What is punishment designed for?
- (2) What is your idea of the rationale behind punishment?
- (3) List them in the order of importance

Text A

Retribution means that the punishment should in some way pay the offender back for the harm he has done. In the first place, this will give satisfaction to the victim, for most victims of crime naturally have strong feelings about the harm done to them. Some would dearly like to get their own back in an act of vengeance. They must not do this. A victim

of crime must never «take the law into his own hands». If that were acceptable there would be even more violence and public disorder. In the second place, it is the way in which the public as a whole can show their feelings of disapproval—sometimes, even outrage and disgust—for the crime and the offender who committed it. It is this aspect of sentencing that gives the impression that the offender has been «brought to justice».

Text B

Protection means protecting the public from the offender. In the case of a violent criminal it may be necessary to send him to prison for a long time simply to protect the public from further harm. In the case of a man who «drinks and drives», it may be necessary to take away his licence to drive, and stop him from driving for a long time to protect other road users.

Text C

Deterrence means that the sentence should also be designed to put people off committing crime—both to deter them from offending at all, and to deter them from re-offending. The theory is that imposing particular sentences for crimes, and very severe sentences for serious crimes, will deter criminals from offending for fear of the consequences.

It is impossible to say with any scientific certainty if this theory works in practice. It may well be that the majority of the population are decent citizens, who have no intention to commit crime, the terror of the prospect of punishment is enough to put them off doing so. If this is so, deterrence does have a general effect upon the community at large—but we know that punishment alone has never been a completely successful deterrent. If it were, there would be no crime at all.

Those who argue against sentencing as a deterrent point to the days of public executions, when criminals would be hanged for stealing, and yet pickpockets would be at work in the crowd—stealing from onlookers who were watching the execution. There are modern parallels: these days heavy prison sentences are imposed on drug dealers, and yet this has not stopped people from smuggling drugs into prison.

There are many who claim that the best deterrent is not the prospect of heavy punishment but the likelihood of detection—of the offender being caught. It is pointed out that many crimes are committed on impulse, and that most people who commit crime hope and expect to get away with it. The argument is that if people thinking of committing crime always be-

lieved that there was a very strong chance that they would be caught, that would be much the best way of deterring them from doing so.

Text D

These days, more and more sentences are designed to ensure that the offender is made aware of the harm he has done, and is required in some way to «repair» the damage by making reparation to his victim or to the community. Certain sentences—financial compensation of victims, work in the community (known as Community Punishment)—are aimed at achieving this kind of reparation. Steps are also taken in appropriate cases to ensure that the offender understands the full effect of the harm he has caused, and apologises to the victim for it.

Text E

Rehabilitation of offenders means that the sentence should, wherever possible, take into account the personal circumstances of the defendant and look to his future. If the sentence can be constructive, it may help him to avoid getting into trouble again. A large number of offenders need treatment rather than punishment. Many offenders who are mentally ill, or who are addicted to alcohol or dangerous drugs, are not sent to prison, but are ordered to receive treatment in hospitals or drug rehabilitation centres. Like reparation, rehabilitation is becoming an increasingly important part of the criminal justice system. When it is successful, it is a very satisfying part of the court's work. Punishment may be designed to reform and rehabilitate the wrongdoer so that they will not commit the offense again. This is distinguished from deterrence, in that the goal here is to change the offender's attitude to what they have done, and make them come to accept that their behavior was wrong.

| Report the results of your discussion to other groups.



Task 6 Discussion

Sentencing

(Sentencing offenders is understandably one of the most morally difficult duties a judge has to perform. The laws concerning sentencing should be

as simple as possible, yet they are in fact extremely complicated. Sometimes there is a wide spectrum of opinions regarding what the right sentence in a particular case should be.)

Work in pairs

1. There is a range of sentences that the judge may impose on an offender. Discuss the names of the sentences and their definitions with a partner. Match each sentence with its definition.

Compare the results of your discussion with those of other pairs.

Names of Sentences

- | | |
|-------------------------|---------------------------|
| (1) bond | (8) binding over |
| (2) capital punishment | (9) suspended sentence |
| (3) jail | (10) peace bond |
| (4) parole | (11) community service |
| (5) imprisonment | (12) determinate sentence |
| (6) probation | (13) prison |
| (7) concurrent sentence | (14) good behaviour |

Definitions

- (a) When two or more terms of imprisonment are served together.
- (b) A place for long-term incarceration for a crime.
- (c) A place of confinement for time periods longer than those usual for a police station lock-up and shorter than those usual for a prison.
- (d) Unpaid work undertaken pursuant to a court order upon conviction for an offence in lieu of a sentence of imprisonment.
- (e) A release from prison, before a sentence is finished, that depends on the person «keeping clean» and doing what he or she is supposed to do while out. If the person fails to meet the conditions, the rest of the sentence must be served.
- (f) Conduct required for criminals to get out of jail early or other privileges while in prison.
- (g) A sentence (usually «jail time») that the judge allows the convicted person to avoid serving (e.g. if the person continues on good behaviour, completes community service, etc.).
- (h) A document that promises to pay money if a particular future event happens, or a sum of money that is put up and will be lost if that event happens.
- (i) An act by which the court requires a bond or bail money.
- (j) The sentencing of a criminal to a period of time during which they will be deprived of their freedom.

- (k) Abond, required by a judge of a person likely to «breach the peace», to guarantee the person's good behaviour for a period of time.
- (l) An exact prison term that is set by law, rather than one that may be shortened for good behaviour.
- (m) Akind of punishment given out as part of a sentence, which means that instead of jailing a person convicted of a crime, a judge will order that the person reports to an officer regularly and according to a set schedule.
- (n) The most severe of all sentences: that of death. Also known as the death penalty, or capital punishment

	1	2	3	4	5	6	7	8	9	10	11	12	13	14

2. Read the following 10 statements made by defendants and discuss:

- (1) What crime each defendant has been accused of
 - (2) What kind of punishment you would impose for each crime if you were the judge?
-
- (a) «I'm trying to start an advertising agency. Mr Smith sent me cheques every month for \$1500 to help me in my business. Sometimes he sent extra when I had special expenses. It was always understood that he would participate in the profits of the business when it was running. We didn't write anything down, it was an oral agreement. The photographs I have of him with his secretary have no connection with these payments.
 - (b) «I didn't know she was still alive, I thought she'd died in a car accident. I couldn't believe it when I saw her walk into the room. Surely you don't think I did this just to get your money...?
 - (c) «It isn't my suitcase. I am sure. I've never seen these things before in my life. The monogram? Well, they are my initials, but that must be a coincidence. That's probably how the two cases got mixed up. After all, JA aren't very unusual initials. A photograph with me in it? My word, that's incredible! It must be someone who knows me...
 - (d) «After leaving the office I realized I'd forgotten my gloves. I went back in to get them. When I went in I noticed that the photocopier was still turned on. It had been working very badly all day, and I decided to see what was wrong with it before going home. I made a few test copies of documents that were in the office; I

didn't even look at what I was copying. The machine seemed to be working much better. I put the copies in my briefcase — intending to use the other side as notepaper. I don't believe in wasting paper. At that moment Mr Bell came out of his office...

- (e) «I painted these pictures for pleasure. I had no intention of deceiving people. I never said they were painted by other people. Yes, I did include the signatures of other artists but that's because I wanted them to be perfect copies...
- (f) «I arrived home late and found that I'd forgotten my keys. I didn't want to wake my wife up, and I saw there was a ladder in the garden of the house next door. I got the ladder and climbed in. We've just moved house and I didn't realize I was in the wrong street...
- (g) «I opened the bank account in a false name as a way to help my employer pay less tax. It's perfectly legal. I was going to tell him, but somehow I just forgot. I bought the villa in Italy with my own money. It was an inheritance...
- (h) «You misunderstand me. When I offered him the money I meant it as a gift. I know that life can be difficult for a young man on a police salary, especially if he has a family, young children. It isn't easy and I know that. I just wanted to help. I didn't expect him to do anything in return...
- (i) «OK, so there are two hundred copies of Angels and Demons. That's perfectly true, but I had no intention of selling them. I'm a collector.
- (j) «I was walking in the park when I saw the gun lying on the ground. I picked it up — it was still warm — and at that moment I saw the body lying in the long grass. I went across to look and it was my business partner. That's when the police arrived...

Report the results of your discussion to your classmates.



T a s k 7 Speaking

Select one problem to report on to the class. You are free to use any findings concerning the problem you are going to speak on. You may also use the Internet, magazines, books, newspapers, TV, broadcast or any other information.

- (1) History of punishment in Russia**
- (2) Types of punishment used in Russia**
- (3) Punishments practiced in Russia today**

UNIT XI



LOGICAL THINKING

To qualify for a lawyer you need to develop logical thinking skills besides communication skills. The cases described in this unit will help to develop both legal and logical reasoning skills.

Task 1 Work in pairs

Imagine that you are lawyers practicing in civil law. There are various areas lawyers counsel their clients on. Study the following cases likely to occur in everyday life and give legal advice to your imaginary clients. Inform them about legal matters. If possible, refer to the Civil Code of the Russian Federation.

Share your ideas with other classmates.

1. Gill agrees to sell Bryan an antique table for £250. Before the sale is completed Gill discovered that the table is worth £3,000. She refuses to deliver the table to Bryan.

Could Bryan claim damages?

What damages could Bryan claim and on what basis would they be assessed?

2. Brian hears from a friend that Greg wishes to sell a set of silver spoons. Brian writes to Greg expressing an interest in buying the spoons and asking him how much he is willing to sell them for. Greg replies that he will sell the spoons to Brian for £500. Brian responds by saying that he wishes to buy the spoons for that sum. The next day Greg sells the spoons to Gordon for £550.

Could you give legal advice to Brian?

3. Maureen wishes to employ a manager to run her hairdressing salon. David applies for the job, and Maureen offers it to him at a salary of

£12,000 per year. David replies that he is willing to take the job but at a salary of £13,000. Maureen cannot afford to pay the additional £1,000. So, the next day David agrees to accept her original offer. In the meantime Maureen has decided that David is not really suitable for the position and has employed Michelle instead.

David is seeking to enforce the contract and Maureen seeks your advice on whether she must employ him.

4. Howard and Felicity are staying the night in London at the hotel. They sign the register at the reception desk and the porter shows them their room. In the room there is a notice on the back of the door stating: «The owners of this hotel accept no responsibility for the property of the guests».

While Howard and Felicity are out to dinner, the porter leaves the door of their room open and Felicity's diamond bracelet is stolen. She claims compensation from the owners of the hotel who claim that they are not liable because of the exclusion clause (предупреждение об освобождении от ответственности) on the door of the bedroom.

Could the owners of the hotel exclude their liability for responsibility for the property of their guests?

Would your answer be different if the exclusion notice had been prominently displayed at the reception desk where they signed the register?

5. Ramona is shopping for a special dress to wear to her brother's wedding. She has seen nothing suitable until she notices a very nice dress, priced at £50, in the window of a small boutique. She tells the shop assistant that she wishes to buy the dress but the shop assistant refuses to sell it to her as it is for display purposes only.

Can Ramona insist that the shop assistant sell her the dress?

Can consumer protection laws be of any help in this situation?

6. The defendants owed the plaintiffs £482 for building work. The defendants consistently refused to pay the money until knowing the plaintiffs were in financial difficulty, they offered to pay £300 to settle the debt. The plaintiffs reluctantly accepted. They then sued for recovery of the outstanding debt of £182.

What was the plaintiffs' legal right in that case?

Can a lawyer help the plaintiffs in resolving the disputes out of court?

7. The plaintiff's friend bought her a bottle of ginger beer which had been manufactured by the defendant. She became ill as a result of drinking the ginger beer which contained the remains of a decomposed snail. She sued the manufacturer for compensation for the damage she had suffered.

Was there the manufacturer's liability for negligence?

8. The plaintiffs asked their bankers to inquire into the financial stability of a company with which they were having business dealings. Their bankers made inquiries of the company's bankers, who carelessly gave favourable references about the company. Reliance on these references caused the plaintiffs to lose £17,000. The plaintiffs sued the defendants for their careless statements.

Is there liability for careless statements under Russian law?

Do you think the plaintiffs will win the case?

9. Mrs. Gamble had inherited £10,000 when her rich uncle died. She consulted her bank manager, Miss Nugget, on the best way to invest the money. On the basis of her advice Mrs. Gamble bought £5,000 worth of shares in Intoil plc. She invested the remaining £5,000 in the construction company called Kwikbuild plc. after reading an article about the company in a national newspaper. Both companies were financially unsound at the times Mrs. Gamble invested in them and six months later both Intoil plc. and Kwikbuild plc. ceased trading and Mrs. Gamble lost all her money.

Identify the areas of law involved.

Apply the laws to the facts of these cases.

What legal advice could you give Mrs. Gamble?

10. Mr. A invites Ms. B out to dinner and reserves a table at an expensive restaurant in the countryside. He rents a car to take her to the restaurant, but when he arrives at her house he finds she is out. He later discovers Ms. B had changed her mind when another boyfriend invited her out.

Is it possible to consider the situation a breach of an unwritten contract?

Consider whether Mr. A or Ms. B might be in breach of any contracts, and what compensation might be demanded.

Should Mr. A ask for damages?

11. At 10.00 a.m. on Monday, 5 June, Mr. Lloyd, the managing director of Poshcars Ltd, sends a telex to Mr. Barclay, a regular customer, offering to sell him a rare vintage car for £50,000. On receiving the telex Mr. Barclay immediately writes a letter acceptance to Mr. Lloyd which he posts at 1.00 p.m. worried that the letter may be delayed in the post, Mr. Barclay sends a telex accepting the offer at 9.00 a.m. on Tuesday, 6 June. Mr. Lloyd is late arriving at work that day, and he fails to notice the telex. During the day he receives an offer of „ 55,000 for the car from Ms Halifax. He telexes a revocation to Mr. Barclay at 5.30 p.m. Mr. Lloyd knows that Mr. Barclay's office is closed between 5.00 p.m. and 9.00 a.m. Mr. Barclay receives the revocation telex at 9.00 a.m. on Wednesday, 7 June. Mr. Lloyd receives Mr. Barclay's acceptance letter and the telex at 9.30 a.m. on the same day. He refuses to sell the car to Mr. Barclay, who is now suing him for breach of contract.

Prepare your arguments in favour of your client. — Mr. Lloyd or Mr. Barclay.

T a s k 2 Work in pairs

Imagine that you are lawyers practicing in criminal law. Read the following cases and discuss them with a partner. Support your ideas by applying articles of the Criminal Code of the Russian Federation. Report the results of your talk to the class. Be ready to explain your ideas to other students giving your arguments for and against.

1. Anne is a law student. She is very annoyed because her criminal-law textbook has disappeared from her briefcase and she thinks that it has been stolen by another student. While she is in the library, she finds a copy of the same book with the papers and books of Mary, another student. Anne decides to take Mary's book, and puts it into her bag, intending to keep it. Unknown to Anne, the book she takes is in fact her own, which Mary had found in the library and was intending to return to Anne.

Discuss the criminal liability of Anne for theft or attempted theft of the book.

2. Geoffrey has agreed to water the plants in his friend Alice's house while she is away. He decides to see if she has left any money lying around the house, which he could steal. The next time Geoffrey goes to Alice's house, he looks in all the drawers and cupboards, but finds no money.

Discuss the criminal liability of Geoffrey for burglary.

3. Pam is a gardener. She works for Mr. and Mrs. Green until they dismiss her following a row about pruning Mr. Green's prize roses.

Pam is furious at the damage of her reputation as a gardener. The week after her dismissal, she returns to the Green's house late in the evening. She still has a key to the garden shed, and she opens the shed and takes out the lawnmower. She then pours petrol over the floor of the shed and sets light to it. The shed catches fire and burnt to the ground. Pam escapes with the lawnmower.

Discuss the criminal liability of Pam.

4. Flynn is a chronic alcoholic. He often hears voices and believes that they belong to a spirit from the planet Jupiter. The voice tells him that he has a mission to prepare the world for a visitation from Jupiter.

One day, Flynn is stopping people in the street to tell them about the coming visitation. He stops Mark, who says he is interested in Flynn's story. However, after a few minutes Mark expresses disbelief, and Flynn flies into a fury. He picks up a piece of paving-stone lying by the side of the road, and hits Mark on the head with it. Mark dies as a result of the injury.

When he is questioned, Flynn admits that he hit Mark with a stone; he says that his spirit guide from Jupiter told him to kill Mark as a lesson to all those who did not believe his message.

What are legal consequences that may follow the murder?

Do you think the court will find Flynn guilty?

What are possible arguments a defense lawyer may give in court?

5. Late one evening, as he is walking home, Frank sees a group of about six men walking down the street towards him, shouting and singing. He crosses over to the other side, but to his alarm one of the men (called Andy) follows and comes up to him.

In fact, Andy merely wishes to ask Frank the way, but Frank thinks that he is about to be attacked. He pushes Andy in the stomach and starts to run away. The rest of the group now surrounds Frank, angry on his attack on Andy. Another of the group, Jim, pushes Frank against the wall. Frank pushes Jim in the face, and manages to run away.

Discuss the liability of Frank and Jim for assault.

Would your answer be different if Frank had been walking home from an evening in the pub and was very drunk?

6. Suzy is sitting in her car by the side of the road waiting for her children to come out of school.

Suddenly she sees a small child running into the road, and without thinking or looking she flings open the car door to grab the child. The car door hits an elderly man, Jim, who is crossing the road, knocking him over. Jim breaks his leg and the eggs in his shopping basket are broken.

Is Suzy liable for recklessness under criminal law?

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

Would you have chosen a lighter sentence, or a more severe one?

How would you have felt if you had been the victim of the crime?

8. Mary was standing at the upstairs window of her house when she heard her five-year-old son, Mark, scream. She ran out of the house and saw Bob backing his car over Mark's bicycle. She was 50 metres away from the incident and could not see her son. Mark had not been riding his bicycle at the time and he had suffered no injuries. Mary suffered nervous shock as a result of what she had seen and heard.

Do you think that Mary would recover damages for her injury?

9. G, a police constable, was off duty and was seen on two occasions having a drink in a public house. At 11.55 p.m. he drove his car into a traffic light, knocking it down and wrecking his car. It was witnessed by a passing ambulance driver, who radioed the emergency services. Within minutes, six policemen and an ambulance arrived. The police officers included the two appellants. G did not want to go to hospital although there were signs that he had been injured and the windscreen of his car was broken in a way which suggested his head had fallen forward onto it. The ambulance crew persuaded him he should go, and a surgical collar was fitted as a precaution. Those attending him at the hospital said he smelt of alcohol, and a nurse thought his general behaviour was indicative of the consumption of alcohol. The appellants said they did not

reach that conclusion. After treatment he discharged himself, and the appellants turned up in the police car to drive him home. At no stage was a breath test administered, which a member of the ambulance crew thought surprising, so she reported the police officers for misconduct. One of the offences charged was perverting the course of justice by failing to administer a breath test at the scene and another was misconduct in a public office by failing to administer a breath test at the scene or thereafter. Following conviction on the first charge they appealed.

Did a police officer have a duty to administer a breath test?

Why did the police officers only appeal against their conviction on the first charge?

What are possible grounds for the appeal?

Do you think the appeal was allowed or rejected?

10. After a football match, a brief fracas flared up between supporters in which it was alleged C and P had participated. The prosecution relied on a video recording of the incident. Because of the brevity of the incident and the number of people shown on the film, the scene looked confused and what was happening on the film could only be discerned by close study. A police officer had, therefore, carefully viewed the video numerous times, and following comparison with better quality film taken of spectators at the match earlier in the day, the officer claimed to be able to identify not only the violent acts but also the perpetrators.

Following an application by the Crown, the officer gave evidence at trial during which, as the video was played, he indicated the acts of violence shown and also identified those committing them.

C and P appealed against their conviction for violent disorder on the ground, inter alia, that the officer should not have been allowed to assist the jury as to the identity of the participants since he had not known either of them before the day of the offence and could not be regarded as an expert witness.

Comment on the problems of identification in this procedure.

Do you think the grounds for the appeal are justifiable?

11. F. and R. were both convicted of conspiracy to import and supply heroin from Pakistan. The Crown case was that an informer, Jamil, with the approval of Customs officers arranged with R. to import heroin, which were replaced by harmless powder once it arrived in England. Both F. and R. met Jamil at a railway café in Birmingham and discussed

the obtaining of samples of «heroin» for resale. When F. picked up a bag containing the replacement powder he and R. were arrested. They made untruthful accounts not realizing that their movements had been monitored and later when R. was told he had been under surveillance made admissions. In his defence F. said that he thought that there was a medical drug in the bag, and blamed R.; for his part R. said that he was on legitimate business and knew nothing of any drug and was supervising the delivery of lawful goods. He only made admissions because that was what the Customs office wanted to hear and he would be freed sooner.

Analyze the case and give your legal advice.

12. P was charged with being concerned in the importation of amphetamine sulphate. Customs officers in Dover searched his vehicle on his return from France and found 2.5 kg of the drug concealed in the front axle. P denied any knowledge of the drugs, saying that he had bought the vehicle the week before and had taken it to France for two days to try it out. In interview he repeatedly denied knowledge of any drugs. A search of his home revealed a small quantity of herbal cannabis and a pipe used for smoking cannabis, both of which he admitted belonged to him. In evidence he denied knowledge of the drugs found in his vehicle but said that the vehicle was taken without his consent for a short time while he was in Holland and later returned; he had not mentioned this in interview. At the trial his counsel objected to the admission of the evidence relating to the drug found at his home and to the part of the interview which dealt with it. The judge ruled that the evidence was admissible because it went to the credibility and veracity of P's answers in interview. He appealed against conviction, submitting that the evidence was wrongly admitted.

Analyze the case and give your legal advice.

13. Pip, who is 16 years old, is a new member of a street gang led by Mugger, who is 19. Mugger tells Pip that he will have to prove himself as a member of the gang, and orders him to throw a brick at the shop window.

Pip is very unwilling but Mugger insists, saying that if Pip does not do as he says, he will break Pip's arm and throw Pip through the window. Very reluctantly, Pip does throw the brick, which smashes the window, and Pip seizes a transistor radio which is on display. The gang runs off.

Later that evening Mugger and the rest of the gang have a snowball which he throws at Pip. The snowball hits Pip and the stone cuts his face.

Discuss the criminal liability of Pip and Mugger.

14. W was convicted of two counts of rape and acquitted of a third; the complainant in each case was the daughter of his cohabitee, aged 11 or 12 when the incidents were alleged to have occurred. The defence was a complete denial and it was suggested that the complainant had invented the allegations to secure the return of her natural father who had re-appeared and the ousting (выселение) of W. While W was awaiting trial the complainant wrote to the police requesting that the charges be dropped, saying that she had lied and that she was sorry for involving W. Her mother wrote in support of the case being dropped. Both made statements to the police consistent with that letter. Five days later the complainant attended the police station reverting to her original complaint which she said was true; W (who was on bail) had returned to the house. In the summing-up the judge did not refer to the letter of retraction, the statement of retraction or the further statement withdrawing the retraction; nor how the jury should deal with the evidence, and did not specifically warn the jury about the dangers of the complainant as a witness.

Could the complainant's evidence have been supported?

Was an alibi by W accepted?

Was the appeal allowed and convictions quashed?

15. On June 3, 1992, a domestic violence charge was filed against Joanne Southworth, respondent. The complainant stated that the respondent «on or about the 15th of May did knowingly cause finger-like bruises to the buttocks and a cut to the left temple of her son».

At the hearing, Mrs. Southworth testified that her six-year-old son had stolen money from her purse and then lied about it. She then admitted that she had slapped her son four times on the buttocks as punishment for the lie. The son J also testified that his mother had slapped him about five times on the buttocks, and that the slaps had been hard. J explained that the cut to his left temple resulted from a bike fall. Mrs. Southworth claimed that she was administering appropriate parental discipline and therefore was not guilty of domestic violence. Mrs. Southworth admitted that she had «lost control» and «hit J too hard». The State argued that she had violated the domestic violence statute. The trial court found respondent guilty of domestic violence.

Does the legislature intend to prevent a parent from properly disciplining his or her child?

Do courts recognize a sphere of privacy that protects a family from excessive governmental interference?

Do you agree with the decision of the trial court?

16. Pleaded guilty to false imprisonment, indecent assault on a male and indecency with a child. The appellant met a Swedish boy aged 13 who was staying with a family in England, as the boy was making his way home from an amusement arcade. The appellant persuaded the boy to go with him to his flat by offering to buy a chain for him; once they were in the room the appellant locked the door and kept the boy there for two hours. During this period, the boy was threatened with a knife and made to submit to various sexual offences. The boy eventually escaped by hitting the appellant with a glass cup and jumping out of a window.

How can the boy's rights be defended in this case?

17. Age: 17 (m.).

Facts: pleaded guilty to robbery. The appellant approached a 14-year-old paperboy who was delivering newspapers in the early evening. The appellant asked the boy to lend him his bicycle, and when the boy refused, he hit him in the face and rode off on the bicycle, threatening the boy with his fist. The bicycle was thrown into the back of a car driven by another youth, and the car was driven away. A third youth was involved in the robbery. A passer-by noted the number of the car and the appellant and the driver were later arrested.

Previous convictions: several, for a variety of offences; previous sentences included an attendance centre order, fine, a community service order and a supervision order to which he was subject at the time of the offence.

Sentence: two years detention in young offender institution.

If you were a judge, would you pass another sentence?

18. One day Billy (who is 13 years old) and Betty (who is 15) decide to play truant from school. Betty has a hidden store of cider, and they each drink a bottle of cider in the shed in Betty's back garden.

By this time, they are feeling unsteady and extremely hungry. They go down to the local supermarket and take a bun and an apple each, without paying for them. Betty and Billy then run back to the shed in Betty's garden, and eat the food. Billy makes a pile of sticks on the floor of the

shed and sets light to them. As the fire catches, they realize the danger, and rush out of the shed, leaving it to burn down.

Discuss the liability of Billy and Betty for theft of the food and criminal damage to the shed.

19. In February of 1990, respondent, Patricia Easton and petitioner, James Easton separated after repeated instances of domestic violence by both parties. Their child, S, lived with mother but spent weekends with his father.

On March 10, 1990, Mrs. Easton went to Mr. Easton's apartment to pick up S. Upon entering the apartment, she saw Mr. Easton hitting S with a three-inch wide leather belt. She noticed welts on the child's back. Mrs. Easton grabbed a frying pan from the stove and swung it two times against Mr. Easton until he stopped hitting S. Mr. Easton suffered bruises on his back, arms and shoulders.

Mr. Easton filed for a civil protection order on the grounds that Mrs. Easton had knowingly caused him harm by hitting him with a frying pan. The trial court found that although Mrs. Easton had acted to protect their child from serious abuse, it is not self-defence, but defence of the third party. The trial court issued a civil protection order against Mrs. Easton.

Do you deny the civil protection order?

Should self-defence be recognized as a defence to domestic violence?

Is self-defence recognized as a defence to criminal and tort liability?

T a s k 3 Work in groups of three

Imagine that you are investigators. Read the following cases and fulfill the assignment below the cases. Support your ideas by applying articles of the Criminal Code of the Russian Federation if possible. Report your decision to the class. Find out what your classmates think of these cases.

1. P entered the garage of a house and removed a car using a map to enable him to find the house and the key both to the garage and to the car, all provided by the appellant, who he believed to be the owner. They had been jointly charged with burglary as principals, the case against the appellant being put on the basis that he had procured (способствовал) the commission of the offence. The jury acquitted P and convicted the appellant. A witness gave evidence for the prosecution that he and an-

other man had bought the car from the appellant and having found that it had been involved in an accident they did not want it and told him he would have to return their money. The appellant collected the car to show to an interested party but he brought it back saying the man could not raise the money until after the weekend. The car was meanwhile taken by P, and when the appellant told the witness that the sale would go ahead after all, and they pointed out that the car had gone from the garage, he purported to express surprise at its disappearance. The matter was reported to the police, and subsequently it was identified by which time it had been deprived of its number plates, radio and instrument panel. The appellant gave evidence, saying that P was a creditor of his. He described how he had copied the keys to the car and the garage and claimed to have given them to P to get him off his back. He professed surprise that he had actually taken the car. He said he had agreed with the police that the car belonged to the witnesses only because he wanted to get out of the police station. He really had no idea whether in law the car belonged to him or them, and had only given them the car to get them off his back. He accepted it was dishonest to change the plates and he thought it dishonest of P to go to the garage, but he did not regard him as having been dishonest in taking the car because it was the appellant's. Following conviction it was contended on appeal that it was not open to the jury to convict the appellant whilst acquitting P.

Who was the principal offender in that case?

2. B was convicted on three counts each of murder, kidnapping, and preventing the lawful burial of a dead body, and a further count of kidnapping. The charges arose from the abduction of four young girls, three of whom were murdered and their bodies abandoned. The offences spanned a period of six years. B was arrested following his conviction of abducting, assaulting and indecently assaulting a six-year-old girl, T, in July 1990 in Stow, Scotland. It was the Crown's case that the facts of that case bore a strong similarity to the *modus operandi* in the instant cases. B worked as a driver for a London-based firm making deliveries throughout England and Scotland. At Stow, he drove up and down beside a children's playground, got out, cloth in hand, and bundled the girl into his van. He took her to a lay-by (придорожная стоянка для автомобилей) and indecently assaulted her. He gagged and bound her and drove off but was spotted by police and arrested. In the van, B had bonds, plaster, a hood, a small girl's swimming costume, a Polaroid camera and certain objects described as probes. B told the police he always liked young girls. In relation to the three murders, the Crown's case was that the offence in Stow to which B pleaded guilty displayed a «hallmark» or «signature»

strongly replicated in each of the instant offences so that evidence of all the incidents could probably be put before the jury. The defence argued that there was no such hallmark or signature and the prejudice of admitting the Stow incident greatly outweighed its probative value and that the incident should not go before the jury. The trial judge ruled in favour of the Crown. A half-time submission of no case was made and rejected. A did not give evidence, but a number of witnesses were called on his behalf. They were relied on to support the defence's «contrary case». The defence sought to show that one or more persons other than B must have committed the offences. The applicant applied for leave to appeal the convictions. It was argued, *inter alia*, (1) that the judge should have not permitted B's conviction in Scotland to be before the jury. Since *DPP v. P* the test was best expressed in terms of probative value. The Crown had prepared a schedule of similarities of the attacks on all the victims: they were all pre-pubescent girls; they were all abducted from a public place; in all except one case they had their shoes removed and there was evidence of indecent assault. Those who were murdered were all driven long distances south from the point of abduction and B admitted an intention to carry T south with him having bound her up. The three who were murdered were deposited in an area described as «The Midlands Triangle» and there was no attempt to conceal the bodies. In four of the five incidents a transit-type van was sighted. In four of the incidents, the victims were wearing white socks with bare legs above and the incidents occurred at weekends in warm weather. B's counsel argued that some of the similarities were commonplace features of offences of this kind and there were six dissimilarities (e.g. one victim was drowned, one was taken into a fairground, whereas the others were snatched straightaway into the vehicle and driven away). The judge had not considered the dissimilarities as he was under a duty to do. (2) The judge ought to have advised that only when they were sure of the guilt in relation to the one incident could they use the evidence of that incident to assist them on the next incident they were considering. They were not entitled to use all the similar fact evidence in a global approach to determine their first verdict: *McGranighan*. The judge adopted the Crown's sequential approach, but complaint was made that he later veered (изменил взгляды) towards the global approach.

Investigate this case: what will you begin with, continue; which witnesses will you interrogate; what evidence will you present in court

3. The wife of the appellant was found hanging from a beam in the garage of their home. The appellant produced a note in her handwriting in which she stated an intention of taking her own life so that it was at first

assumed that she had committed suicide. A few days later a friend of the deceased made a statement to the police concerning a conversation she had had with the deceased about suicide, noted the appellant had asked her to write in connection with a project he was pursuing at work. Two other friends then made statements about similar conversations with the deceased. As a result of further investigations by the police into the circumstances of the death the appellant was charged with murder. At the trial the statements of the deceased's friends were ruled inadmissible on the grounds of hearsay but the appellant was nevertheless convicted. He appealed on the grounds that there was a lurking doubt that the verdict of the jury was unsafe. The court was asked to receive fresh evidence to establish more precisely the time of death, and further evidence from a forensic pathologist and a handwriting expert.

Do you think the wife was of a mind to commit suicide when she was writing the note?

Would you believe the appellant?

4. L was waiting at a bus stop in a shopping precinct, with a container of cigarettes for his uncle, D. Four young men approached and surrounded him. One was wearing a baseball hat. L was asked if he had a draw, and when he said not, one of the men (allegedly the appellant) demanded the cigarettes and squeezed an orange on top of L's head. L resisted and was punched in the face. He released his grip, and they left, taking the cigarettes with them.

L said that his assailant had a short ponytail, and told the police that, in his view, the man was under the influence of drugs. He had the robber under observation whilst the episode took place for something like a minute-and-a-half. A witness who happened to know the appellant said that whilst he saw nothing of the robbery at or about the time it took place he had seen the appellant with three other youths skylarking (забавляться, дурачиться) in the shopping precinct. D, who had been told of the description his nephew had given of the robber and, being aware that the appellant matched it, arranged for a confrontation to take place. He challenged the appellant with: «I hear you've been taking fags (папиросы) off kids up town.» The appellant responded that it was not him. L identified the appellant as his assailant and, according to D, the appellant apologized and said that he had not known what he was doing because he had been doped out of his head (был в каком-то дурмане). That was not challenged by the appellant, who did not give evidence. His girlfriend and her father gave him an alibi, saying that they met him in the shopping precinct and at the time the robbery was taking place he was with them.

Discuss the liability of L.

5. A man with the same name as the deceased had earlier been robbed in his own home and there was evidence that the deceased had paid the robbers to commit the offence. He was called out one night and killed with two knives belonging to B. Witnesses associated with all accused said that B had said he had done the killing. At trial, B's co-accused, H, gave evidence in his own defence which implicated B. He said that on the night of the killing, B said that he wanted to see Sam, which was the nickname of the deceased, because he had said that B had been a party to the robbery. They went to waste ground where he expected B to have a word with Sam but instead he attacked him and went mad, stabbing him repeatedly. Death was caused by 48 stab wounds, each of which was fatal. B's evidence was that he knew H was a violent man who had kicked and punched him previously and threatened to finish him off. He and others had told him that Sam was going to the police about the robbery and wanted him to go with them to see Sam. He went out of fear, and they took his knives. Once on the open ground, H handed B a knife and told him to kill Sam. He then went berserk and was waving the other knife at B who was petrified. B swung the knife which penetrated Sam somewhere near the shoulder or the throat, Sam staggered back and H went on screaming for him to kill Sam and so he swung the knife twice more. He did not know where it went in. He then passed the knife back to H and said «I'm not doing it.» He did not touch Sam again but moved a short distance away and turned his back. He then heard more thuds caused by the others continuing to stab Sam. He then saw him on the ground.

Decide whether B was or was not guilty of murder

6. S was convicted of the murder of a 17-year-old girl, L, who set out for what she believed was a job interview with a man who telephoned, and had her curriculum vitae. A taxi driver saw her get into a blue Vauxall Cavalier or Carlton at Charing Cross station, whose driver was seen to smile at her, but he failed to identify S at a parade later and no admissions were made by S. The case against him was based on L having sent her c.v. to a firm which operated from the same business centre as S's business where there was a common post room. S's girlfriend lived close to L's family. L's sister, who answered the telephone, heard background sounds similar to those at an airport; S was a member of a flying club and it was supposed that the call was made from there. A tape found in S's possession had a similar noise. A few days before the murder, a man in an adjoining glass-sided telephone booth in Crawley saw a man in the

next booth with L's c.v. in front of him as he was making a call. He failed to pick S out at a parade, but S had cashed a girocheque that morning in Crawley. A farmer in Rotherfield was in the habit of recording the index numbers of cars parked near his farm. On the day L was presumed to have been killed, he saw a stationary blue/grey Vauxall Carlton whose index number was that of S's car. 31 Black polypropylene fibres, which was a rare fibre, was found on L's clothing and in S's house, his car and on a shirt which he left at his girlfriend's. The source of the fibres was not found.

There were human bite marks on L's chin. S's dental record and a case based on an impression of S's teeth, taken in 1990 when he had lost an incisor, were voluntarily given to the police by the dentist. An expert compared the cast and photographs of the bite marks and found a general match between them, which was relied upon as identifying S as the assailant.

The defence was a denial of involvement and an alibi by S's girlfriend and ex-wife. A defence expert opined that the dentition on which the case was based could have produced the bite marks on L, but so could other regular sets of teeth. S had refused the police request for samples of his teeth marks on arrest, and the defence objected to the production of his dental records and the cast.

What is your approach to the legal problems of that case?

Would you dismiss or allow the appeal?

7. D, P and W were convicted of conspiracy to defraud; two co-accused, H and N, pleaded guilty to the charge. The court alleged that all five had conspired to steal money from two bank accounts. Two of them (W and co-accused H) were bank clerks who facilitated the electronic transfer of money („ 310,000) from the two customer accounts at the bank. D and P had never met W but D was in frequent contact with co-accused N and with the bank (of which he was not a customer) and receipts relating to a visit to Munich (where one of the transfers of money took place) were found in his house. P was seen in N's and H's company at a time when a large quantity of cash representing the stolen money was taken from H's car. In the house of N's girlfriend was found a document (Exhibit 99) prepared by her. The exhibit contained a proposed sharing out of the proceeds of the conspiracy—headed «£310,000» and in the document the names which were traced to the five conspirators and a sum of money against each name. The judge admitted evidence of Exhibit 99 although D and P had not heard of the document and there was no evidence that

they had received the sums specified in it. D and P appealed against conviction, submitting that the judge was wrong to admit the exhibit in evidence.

Discuss the liability of D, P, W, H and N.

8. At about 2.30 a.m. one morning an elderly householder found the defendant stuck in a downstairs window of his house. The defendant had his head and right arm inside the window and was trapped by the window itself which rested on his neck. The rest of his body remained outside the window. He told the householder that he was trying to get his baseball bat that his friend had put through the window. The police and the fire brigade were called and he was eventually extricated. He was charged with and convicted of burglary. He appealed on the ground that, as a matter of law, his action was not capable of constituting an entry since he could not have stolen anything from within the building because he was stuck firmly by his neck in the window.

Try this case.

9. A was convicted of the murder of his mother. She sustained very many injuries. The defence was that she had fallen and then sustained further injuries as a result of A's attempts to assist and resuscitate her. Alcohol was found in her body, and A was to claim that she was a secret drinker. A was 48, of mild disposition. He had given up work to move in with his mother and became financially dependent on her. There was uncontradicted evidence that he was very fond of her and submitted with good grace to the fact that in many ways she treated him as a child. No motive was apparent (a suggestion that there may have been considerations of inheritance faded at trial). In cross-examination, it was put to A that he killed his mother having «lost (his) temper totally», a suggestion subsequently echoed in the summing-up, in passages in which the judge canvassed the possibility that an underlying resentment «boiled over» and that alcohol may have led her to have acted in a way «which made the defendant lose his self-control».

On appeal, it was argued that the judge should have left provocation to the jury.

What does «provocation for murder» mean?

What other facts and circumstances would you need to know?

10. The appellant was convicted of aggravated burglary and criminal damage. He claimed to be owed money by C whom he had known for

some time. H (C's girlfriend) was alone in the flat she shared with C when she was confronted by a man armed with a baseball bat who demanded to know where C was. He searched the flat indicating that C owed him money and, when he didn't find him, he used the baseball bat to smash a stereo system and a door. H signed a witness statement on the following day stating that she recognized him as the appellant. He spent three to five minutes at the flat and she was standing only a few feet away from him. She was pregnant at the time and very frightened. In a second statement, she added that about two months before the incident she and C had been approached by the appellant when he had threatened to break C's kneecaps if he did not pay the money. She gave a description of the appellant and said that she was afraid of that might happen now that the appellant had learned that she and C had gone to the police. H pointed out the appellant at an identity parade. C, in his witness statement, confirmed that the appellant had been pressing him for money and referred to another incident a few days before the incident when the appellant had approached him and H for money and grabbed H by the throat. C also identified the appellant and said he was frightened of the appellant and unwilling to give evidence as a result. At trial, H and C were not presented in court ready to give evidence. Counsel for a prosecution made an application for a ruling that their witness statements should be admissible in evidence without calling the witnesses themselves.

Two further statements by C and H were read in which they said that they were too frightened to give evidence and that H was ill as a result. This was confirmed by two police officers who gave evidence on a *voire dire*. One of the officers also gave evidence that, during a short adjournment at the court, he heard the appellant say «I'll get my own back», which he took to mean a direct threat against C and H. The judge ruled that several witness statements by C and H were admissible and invited submissions on how she should exercise her discretion to admit or exclude the statements. The judge ruled that it was not in the interests of justice to have the statements excluded. The appellant gave evidence of an alibi, but was convicted.

Was the prosecution bound to fail without H's evidence and to a lesser extent C's?

Speak on the admissibility of the witness' statement.

TEACHER'S BOOK

Unit 1. Law in Everyday Life

Task 1

В качестве домашнего задания студентам раздаются три варианта текстов (*Law, Different Kinds of Rules, Importance of the Law*) для подготовки устного сообщения (*presentation*).

Условия подготовки сообщения:

- (1) сообщение готовится в соответствии с планом, данным в пособии;
- (2) длительность — 3—5 мин.
- (3) в сообщении должны быть обязательно использованы слова и выражения, выделенные из этих текстов;
- (4) сообщение должно завершаться проблемным вопросом, который мог бы вызвать дискуссию в группе. Проблемный вопрос должен быть записан на отдельной карточке.

Task 2

Презентация проходит в группе из трех человек. Время работы — 15 мин.

Контроль (время работы — 7—10 мин) преподаватель задает вопросы студентам:

- (1) **What have you learnt?**
- (2) **Summarize the idea of N's presentation in one sentence.**

Text Law

- (1) **What do people begin with when they form a club or a society?**
(They make up a set of some rules.)
- (2) **Tell me what rules may be like?** (obvious, useful, etc.)
- (3) **What is the conclusion N. has come to?** (The law is the law.)

Text Different Kinds of Rules

- (1) **How many kinds of rules are there in Great Britain?** (3)
- (2) **What things do the commonsense rules of everyday life forbid people to do?** (robbing, killing)
- (3) **What thing has become an important rule in our life? / The importance of what thing have we learnt about from our experience?**
(wearing seat-belts)
- (4) **What may happen if we break the laws?** (We may be punished, brought before a court of law...)

- (5) **How do the rules appear in our life?** (grow up out of custom, are adopted by judges, are laid down by Parliament)

Text Importance of the Law

- (1) **What laws are called the laws of the land?** (apply to everyone, throughout the whole land)
- (2) **What laws are called by-laws?** (apply locally, in the areas in which we live)
- (3) **What do the laws do?** (improve our lives, protect us from harm, give us rights, impose on us equal duties etc.)
- (4) **What example illustrates equal duties of people?** ((1) the right to own property, the duty to let others own their property, not to steal from others; (2) the right to safety on the roads, the duty to drive within the speed limits)
- (5) **What's the Russian equivalent of the phrase «Ignorance of the law can never be an excuse for breaking it»?**
- (6) **Do laws link the past to the future?** (Yes)

Число вопросов определяет преподаватель.

Task 3

Студенты зачитывают проблемные вопросы.

Преподаватель собирает карточки с проблемными вопросами для того, чтобы в конце занятия раздать их студентам для подготовки дома комментария по полученному вопросу. Во время чтения вопросов студенты могут выбрать для себя понравившийся вопрос и взять карточку. Время работы — 5 мин.

Task 4

Преподаватель должен заранее продумать состав групп-пятерок, учитывая психологическую совместимость студентов и разную степень владения английским языком.

Перед началом работы следует объяснить студентам весь ход и цель обсуждения в группах.

1. Преподаватель готовит заранее стопку карточек с померами эпизодов, повторяющихся в зависимости от количества учащихся в группе, имея в виду, что в дальнейшем студенты будут работать в группах-пятерках. Один и тот же эпизод может оказаться у 2—3 человек.

Преподаватель распределяет в каждой группе-пятерке номера эпизодов, предназначенных для обсуждения.

4. Перед началом работы следует обратить внимание студентов на то, какие можно использовать существительные и глаголы. Время работы студентов — 15 мин. В течение всего времени работы преподаватель наблюдает за работой студентов, переходя от пары к паре, помогает, подсказывает, поддерживает рабочее настроение студентов и стимулирует их усилия.

Контроль (5 мин.):

(1) How many laws are mentioned in your episode?

(2) What are they?

Возможные варианты ответов:

(Episode 2)

— protection against pollution of the air we breath (the law that protects against...)

(a) specification of a certain quality of the water we use (the law that specifies...)

(b) protection against poor quality of the clothes we buy (the law that protects against...)

(c) provision of conditions of employment for workers at factories (the law that provides...)

(d) provision of conditions of safety for workers at factories (the law that provides...)

(Episode 3)

(a) specification of / laying down a certain quality and standard of the food we buy (the law that specifies / lays down...)

(b) regulation of the production and preparation of food (the law that regulates...)

(c) protection against genetically modified foods (the law that protects...)

(Episode 4)

(a) laying down safety requirements (the law that lays down...)

(b) regulation of / specification of / governing the quality of the road surface (the law that governs...)

(c) regulation of / specification of / governing safety of the pavements

(d) regulation of / specification of / governing the speed of the traffic

(e) laying down the duty to obey road signs (the law that lays down...)

(f) governing the safety of the school premises and equipment (the law that governs...)

(Episode 3)

(a) control of the hygiene of the kitchen (the law that controls...)

- (b) provision of the type and quality of education (the law that provides...)
- (c) control of the qualification of teachers (the law that controls...)
- (d) the law that sets out the exact form of pupils' lessons

(Episode 1)

- (a) control of the ways in which teachers may or may not punish pupils (the law that controls...)
- (b) control of the ways in which teachers and pupils should behave towards one another
- (c) not allowing prejudice in treatment of people (the law that doesn't allow...)
- (d) protection against discrimination because of sex, colour and race (the law that protects against...)

5. Время работы — 5—7 мин.

6. Помочь студентам быстро объединиться в пятерки, образованные ранее. По возможности рассадить студентов так, чтобы они могли видеть друг друга при общении. Время работы — 15 мин. Контроль: ключ — 2, 5, 4, 3, 1.

Task 5

Задание можно провести двумя способами:

1. Комментарий по предложенным утверждениям и проблемным вопросам, подготовленными студентами, можно предложить студентам подготовить дома. Длительность комментария — 3 мин.

2. Преподаватель выбирает четыре наиболее понравившихся утверждения и распределяет между студентами для подготовки ими комментария в рамках домашнего задания.

На занятии студенты, работавшие с одинаковыми утверждениями, объединяются в четыре группы для выработки единого комментария по данной проблеме. В процессе работы каждый сообщает группе свой подготовленный дома комментарий.

Следует следить за тем, чтобы студенты говорили только на английском языке.

Можно назначить в каждой группе лидера, который должен проследить за тем, чтобы выступил каждый член группы и уложился в отведенное ему время (3 мин.), а беседа велась только на английском языке.

Время работы — 25 мин.

Контроль: представитель от каждой группы выступает с подготовленным группой комментарием. Время работы — 12—15 мин.

Unit II. Human Rights

Task 1

1. Преподаватель пишет на доске слова *HUMAN* и *RIGHTS*. Студентам предлагается обдумать и перечислить те качества, которые присущи человеку. Преподаватель отмечает их на доске (например, *intelligence, sympathy*).

2. Преподаватель задает студентам вопросы:

- (a) What do you think is needed in order to protect these qualities of a human being?
- (b) What do you think is needed in order to improve these qualities of a human being?
- (c) What do you think is needed in order to fully develop these qualities of a human being?

Преподаватель записывает ответы студентов на доске (например, *education, friendship, loving family*) и просит студентов пояснить свои ответы.

3. Студенты предлагают различные значения слова *right* (например, *correct, opposite of left, just*). Преподаватель записывает их на доске, а также дает студентам время (1 мин) обдумать значение слова *right* в выражениях *We're within our rights* или *You have no right to say that* (для наглядности можно также записать эти выражения на доске).

4. Преподаватель вместе со студентами обсуждают значение слова *universal* (например, *relating to, or affecting all members of the class or group*).

Студенты в группах обсуждают определения понятия *human rights*.

Примерные определения:

- (a) *Human rights belong to all people regardless of their sex, race, color, language, national origin, age, class, religion, or political beliefs. They are universal, inalienable, indivisible, and interdependent.*
- (b) *Human rights are universal rights held to belong to individuals by virtue of their being human, encompassing civil, political, economic, social, and cultural rights and freedoms, and based on the notion of personal human dignity and worth.*
- (c) *Human rights refer to the «basic rights and freedoms to which all humans are entitled.»*

Время работы 10—15 мин.

Task 2

В качестве домашнего задания студенты получают четыре текста (*History of Human Rights, Universal Declaration of Human Rights, The Human Rights Convention, International Human Rights Organizations (Amnesty International, Human Rights Watch, Commission on Human Rights)*) для подготовки презентации.

Условия подготовки сообщения:

- (1) презентация должна быть подготовлена в соответствии с планом;
- (2) длительность сообщения 4—5 мин;
- (3) в сообщении должны использоваться слова и выражения из текста;
- (4) презентация должна завершаться проблемным вопросом, который мог бы вызвать дальнейшее обсуждение в группе.

Task 3

Студенты, работая в небольших группах (численность и состав группы преподаватель определяет заранее, учитывая психологическую совместимость студентов и уровень владения языком), делают презентацию своей темы. Они назначают лидера группы, который отвечает за порядок презентации и определяет очередность выступающих.

По окончании презентации студенты обсуждают подготовленные ими проблемные вопросы в своей рабочей группе. Во время дискуссии преподаватель наблюдает за работой студентов, переходя от группы к группе, помогает, подсказывает, поддерживает рабочее настроение, а также контролирует, чтобы все обсуждение проходило только на английском языке. Время работы — 30 мин.

После обсуждения преподаватель проводит общий контроль понимания сообщения остальными студентами, задавая вопросы по содержанию текстов. Количество вопросов преподаватель определяет сам. Время — 5—10 мин/

Затем студенты предлагают несколько наилучших проблемных вопросов для обсуждения с другими рабочими группами.

Text History of Human Rights

1. What are the oldest legal codes? (the Neo-Sumerian Code of Ur-Nammu, the Code of Hammurabi). What rights did they consider? (women's rights, children's rights and slave rights).
2. How did the Magna Carta appear and what did it contain? (After the king violated a number of ancient laws and customs by which

England had been governed, his subjects forced him to sign the Magna Carta; the right of the church to be free from governmental interference, the rights of all free citizens to own and inherit property and be free from excessive taxes, principles of due process and equality before the law, provisions forbidding bribery and official misconduct).

3. **What groups and movements appeared in the 20th century?** (labour unions, women's rights movement, national liberation movements, movements by long-oppressed racial and religious minorities, civil rights movement, identity politics movements, on behalf of women and minorities in the United States).
4. **What body was established in 1919? Why was it established?** (The League of Nations was established in 1919; the World Wars, and the huge losses of life and gross abuses of human rights that took place during them were a driving force behind the development of modern human rights instruments).
5. **What new body was established in 1945 and what was its contribution in the development of Human Rights?** (This body was to be the United Nations; the United Nations has played an important role in international human rights law since its creation; the United Nations and its members developed much of the discourse and the bodies of law which now make up international humanitarian law and international human rights law).

Text Universal Declaration of Human Rights

1. **When and why was the UDHR adopted?** (adopted by the United Nations General Assembly in 1948, partly in response to the atrocities of World War II).
2. **Who was the UDHR framed by? Who was Chair?** (The UDHR was framed by members of the Human Rights Commission, with former First Lady Eleanor Roosevelt as Chair).
3. **Who were responsible for much of the cross-national research and the structure of the document?** (Canadian law professor John Humphrey and French lawyer René Cassin).
4. **What basic principles did it include?** (basic principles of dignity, liberty, equality and brotherhood in the first two articles, followed successively by rights pertaining to individuals; rights of individuals in relation to each other and to groups; spiritual, public and political rights; and economic, social and cultural rights. The final three articles place rights in the context of limits, duties and the social and political order in which they are to be realized).

5. **What two Covenants was the UDHR separated?** (a Covenants on Civil and Political Rights and another Covenant on Economic, Social and Cultural Rights).
6. **How does The Guinness Book of Records describe the UDHR?** (the «Most Translated Document» in the world).
7. **How many articles does it contain?** (It consists of 30 articles).

Text **Human Rights Convention**

1. **When did the Human Rights Act known as the Human Rights Convention come into force?** (on Monday, 2 October 2000).
2. **When are the origins of Convention rights and freedoms to be found? What body was responsible for it?** (in the dark days of the Second World War (1939—45); the Council of Europe).
3. **What court did those whose Convention rights had been breached have to apply before the Act came into force?** (European Court of Human Rights («European Court») in Strasbourg).
4. **How has the procedure changed since the Act appeared? What Article regulates it?** (now Article 13 of the Convention provides that wherever it is claimed that rights and freedoms under the Convention have been violated, those who say they have suffered are allowed to raise the matter of their Convention rights before the UK courts; under the Human Rights Act, these rights can be relied upon in any court or tribunal in England and Wales, and it is only if citizens can show that they have first exhausted the remedies of these «domestic courts» that they can take their cases to Strasbourg).
5. **What does the Convention consist of?** (a number of Articles — these are the statements of legal rights, known as «Convention rights»; to the Articles have been added Protocols).
6. **What are the characteristics of the Convention rights?** (each right is inherent — it exists as a separate and essential part of what we believe it should mean to be a free human being; it is inalienable — it cannot be given or taken away; and it is universal — it is common to all. These rights are therefore thought to represent the basic freedoms and minimum standards that are to be expected for all citizens in a democratic society).
7. **What do the Convention rights include?** (rights protecting individual citizens from State oppression, rights concerning their standard of living and quality of life, rights of freedom from discrimination, rights to free movement throughout the European Union, and rights of equal pay for men and women).

Text International Human Rights Organizations. (Amnesty International, Human Rights Watch, Commission on Human Rights)

1. **What are three well-known international Human Rights organizations? Which is non-governmental?** (Amnesty International, Human Rights Watch (nongovernmental), Commission on Human Rights).
2. **What is Commission on Human Rights mandated to?** (examine, monitor and publicly report either on human rights situations in specific countries or on major phenomena of human rights violations world-wide).
3. **What are the main themes addressed by Convention?** (the right to self-determination; racism; the right to development; the question of the violation of human rights and fundamental freedoms in any part of the world; economic, social and cultural rights; civil and political rights, including freedom of expression, the independence of the judiciary, impunity and religious intolerance).
4. **Where and when do the members of Commission meet?** (each year in regular session in March/April for six weeks in Geneva).
5. **What organizations is Commission assisted by?** (the Sub-Commission on the Promotion and Protection of Human Rights, a number of working groups and a network of individual experts, representatives and reporters mandated to report to it on specific issues).
6. **What does Amnesty International campaign against?** (torture, the death penalty, and other human rights violations).
7. **What does Amnesty International seek?** (Amnesty International seeks to inform public opinion about violations of human rights, especially the abridgements of freedom of speech and of religion and the imprisonment and torture of political dissidents, and which actively seeks the release of political prisoners and the relief, when necessary, of their families).
8. **Where is it headquartered and what is its logo?** (Amnesty International is headquartered in London; Amnesty International's logo is a burning candle wrapped in barbed wire).
9. **What is the mission of HRW?** (to prevent discrimination, uphold political freedom, protect people during wartime, and bring offenders to justice).
10. **When did HRW win Nobel Peace Prize and what for?** (HRW won the 1997 for its International Campaign to Ban Landmines).

Task 4

Студенты объединяются в новые группы (три-четыре человека). Преподаватель выдает каждой группе по карточке с ситуациями (см. *Photocopiable Activities*). Студенты в группе обдумывают и обсуждают ситуации, определяют, какие права из Всеобщей декларации по правам человека были нарушены, также называют соответствующую статью и раскрывают ее содержание. Время работы 15—20 мин.

Key

Card 1. 1. Article 8, 2. Article 16, 3. Article 20

Card 2. 1. Article 11, and probably Article 12, 2. Articles 6 and 7 (and probably also Article 3), 3. Article 21

Card 3. 1. Article 7, 2. Article 17, 3. Articles 9, 13, 15, 19

Card 4. 1. Article 19, and probably Articles 3, 5 and 9, 2. Article 12, 3. Article 12

Card 5. 1. Articles 19 and 20, 2. Articles 12 and 19, 3. Articles 20 and 23

Card 6. 1. Article 16, 2. Articles 22 and 25, 3. Article 18

Task 5

Студенты работают в парах. Каждая пара выбирает цитату, обсуждает и готовит к ней комментарий (студенты могут выбирать более чем одну цитату). Представитель от пары выступает с комментарием. Время работы 10 мин.

Task 6

Студенты объединяются в пары. Преподавателю необходимо убедиться, что у каждого студента новый партнер. Студенты изучают статьи из Конвенции по правам человека, выбирают наиболее важные на их взгляд статьи и готовят по ним комментарий, объясняя свой выбор. Время работы 15 мин.

Task 7

Вариант 1. Студенты делятся на две группы. Первая группа выступает в поддержку прав человека, вторая группа — против. Студентам каждой группы предлагается карточка (см. *Student's Book*) с информацией по их вопросу. Преподаватель должен следить, чтобы дискуссия проходила только на английском языке и чтобы в ней

участвовали все студенты. Студенты выбирают представителя из своей группы, который выступает с речью в защиту или против прав человека. Представитель, выступая с речью (1—2 мин), приводит аргументы как из текста с карточки, так и предложенные студентами во время обсуждения. Цель каждой группы — переубедить, привлечь на свою сторону участников другой группы. Для этого преподаватель после выступления представителя из каждой группы может организовать дальнейшую дискуссию. Во время всех обсуждений преподаватель наблюдает и помогает снять любые лексические трудности. Время работы — 30 мин.

Вариант 2. Студенты делятся на три группы. 1 группа выступает в поддержку прав человека, группа 2 — против, а группа 3 — в роли судей, оценивает работу первых двух групп. Группы 1 и 2 работают по плану, описанному в варианте 1. Участники группы 3 изучают карточки как сторонников, так и противников прав человека, обсуждают и готовят вопросы каждой группе, выслушивают представителей и задают свои вопросы. Затем группы 3 совещаются и выносят решение о том, чей представитель выступал лучше и аргументы какой группы были убедительнее. Группа 3 также выбирает представителя, который оглашает вердикт. Время работы 30 мин.

NB: Данное задание может быть предложено на дом или проведено на занятии, если у группы достаточный уровень языковой подготовки. Если студенты готовили свои аргументы дома, то в аудитории они лишь в рамках своих групп составляют единый комментарий и выбирают представителя, который выступит с речью от группы. В таком случае выполнение задания в аудитории занимает 15—20 мин.

Task 8

Вариант 1. Студентам предлагается опросить как можно больше людей, присутствующих в аудитории. Студенты делают заметки, а затем сообщают полученную информацию.

Вариант 2. Преподаватель организует дискуссию во всем классе, задавая вопросы разным студентам.

Unit III. Constitution

Task 2

Презентация проходит в группе из трех человек. Время работы — 15 мин.

Контроль (время работы — 10—20 мин) — преподаватель задает вопросы студентам:

- (1) **What have you learnt?**
- (2) **Summarize the idea of N's presentation in one sentence.**
- (3) **Sum up what the text has to say on:**
 - (a) the American model that captured the attention of Russian and NIS draftsmen of the Constitution
 - (b) the late Soviet model the antithesis of which was the American concept of «constitutional democracy»
 - (c) the features of American constitutionalism which are not suitable for Russian and NIS conditions
 - (d) a fundamental drawback of the American Constitution as a model for Russian and NIS draftsmen
- (4) **Explain the meaning of the following phrases and word combinations:**
 - the historically less prestigious, but more adaptable continental models
 - judicial review
 - «antistatism»
 - Constitutionalism
 - constitutions without constitutionalism

Unit IV. Drugs — Death Danger

Task 1

В качестве домашнего задания студентам раздаются три варианта текстов для подготовки презентации.

Студентам следует объяснить, что любая мысль, облеченная в устную или письменную форму, представляет собой единую форму повествования, необходимую для доступности понимания: введение, основную часть и заключение. Необходимо папомнить студентам план презентации.

Нужно обратить внимание студентов на то, что предлагаемые тексты по указанным темам могут считаться базовыми и могут быть адаптированы в соответствии с их видением вопроса. Возможно использование любого дополнительного материала из Интернета, книг, журналов или официальных источников.

Не стоит специально останавливаться на медицинских терминах и жаргонных словах, имеющихся в тексте, однако желательно помочь выступающему с их произношением.

Следует рекомендовать студентам использовать слова и выражения из словаря для создания обстановки живого общения (см. *Appendix*). Словарь имеет несколько разделов: для использования в тексте собственного сообщения, для участия в дискуссии, для получения дополнительной информации, для разъяснения и т.д.

Презентация должна завершаться проблемными вопросами, которые студент составляет дома.

Task 2 Проведение презентации

- (1) Презентация проходит в группе-тройке. Группа составляется таким образом, чтобы каждый из трех студентов представлял одну из предложенных тем. Желательно, чтобы преподаватель наблюдал за работой студентов, переходя от группы к группе.
- (2) Студенты задают проблемные вопросы, связанные с их выступлением, и выслушивают мнение своих товарищей. Преподаватель контролирует обсуждение, следя за правильностью составления вопросов и ответами на них. Время работы 15—20 мин.

Контроль. Преподаватель может также задавать сам вопросы с целью выяснить степень усвоения информации. (Время работы — 7—10 мин).

Task 3

Работа в группах-тройках закончена. Студенты работают в группах-пятерках.

Работая в пятерках, они передают содержание своих текстов и обсуждают предложенные проблемы, используя информацию текстов.

Желательны вопросы аудитории или преподавателя.

Task 4. Обсуждение темы

В Student's Book даны три возможные темы для дальнейшего обсуждения. Однако список можно пополнить в зависимости от желания преподавателя и студентов.

Этот вид работы можно провести разными способами:

- (1) предложить темы для общего обсуждения
- (2) предложить подготовить точку зрения (2—3 мин) и воспроизвести ее тут же на семинаре в виде дискуссии.
- (3) предложить подготовить дома и обсудить на следующем семинаре.

В зависимости от оставшегося времени можно выбрать любой из предложенных способов. Следует следить за тем, чтобы студенты говорили только на английском языке.

Unit V. Juvenile Delinquency

Task 1

Преподаватель вводит тему для обсуждения: «*Juvenile delinquency*»:

Juvenile delinquency is not a new invention; it is old as time. Socrates is alleged to have observed: «The children now love luxury. They have bad manners, contempt for authority; they show disrespect for elders. They don't stand up when their elders enter the room. They contradict their parents and tyrannize over their teachers.»

1. What problems is Socrates alleged to have observed regarding the youth ways?
2. Are they similar to the problems modern teachers and parents face?

Task 3

Методические рекомендации по проведению Презентации см. *Teacher's Book* (Units I, II, IV).

Task 5

3.4. Answer Key.

Unfortunately, these young people **often run into trouble?**

Most take off with only **a few dollars in their pockets?**

When this is spent **they find it is not easy to make money?**

It is useless for them to **look for a proper job?**

Runaways often think that **they will find friendly people willing to help them out.**

But the sad fact is that cities are full of people **who only want to take advantage of them**

There are a lot of charity organizations which **try to protect street children**

But unfortunately, the number of teen runaways **is rising/**

Task 6

2, 3. The Headings to the texts (Answer Key) / Questions/ Statements

I. Social morality

Teacher's questions:

- (1) What manner of behavior do you consider immoral?
- (2) Is there any difference in the attitude to morality among you, your parents, grandparents?

II. Poverty

Teacher's statement: There are many temptations nowadays. If parents cannot provide for their families adequately children have the feeling of deprivation and are often driven to theft, burglary and prostitution.

III. Family factor

Teacher's statements:

- (1) Parents nowadays neglect their duty to bring up their children properly. They are more money and success oriented.
- (2) Historically, men provided for the children and women took care of the children.
- (3) Women should give up their jobs and devote more time to their children.
- (4) Due to parental permissiveness it has become very difficult to deal with pupils. Children consider themselves the centers of the universe.

IV. The environmental factor

Teacher's statement: It is impossible to raise law abiding children in criminal environment.

V. Media influence

Teacher's statement: Many psychologists attribute teenage cruelty and criminality to mass media. Children get so familiar with the crime that it becomes humanized and accessible. They accept the idea of crime as almost normal accompaniment of everyday life and a pattern to follow.

Task 8

Answer Key:

Logical order: 3, 6, 1, 4, 2, 5

Text Problem Children

Teachers in some secondary schools in Britain are worried that their jobs may become impossible shortly unless something can be done to restore discipline in the classrooms.

In the problem schools, mostly in large cities, a small minority of teenage pupils deliberately disrupt lessons to such an extent that the teachers can no longer teach their classes effectively.

Some within the teachers' unions consider that the permissive nature of modern society is responsible. Small children who are continually encouraged to express their individuality without restriction are naturally reluctant to accept school discipline when they grow older.

Furthermore, modern teaching techniques, which appear to stress personal enjoyment at the expense of serious academic work, might be teaching the child to put his own selfish interests before his duties to the community in which he lives.

Perhaps the problem can be solved by improving facilities for the psychological guidance of these difficult children or by better cooperation between the schools and the parents — for the parents may be mainly responsible for the aggressive behaviour of their offspring.

But some of us believe that there ought to be a return to more «old-fashioned» methods. At present in some schools teachers may not even slap a child who misbehaves, but I personally feel that caning should be reintroduced and that this might produce the desired results.

Unit VI. Young Persons Accused of Crime

Tasks 1 — 2

Методические рекомендации по организации выполнения заданий см. в *Teacher's Book* Units I, II, IV.

Вопросы для контроля

Text Young Offenders and Possible Punishment

1. What are the main punishments that are available to the courts when dealing with young offenders? (detention, cautioning, community sentence, etc.)
2. What types of cautioning can be given to the young offender? State the difference between them. (formal and informal; in case of formal cautioning a record is made that a warning has been given)
3. What should the youth courts take into account while imposing a sentence? (the young offender future life and interests of the public)
4. Are the members of general public and representatives from media and press allowed to sit in youth courts? (in most cases no, only if the case is tried in the Crown Court)

Text Child Abuse

1. How can the law protect children from ill-treatment? (by separating them from anyone who presents as a danger, punishing anyone who abuses or behaves cruelly towards them, and providing the children with a safe and healthy environment in which to live)
2. What is a child protection team? (special teams which are consisted of police officers and social workers that deal with the problems of children who are the victims of the crime)
3. How is a child interviewed by the police? Does this questioning differ from the interviewing of an adult person? (by the police woman in a special room, the video recording is made)
4. What special measures should be taken to protect the child from the negative influence of the court proceeding? (no publicity of the child's name, he/she doesn't see the accused; they do not go into court at all, but give evidence to everyone who is in court by means of a video-link between their room and the court)

Text Children and the Court

1. **What are three general principles that the court should take into account when it deals with family cases?** (the child's best interests always come first; any child case must be heard as quickly as possible, otherwise the child may suffer; the courts should intervene and take some actions only if it is really necessary)
2. **What is a welfare checklist? What options does it include?** (It's a special list of options which the court should take into account when it deals with family cases. It includes the following options: the wishes of the child, the child's physical, emotional and educational needs, the likely effect on a child of any change in the child's life and circumstances, the child's age, sex, background and anything else relevant to that child, any harm which the child has suffered or is at risk of suffering)
3. **What is a supervision order?** (it means that the child's progress will be carefully monitored by a trained social worker)
4. **Is it possible to change the court's decision? In what cases?** (Yes, if the order isn't working the court may reconsider the situation).

Unit VIII. The Police

Task 1

Преподаватель вводит тему для обсуждения через текст для прослушивания (текст читается преподавателем):

Enforcing the law.

Governments have many ways of making sure that citizens obey the law. They make the public aware what the law is and try to encourage social support for law and order. They use police forces to investigate crimes and catch criminals. They authorize courts to complete the investigation of criminal and civil offences and to pass sentences to punish the guilty and deter others. And they make efforts to reeducate and reform people who have broken the law.

The laws of all countries are to be bound in written records — the legal codes of countries with continental systems, the statutes and case judgments of common law countries, warnings on official forms, and notices in public buildings. Many people do not know where to find these records and do not find it easy to read them. But ignorance of the law is almost never a defence for breaking it.

Task 2

Вопросы для проверки понимания текстов из заданий 1 и 2:

1. In what are the two texts identical, and in what are they different?
2. Is there a real necessity for the police to cooperate with criminals in their efforts to combat crime?
3. Are citizens to be aware of the laws which directly affect their lives?
4. Does the mere presence of the police deter people from committing offences?

Task 4

Вопросы для контроля понимания и обсуждения темы презентации:

1. What ways of reducing police brutality can you suggest?
2. Can films featuring detectives and policemen improve their public image?
3. Police often treat teenagers unfairly, don't they?
4. What does it take to become an efficient police officer?
5. Who were thief-takers and what was their modus operandi?
6. What was the duty of constables?

Task 7

Текст для прослушивания (читается преподавателем):

Like an executioner approaching his victim, the policeman came strolling slowly towards us. He was a big meaty man with a belly. His goggles were pulled up on the helmet, showing a smouldering red face with wide cheeks.

We sat there like guilty schoolboys, waiting for him to arrive.

The policeman came to my open window and placed one meaty hand on the sill. «What's the hurry?» he said. «No hurry, officer», I answered

«Perhaps there's a woman in the back having a baby and you are rushing her to hospital?» «No, officer», I answered.

«Or perhaps your house is on fire and you are dashing home to rescue the family from upstairs?» His voice was dangerously soft and mocking.

«My house isn't on fire, officer.» «In this case you've got yourself into a nasty mess, haven't you? Do you know what the speed limit is in this country?» «Seventy», I said. «And do you mind telling exactly what speed you were going just now?» I shrugged my shoulders. When he spoke next, he raised his voice so loud that I jumped. «One hundred and twenty miles per hour!» he barked. «That's fifty miles per hour over the limit!» He turned his head and spat out a big gob of spit. It landed on the wing of my car and started sliding down over my beautiful blue paint. The he turned back again and started hard on my passenger. «And who are you?» he asked sharply. «He's a hitch-hiker» I said. «I'm giving him a lift.»

«I didn't ask you» he said. «I asked him.» «Have I done anything wrong?» my passenger asked. His voice was as soft and oily as hair cream. «That's more than likely» the policeman answered. «Anyway you are a witness. I'll deal with you in a minute. Driving-licence» he snapped, holding out his hand.

He unbuttoned the left-hand breast-pocket of his tunic and brought out the dreaded book of tickets. Carefully, he copied the name and address from my licence. Then he gave it back to me. He strolled round to the front of the car and read the number from the number-plate and wrote it down as well. He filled in the date, the time and the details of my offence. Then he tore out the top copy of the ticket. But before handing it to me, he checked that all the information had come through clearly on his own carbon copy. Finally he replaced the book in his tunic pocket and fastened the button.

«Now you», he said to my passenger, and walked around to the other side of the car. From the other breast-pocket he produced a small black notebook. «Name?» he snapped. «Michael Fish», my passenger said. «Ad-

dress?» «Fourteen, Windsor Lane, Luton.» «Show me something to prove this is your real name and address», the policeman said.

My passenger fished in his pockets and came out with a driving licence of his own. The policeman checked the name and address and handed it back to him. «When I get back to the police station I'm going to do a little checking on you», he said to my passenger. «Me? What have I done wrong?» «I don't like your face, that's it», the policeman said. « And we might have a picture of it somewhere in our files.» He strolled round the car and returned to my window. «I suppose you are in a serious trouble», he said to me. «You won't be driving this fancy car of yours again for a very long time, and after we've finished with you

you won't be driving any car again for several years. I hope they will lock you up for a spell.» «You mean send me to prison?» I asked alarmed «Absolutely», he said, smacking his lips. «In the clink. Behind the bars. Along with other criminals who break the law. And nobody will be more pleased about that than me. I'll see you in court, both of you. You'll be getting a summons to appear».

He turned away and walked to his motor-cycle.

Task 8

Предполагаемый вариант интервью.

This is the interview with Caren Giles, an experienced Metropolitan police officer.

What is it like to be a police officer in London?

How long have you been a police officer?

I joined the Metropolitan Police Service which is based in London and Greater London just over twenty eight years ago. It is a very large police force with about thirty one thousand police officers and sixteen thousand civilian staff. The City of London has its own police service and covers a very small area which includes St Paul's Cathedral and Pudding Lane, where the Great Fire of London started many years ago.

Why did you decide to become a police officer?

I decided to join the police service after a police woman visited my school when I was about fifteen years old. I lived in a small town in the South West of England and my mother was very worried when I decided to travel to London to join the police. I had never visited London and when I stepped off the train at Paddington Station I was startled by the noise and all the traffic!

What is your typical working day?

I work on a response team which means that we answer calls made to Scotland Yard and the local police station by people from the local community. We deal with family arguments, people who have had their homes broken into, assaults, people who are lost or who have fallen over at home and cannot get up — lots of very different situations.

It is a challenging job and there are many different aspects to policing a large city. Some of my colleagues have police dogs, some ride police horses, others ride police motorbikes and many work in plain clothes.

I work shifts which means that I work two early turns (06.00—14.00 or 15.00), two late turns (13.00—23.00) and then two night duties (21.00—06.00) and then I have four days off.

What are the most challenging aspects of your job?

It is difficult sometimes because there are many tragic situations which need to be dealt with by police — people who die suddenly as a result of accidents or who have been attacked. It is important to be compassionate and strong in these situations. However there are many good experiences — a colleague was called to a house and delivered a baby boy — yes it does happen occasionally!

Are British police officers armed?

Most British police officers do not carry firearms. There are teams of officers who have extra training and carry guns but they are only called in for very serious incidents where perhaps a person has used a gun.

What skills and personal qualities do you need to be a police officer?

The skills you need as a police officer in the UK are varied. You need a very good sense of humor, a strong constitution (you can't faint at the sight of blood!), a sense of duty in serving the community, you should like talking to people (I talk a lot!) and most of all believe in the importance of law and order.

T a s k 10**Answer key:**

Dialogue between a policeman and a visitor from another country.

Keep to the left

A street in an English town. A policeman stops a car. In the car there is a visitor from another country.

Policeman: (holding up his hand) Stop!

Visitor: What's the matter?

Policeman: Why are you riding on the right side of the road?

Visitor: Do you want me to ride on the wrong side?

Policeman: You are driving on the wrong side.

Visitor: But you said I was driving on the right side.

Policeman: That's right. You are on the right, and that's wrong.

Visitor: A strange country! If right is wrong, I'm right when I'm on the wrong side. So why did you stop me?

Policeman: My dear sir, you must keep to the left. The right side is the left.

Visitor: It's like a looking-glass! I'll try to remember. Well, I want to go to Bellwood. Will you kindly tell me the way?

Policeman: Certainly. At the end of this road, turn left.

Visitor: Now let me think. Turn left! In England left is right, and right is wrong. Am I right?

Policeman: You'll be right if you turn left. But if you turn right you'll be wrong.

Visitor: Thank you. It's as clear as daylight!

Вопросы для контроля понимания и обсуждения темы диалога:

- 1. Should people learn the traffic rules of a foreign country before visiting it?**
- 2. What do you think is the humorous aspect of this dialogue?**
- 3. Can you expect the policemen so polite anywhere in the world?**

Unit IX. Trial

Task 1

1. Преподаватель вводит тему «*Criminal Trial*». Студентам предлагается обдумать и ответить на вопросы, поставленные в задании. Преподаватель выслушивает точки зрения студентов и кратко записывает их ответы на доске, не корректируя их мнения, а лишь стараясь, чтобы студенты использовали профессионально-ориентированную лексику.
2. Студенты вместе с преподавателем обсуждают основные принципы ведения уголовного процесса. Задавая вопросы, преподаватель приводит студентов к следующим ответам:
 - (1) Every person who is accused of a crime must know what the accusation is
 - (2) A person can be convicted of a crime only on evidence given in open court
 - (3) In a criminal trial the burden of proving the defendant's guilt is always on the prosecution
 - (4) An accused has the right to defense by a lawyer
 - (5) Trial by jury is actually a trial by a judge and jury

Примерные вопросы

- (1) Why is it required that the accusation be clearly stated?
- (2) Why must witnesses swear an oath at the trial?
- (3) Why is a trial held in the open court?
- (4) Who must prove a defendant's guilt?
- (5) What sides fight the case out before jury?
- (6) What are the roles the judge and jury play at the trial?

Рекомендуемое время работы — 15 мин.

Task 2

В качестве домашнего задания для подготовки презентации студенты получают пять текстов (*First Four Stages of a Criminal Trial; Defence Evidence and Closing Speeches; Judge's Summing-up; Verdict; Sentence*).

Условия подготовки сообщения. см. в *Teacher's Book* (Units I, II, IV).

Task 3

Презентация проходит в группах из пяти человек (численность и состав рабочей группы преподаватель определяет заранее, учитывая психологическую совместимость студентов и уровень владения языком). Группа назначает своего лидера, который руководит презентацией, определяет очередность выступлений.

По окончании презентации студенты обсуждают подготовленные ими проблемные вопросы в своей рабочей группе. Во время обсуждения преподаватель наблюдает за работой студентов, переходя от группы к группе, помогает, подсказывает, поддерживает рабочее настроение, а также контролирует, чтобы дискуссия проходила только на английском языке. Контроль со стороны преподавателя:

(1) обсуждение очередности стадий уголовного процесса.

Рекомендуемое время работы — 25 мин.

(2) вопросы студентам.

Число вопросов определяет преподаватель.

Рекомендуемое время работы — 10—15 минут.

Примерные вопросы

Text The First Four Stages of a Criminal Trial

- (1) **What is the first stage in a criminal trial?** (The first stage is the arraignment of the defendant)
- (2) **What document does the clerk read out?** (The indictment)
- (3) **What does the clerk ask after each charge?** («Do you plead guilty or not guilty?»)
- (4) **What happens if the defendant pleads guilty to the charges against him?** (There is no need for a trial and a judge will sentence him to the appropriate punishment)
- (5) **How many jurors are sworn to try the case?** (Twelve)
- (6) **What does «to challenge the jurors» mean?** (It means that the defendant may object to any of the jurors chosen to try case)
- (7) **May the defendant challenge any juror because he doesn't like his appearance, manners, etc.?** (No, only if he has a good reason for objecting to him)
- (8) **What is the purpose of a prosecution opening speech?** (To tell the jury what the case is all about)
- (9) **What are the rules for giving evidence in trial?** (The examination — in — chief (direct examination) must not involve leading question and hearsay evidence; the evidence of the witnesses may be tested in cross — examination by the lawyer for both sides to the case)

- (10) **What does «submission of no case» mean?** (It means that the prosecution could not put reliable evidence before the court and the judge has to order the jury to discharge the defendant)

Text Defence Evidence and Closing Speeches

- (1) **What may happen if the defendant doesn't want to give evidence?** (The jury may hold it against the defendant when deciding whether he is guilty)
- (2) **Why is the defendant called as the first defence witness?** (In order not to tailor his evidence to another defence witness)
- (3) **When are people usually charged with perjury?** (When they do conspire together and prepare the plan to give false evidence)
- (4) **What are the purposes of prosecution and defence closing speeches?** (For the prosecution — to explain the jury that their case is proved on the basis of all evidence; for the defence — to comment on all the evidence, both prosecution and defence, to have a real effect on the jury's verdict)

Text Judge's Summing-up

- (1) **What must the judge tell the jury at the beginning of his summing-up?** (What the law is)
- (2) **Must the judge remind the jury of the important parts of evidence?** (Yes)
- (3) **Should the judge make the prosecution and the defence cases sound equally strong?** (No. The judge must do his best to give a fair summary of the facts)

Text Verdict

- (1) **Who decides whether the defendant is guilty or not guilty?** (The jury)
- (2) **Do the jury consider their verdict with the judge?** (No, they do it in private)
- (3) **What are the rules of jury's deliberation?** (They may not discuss the case with anyone, have to sit in a separate room and if the case attracts much publicity, they may have to spend the night in a hotel under a supervision of the ushers)
- (4) **What happens if the jury cannot reach a majority verdict?** (There may be a re-trial)
- (5) **What is a majority verdict?** (At least 10 of 12 jurors agree on it)

- (6) **What happens if the second jury disagree?** (The judge must order that the verdict of not guilty be recorded and the defendant must be released)
- (7) **Must the judge follow the jury's verdict?** (Yes, it is obligatory for him)

Text Sentence

- (1) **Who imposes punishment?** (The judge)
- (2) **Do the jury play part in passing a sentence?** (No)
- (3) **What does the judge take into account before passing a sentence?** (The defendant's personal circumstances: past records, his age, family, employment situation, character, etc.)
- (4) **Is it possible for a defence lawyer to plead for leniency?** (Yes, the judge must give this chance)

Рекомендуемое время работы — 25 мин.

Task 4

Студенты обсуждают свои проблемные вопросы, комментируют их, выбирают наиболее интересные для обсуждения с другими группами. Рекомендуемое время работы — 10—15 мин.

Task 5

Работа проходит в группах-тройках. Преподаватель заранее готовит стопки карточек с ситуациями в количестве, соответствующем числу рабочих групп студентов, и раздает их каждой группе. Студенты поочередно берут из стопки карточки с ситуациями, читают их вслух и всей группой находят необходимое решение. Рекомендуемое время работы — 25 мин.

Key

1—3rd stage (*Prosecution Opening Speech*); 2—3rd stage (*Prosecution Opening Speech*); 3—2nd stage (*Swearing in the Jury*); 4—7th stage (*Judge's Summing-up*); 5—8th stage (*Verdict*); 6—5th stage (*Defence Evidence*); 7—1st stage (*The Arraignment*); 8—7th stage (*Judge's Summing-up*); 9—9th stage (*Sentence*); 10—6th stage (*The Prosecution and Defence Closing Speeches*); 11—7th stage (*Judge's Summing-up*); 12—9th stage (*Sentence*); 13—1st stage (*The Arraignment*); 14—4th stage (*Prosecution Evidence*) or 5th stage (*Defence Evidence*); 15—4th stage (*Prosecution Evidence*) or 5th stage (*Defence Evidence*); 16—5th stage (*Defence Evidence*); 17—7th stage

(*Judge's Summing-up*); 18—7th stage (*Judge's Summing-up*); 19—8th stage (*Verdict*); 20—9th stage (*Sentence*); 21—6th stage (*The Prosecution and Defence Closing Speeches*); 22—3rd stage (*Prosecution Opening Speech*); 23—4th stage (*Prosecution Evidence*); 24—1st stage (*The Arraignment*); 25—7th stage (*Judge's Summing-up*); 26—5th stage (*Defence Evidence*); 27—6th stage (*The Prosecution and Defence Closing Speeches*); 28—6th stage (*The Prosecution and Defence Closing Speeches*); 29—4th stage (*Prosecution Evidence*) or 5th stage (*Defence Evidence*); 30—9th stage (*Sentence*).

Task 6

1. Преподаватель формирует новые группы, стараясь, чтобы в каждую из них входили студенты с разным уровнем владения английским языком. Студенты обсуждают предложенные задания и решают, какие из них соответствуют принципам правосудия, а какие — нет. Преподаватель наблюдает за работой групп, помогает студентам высказать свою точку зрения.
2. Преподаватель просит представителя каждой группы обобщить результаты обсуждения.

Key

1 — T; 2 — F; 3 — T; 4 — T; 5 — T; 6 — F; 7 — T; 8 — T; 9 — F; 10 — T; 11 — T

Task 7

1. Студенты формируют четыре группы. Каждая группа выбирает судебное дело (A, B, C, D). Студенты выполняют задание — обсуждают решение предложенной проблемы. Преподаватель наблюдает за работой групп, следя, чтобы велось на английском языке обсуждение задания. Рекомендуемое время работы — 10—12 мин.

2—3. Преподаватель назначает студента, который обобщает мнение группы. Рекомендуемое время работы — 10 мин.

4—5. Каждая группа студентов продумывает основания для обжалования приговора решения «суда первой инстанции» в «суд второй инстанции» и назначает одного «судью суда второй инстанции» для пересмотра приговора «суда первой инстанции». «Коллегия судей» в составе четырех человек рассматривает решения по всем четырем делам и выносит определение, учитывая подготовленные основания для обжалования. Преподаватель наблюдает за работой

студентов, помогает им, обращая их внимание на употребление соединительных слов в профессионально-ориентированной речи. Рекомендуемое время — 30 мин.

Task 8

Задание 1 дается для домашней подготовки. Пункты 2—3 обсуждаются в аудитории. Рекомендуемое время — 10—12 мин.

Task 9

Студенты составляют три группы и разыгрывают предложенные в задании сценки. Поскольку задание связано с формами уголовного процесса, преподаватель может предложить студентам принести в аудиторию муляжи вещественных доказательств. Рекомендуемое время — 30 мин.

Task 10

Задание дается для домашней подготовки. Возможны различные варианты работы.

- (1) Преподаватель назначает одного-двух студентов, координирующих работу группы. Назначенные студенты должны обладать творческими и организаторскими способностями. Все студенты участвуют в постановке игрового судебного процесса.
- (2) Преподаватель делит группу студентов пополам, назначает студента — «режиссера». На занятиях разыгрываются два игровых судебных процесса.

В конце занятия преподаватель подводит итоги спектакля, обращая внимание на лексику и грамматику употребляемых студентами высказываний. Рекомендуемое время — 40—45 мин.

Unit X. **Punishment**

Task 1

Преподаватель вводит тему «*Punishment*» для обсуждения. В обсуждении участвует вся группа. Прослушав предполагаемый ответ студента, преподаватель дает свой вариант ответа на поставленные вопросы.

Punishment is the practice of imposing something unpleasant on a person as a response to some unwanted or immoral behavior or disobedience. Punishment has evolved with society; starting out as a simple system of revenge by the individual, family, or tribe, it soon grew into a large penal and justice system as an institution protected by governments.

The trend in criminal punishment has been away from revenge and retribution, to a more practical, utilitarian concern for deterrence and rehabilitation. As a deterrent, punishment serves to show people norms of what is right and wrong in society. It is an attempt to protect people from violating those important standards of society.

In this sense, the goal of punishment is to deter people from engaging in activities deemed as wrong by law, and to act to reform those who do violate the law.

Sentences may vary enormously. At one end of the scale is that of «imprisonment for life»; at the other is an «absolute discharge», which means that the offender leaves the court without any penalty at all.

The death penalty used to involve deliberate pain and prolonged, public suffering, evolved into attempts to be more humane, establishing the use of the electric chair and lethal injection.

Punishment is regarded as a measure of state compulsion applied to offenders by the courts. In the criminal justice system anyone who has pleaded guilty or been found guilty of crime is called an offender. Only the courts have the power to sentence on offenders who have broken the law.

Вопросы и предполагаемые ответы

1. **What is punishment?** — *Punishment is the practice of imposing something unpleasant on a person as a response to some unwanted or immoral behavior or disobedience.*
2. **What word combinations do you associate with punishment?** — *Sentence, wrongdoer, prison, imprisonment, revenge, reform, deterrent, corporal punishment, death penalty, retribution, fine, ...*

3. What are the aims of punishment? — *Revenge and retribution, deterrence and rehabilitation, protection of people...*
4. What types of modern punishment do you know? — *Imprisonment, imprisonment for life, probation, fine, community service, compensation.*
5. Who is responsible for imposing punishment? — *Only the courts have the power to sentence on offenders who have broken the law*

Task 2

Методические рекомендации по проведению «Презентации» см. в Teacher's Book (Units I, II, IV).

Task 3

Контроль — преподаватель задает вопросы студентам:

Text A History of punishment

- (1) What was the principle of primitive punishment?
- (2) How did the attitude to punishment change in the 18th century and why?
- (3) Why did habitual lawbreakers sometimes manage to avoid punishment?
- (4) What was a favoured form of punishment?

Text B Types of Punishment Available to the Court

Imprisonment

- (1) Are all types of criminals kept in the same prisons?
- (2) What is an open prison like?
- (3) Can «lifers» be released on parole?

Detention

1. Why are young offender institutions sometimes referred to as «Universities of crime»?

Community sentences

1. Do «community sentences» suppose that offenders must be kept in prison?
2. What is the purpose of sentencing?

T e x t C B a i l i n t h e U K a n d t h e U S A

- (1) When can bail be granted?
- (2) When can bail be denied?
- (3) What rights do defendants have?
- (4) What should be taken into account before granting bail?

T a s k 6 A n s w e r k e y :

1.

1 h, 2 n, 3 c, 4 e, 5 j, 6 m, 7 a, 8 i, 9 g, 10 k, 11d, 12 l, 13 b, 14 f

2.

- a. blackmail
- b. bigamy
- c. smuggling
- d. espionage
- e. forgery
- f. burglary
- g. embezzlement
- h. bribery
- i. piracy
- j. murder

APPENDIX

You Can't Do without These Phrases (Формулы речевого общения)

Stating an opinion

I really think (that)...	Я действительно думаю, что...
I strongly believe (that)...	Я твердо убежден, что...
I'm sure (that)...	Я уверен, что...
In my opinion...	По моему мнению,...
What I think is (that)...	Я думаю, что...
I feel (that)...	Я полагаю (считаю), что...
Hmm, I'm not sure, but...	Я не уверен, но...
I'm of (in) two minds, but...	Не знаю, на что решиться, но...
I can't make up my mind, but...	Я не могу принять решение, но...
I'm keeping an open mind for the moment.	Пока у меня нет никакого мнения на этот счет

Debating a point. Reasoning and arguing

I (strongly) agree with....	Я полностью согласен с...
I (strongly) disagree with....	Я решительно не согласен с...
I think it's reasonable to believe that....	Я думаю, есть все основания полагать, что...
I don't think it's reasonable to believe that....	Я не думаю, что есть основания считать, что...
I am totally opposed to....	Категорически не согласен...
On the one hand	С одной стороны,...
On the other hand	С другой стороны,...
However	Однако...
Furthermore	Кроме того...
In addition	К тому же...
Nevertheless...	Тем не менее...
Now that we've considered it...	Теперь, когда мы это обсудили...
If that's the way you think...	Если вы так думаете/считаете,...

If that's the way you feel about it...	Если вы так относитесь к этому...
All right, you win.	Ну что ж, вы правы/Признаю вашу правоту

Understanding — misunderstanding — paraphrasing

I see	Понимаю
I got you	Я вас понял
I didn't (quite) get you	Я не (совсем) понял вас
Did I get you right?	Я вас правильно понял?
What do you mean by saying that...?	Что вы имеете в виду, говоря...?
Is that the idea?	Вы это хотите сказать?
Let's clear it up.	Давайте внесем ясность в этот вопрос.
In other words...	Другими словами...
To put it another way...	Если сказать иначе...
She means/meant that...	Она имеет в виду, что...
He wants/wanted to say that...	Он хочет/хотел сказать, что...
She is/was trying to say that...	Она пытается сказать, что...

Making oneself understood

You got me wrong	Вы меня неправильно поняли.
You didn't (quite) get me.	Вы не совсем правильно поняли меня.
That's not the point.	Дело не в этом
I mean to say that...	Я хочу сказать, что...
The point is that...	Дело в том, что...
I'm coming to that.	Я сейчас скажу об этом.
Are you following me?	Вы понимаете о чем я говорю? (Вы следите за ходом моих мыслей?)

Starting — resuming — winding up a talk

Speaking of...	Говоря о...
To begin with...	Прежде всего...
We are getting away from the subject.	Мы отклоняемся от темы.

That's beside the point.
Get to the point.
Keep to the point.
Don't go into details.
In short...
To sum it up...

That's all there is to it.

Это не относится к делу.
Говорите по существу.
Не отклоняйтесь от темы.
Не вдавайтесь в подробности.
Короче говоря...
Подводя итог сказанному...
(В итоге...)
Вот и все (что можно было сказать
по этому вопросу)

Being emphatic

Much to my surprise (disappointment) ...
Fortunately,...
Unfortunately,...
Frankly (speaking)...
Strange enough...
Funny enough...
To make things worse...
On top of all that...
Evidently...
Most probably...
..., To put it mildly. ...,
...all the more reason why...

К моему великому удивлению
(разочарованию)
К счастью,...
К сожалению,...
Откровенно говоря ...
Странно, но...
Смешно, но...
И что усугубляет дело...
В довершение всего...
Очевидно...
По всей вероятности...
Мягко выражаясь...
... тем больше оснований для
того, чтобы...

Try to sound more convincing by adding

Take it from me...
Upon my word...
... I assure you.

Поверьте мне... (я ручаюсь...)
Честное слово.
... уверяю вас.

If your partner is not logical, you say

It doesn't follow from what you said.
It doesn't make sense.
It doesn't prove a thing.

Это не вытекает из того, что вы
сказали.
Это не имеет смысла. Мне это
не кажется логичным
Это ничего не доказывает.

It isn't true to fact.

Это не соответствует действительности.

You are repeating yourself.

Вы повторяетесь. (Вы уже это говорили.)

What has it got to do with the problem?

Какое это имеет отношение к обсуждаемой проблеме?

If your partner ignores facts, you say

Let's take facts.

Давайте рассмотрим факты...

Let's stick to facts.

Давайте придерживаться фактов.

There is no getting away from the fact that...

Нельзя не принять во внимание тот факт, что...

You should take into consideration the fact that...

Вы должны принять во внимание тот факт, что...

I proceed from the fact that...

Я исхожу из того, что...

You can't deny that...

Вы не будете отрицать, что...

The fact that...

Тот факт, что...

...let alone...

...не говоря уже о...

Actually...

В сущности. На самом деле.

In fact...

Фактически.

That won't get us anywhere.

Это (нас) ни к чему не приведет.

You are carrying it too far.

Вы слишком далеко зашли.

Expressing agreement

Right you are/You have a point here.

Вы правы.

That's right.

Да, совершенно верно.

There is something in what you say.

В том, что вы говорите, есть доля истины.

It stands to reason.

Ясно. (Это логично.)

I quite agree with you here.

Я в этом с вами полностью согласен.

There is no denying it.

Этого нельзя отрицать.

As you say.

Пусть будет по-вашему.

Expressing some Disagreement

I understand what you're saying, but...	Ваш ход мысли понятен, но...
You have a point, but...	В вашем высказывании есть смысл, но...
That's an interesting idea, but...	Интересная идея, но...
I see what you mean, but...	Я понимаю, что вы имеете в виду, но...
Yes, I see, but...	Да, я понимаю, но...
Well, that might be true, but...	Возможно, это и верно, но...

Interrupting politely to ask questions

I'm sorry to interrupt you. What did you say?	Извините, что прерываю. Что вы сказали?
Umm, excuse me. Do you mean...?	Извините, вы имеете в виду...?
Sorry, could you repeat that?	Не могли бы вы повторить.
Wait a minute. I didn't catch that.	Одну минуту. Я не уловил мысль.
Sorry, what was that?	Извините, что вы сказали?
I didn't hear you. What was that?	Я не слышал вас. Что вы сказали?

Hesitating in response to a question

I need a moment to think about that...	Мне нужно подумать...
I'm not sure...	Не уверен...
Let me think a minute...	Одну минуту...
Umm, that's a good question...	... хороший вопрос...
Well, let me see...	Дайте подумать.

Prioritizing Ideas

1. Highest Priority

First and foremost,...	На первом месте, прежде всего, во-первых
Our top priority is...	Наиважнейшим является...
Above all,...	Главным образом, в основном,...

2. Also a Priority

But also important is...	Важным является также...
Another consideration is...	Следующее, что следует принять во внимание, это — ...
Aside from that,...	Помимо этого,...

3. Lowest Priority

Least important is...	Наименее важным является...
Of least concern is...	Наименьшее значение имеет...
Last but not least	Последний по счету, но не менее важный

Asking problem questions

What is the reason for...?	В чем причина...?
What are the consequences of...?	Каковы последствия...?
How can you account for the fact that...?	Как вы можете объяснить тот факт, что...?
How does it happen that...?	Как так получается, что...?
What are the ways of ...?	Каковы способы...?
How is ... connected with...?	Какова связь между...?
What is the relation between... and...?	Какова связь между...?
What is your point of view on...?	Какова ваша точка зрения на...?

Continuing after an interruption

Going back to what I was saying,...	Возвращаясь к тому, что я говорил...
As I was saying,...	Как я и говорил,...
To go back to my last point,...	Возвращаясь к последнему пункту,...

Requesting information

I wonder if you could help me to understand...	Не могли бы вы мне помочь понять...
Would you mind clarifying ...?	Разъясните, пожалуйста...
Can you give me an example?	Приведите мне, пожалуйста, пример.

Expressing Reservations (оrоворка) About Another Speaker's Opinion:

Possibly, but...

Возможно, но...

That may be true, but you have to see the bigger picture...

Это может быть и верно, но нужно смотреть более широко...

Yes, but you can look at it another way, too.

Да, но на это можно посмотреть и с другой стороны.

Yes, but that's only one side of the problem.

Да, но это только одна сторона проблемы.

Keeping your turn

Sorry, could I please just finish my point?

Позвольте мне закончить свою мысль.

Sorry, but if you could wait for a second, I'm just about to finish my point.

Только одну минуту, я закончу свою мысль.

Logical connectors

Cause

Thus

Таким образом, итак

That's why

Поэтому

As a result

В результате

Consequently

Следовательно,

Therefore

Поэтому

Contradiction

As a matter of fact

В действительности, в сущности

Indeed

Действительно

In fact

На самом деле

Contrast

However

Тем не менее

Still

Все-таки

Sequence markers

1. Generalization

In most cases

В большинстве случаев

On the whole

В целом

For the most part

Большей частью

In general

В общем

2. Stating the obvious

Naturally
Clearly
Obviously
Expectedly

Как и следовало ожидать
Несомненно, очевидно
Конечно, безусловно
Естественно

3. Summary

In general
In brief

В общем
Вкратце, в нескольких словах

4. Addition

In addition
Moreover
Besides
What's more

Кроме того, к тому же
Более того
Сверх того, кроме того
Более того

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Contents

От авторов	3
Методические рекомендации	5
STUDENT'S BOOK	7
Unit I. LAW IN EVERYDAY LIFE	8
T a s k 1 Presentation	8
T a s k 2 Making a presentation in class	15
T a s k 3 Discussion	15
T a s k 4 Expanding the point	16
T a s k 5 Speaking	18
Unit II. HUMAN RIGHTS	20
T a s k 1 Think about the subject	20
T a s k 2 Presentation	20
T a s k 3 Making a presentation in class	31
T a s k 3 Discussion	31
T a s k 5 Work pair	35
T a s k 6 Expanding the point	36
T a s k 7 Competition	39
T a s k 8 Opinion Poll	41
Unit III. CONSTITUTION	42
T a s k 1 Presentation	42
T a s k 2 Making a presentation in class	51
T a s k 3 Discussion	52
T a s k 4 Round-table talk	53
T a s k 5 Information exchange	53
Unit IV. DRUGS — DEATH DANGER	60
T a s k 1 Presentation	60
T a s k 2 Making a presentation in class	67
T a s k 3 Information exchange	67
T a s k 4 Discussion	74
Unit V. JUVENILE DELINQUENCY	75
T a s k 1 Think about the subject	75
T a s k 2 Discussion	75
T a s k 3 Presentation	76
T a s k 4 Making a presentation in class	79
T a s k 5 Information exchange	80

T a s k 6	Round-table talk «What social factors do you think affect juvenile delinquency?»	82
T a s k 7	Discussion	86
T a s k 8	Expanding the point	88
T a s k 9	Role play	89
UNIT VI. YOUNG PERSONS ACCUSED OF CRIME		90
T a s k 1	Presentation	90
T a s k 2	Making a presentation in class	98
T a s k 3	Discussion	98
T a s k 4	Round-table talk «What should be done with these young criminals?»	102
T a s k 5	Extension	104
Unit VII. TRANSNATIONAL CRIMES		105
T a s k 1	Work pair	105
T a s k 2	Mind Map	110
T a s k 3	Opinion Poll	113
T a s k 4	Presentation	114
UNIT VIII. THE POLICE		115
T a s k 1	Think about the subject	115
T a s k 2	Discussion	115
T a s k 3	Presentation	116
T a s k 4	Making a presentation in class	121
T a s k 5	Interview	122
T a s k 6	Information exchange	122
T a s k 7	Work in pairs	126
T a s k 8	Expanding the point	127
T a s k 10	Work in pairs	129
UNIT IX. TRIAL		131
T a s k 1	Think about the subject	131
T a s k 3	Making a presentation in class	140
T a s k 4	Extension	140
T a s k 5	Round-table talk	141
T a s k 6	Discussion	145
T a s k 7	Information exchange	146
T a s k 9	Expanding the point	149
T a s k 10	Competition	152
T a s k 11	Mock trial	157

Unit X. PUNISHMENT	159
T a s k 1 Think about the subject	159
T a s k 2 Presentation	159
T a s k 3 Making a presentation in class	174
T a s k 4 Information exchange	175
T a s k 5 Expanding the point	178
T a s k 6 Discussion	180
T a s k 7 Speaking	183
 UNIT XI. LOGICAL THINKING	 184
T a s k 1 Work in pairs	184
T a s k 2 Work in pairs	187
T a s k 3 Work in groups of three	194
 TEACHER'S BOOK	 202
Unit 1. Law in Everyday Life	203
Unit II. Human Rights	207
Unit III. Constitution	214
Unit IV. Drugs — Death Danger	215
Unit V. Juvenile Delinquency	217
Unit VI. Young Persons Accused of Crime	220
Unit VIII. The Police	222
Unit IX. Trial	227
Unit X. Punishment	233
 APPENDIX	 236
You Can't Do without These Phrases (Формулы речевого общения)	236
References	244