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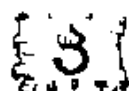
Just English

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АНГЛИЙСКИЙ
ДЛЯ
ЮРИСТОВ

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БАЗОВЫЙ КУРС

Учебное пособие для юридических ВУЗов
под ред. Т. Н. Шишкиной

*Издание второе,
переработанное и расширенное*



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Новое переработанное и расширенное издание учебного пособия
подготовлено профессорско-преподавательским составом кафедры
английского языка для гуманитарных факультетов МГУ им. М. В. Ломоносова
на основе учебной программы курса английского языка для юридических
ВУЗов. Пособие рассчитано на широкую аудиторию специалистов, изучающих
английский язык в связи с правовой специальностью.

ОБ АВТОРАХ

Авторы учебного пособия **“Just English. Английский для юристов. Базовый курс”** на протяжении многих лет занимаются преподавательской деятельностью на юридическом факультете Московского Государственного Университета им. М. В. Ломоносова. Опубликовали ряд учебных пособий по английскому языку для юридических факультетов университетов из серии *Just English*. Прошли стажировку в университете г. Ковентри (Великобритания) и приняли участие в международном проекте по созданию учебника английского языка для гуманитарных ВУЗов. Являются лауреатами Шуваловской премии МГУ.

Шишкина Татьяна Николаевна — Доктор филологических наук, доцент. Руководит кафедрой английского языка для гуманитарных факультетов МГУ им. М. В. Ломоносова, самой большой языковой кафедрой в Московском Университете. Татьяна Николаевна — неоднократный участник международных проектов в области преподавания иностранных языков. Автор многочисленных учебных пособий и научных работ. Ответственный редактор серии *Just English*.

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Королева-МакАри Владилена Анатольевна — Магистр дипломатии и права юридического факультета университета г. Ковентри. Преподавала на переводческом факультете Московского Института Иностранных языков им. Мориса Тореза и на юридическом факультете МГУ. В настоящее время занимается преподаванием русского языка специалистам в области права в Великобритании.

Свешникова Мария Леонидовна — Преподаватель кафедры английского языка для гуманитарных факультетов МГУ им. М. В. Ломоносова с 1994 г. Ведет научно-методическую и преподавательскую

работу. Осуществляет подбор учебных аудио- и видеоматериалов на английском языке для студентов юридического факультета. Является координатором проекта по созданию аудиокурса для учебного пособия *Just English. Английский для юристов. Базовый курс* — 2000 г.

Тихомирова Елизавета Владимировна — Преподает на кафедре английского языка для гуманитарных факультетов МГУ им. М. В. Ломоносова с 1990 г. Елизавета Владимировна осуществляет координацию методической работы по английскому языку на первом курсе юридического факультета. Организует семинары и мастер-классы для специалистов юридического профиля в области преподавания английского языка. Ассистирует при проведении семинарских занятий и зачетов на юридическом факультете по курсам лекций профессоров из США и Великобритании.

ОТЗЫВЫ О СЕРИИ JUST ENGLISH

**Декан юридического факультета МГУ им. М. В. Ломоносова,
доктор юридических наук, профессор
Евгений Алексеевич Суханов:**

Серия из трех учебных пособий для студентов-юристов соответствует трем этапам образования: первое содержит материалы для подготовки к поступлению на факультет, второе предназначено для студентов начальных курсов и включает в себя базовые материалы на английском языке по основам криминологии и криминалистики, принципы судебного разбирательства, обзор исправительных учреждений разных стран и т. п., в третьем пособии имеется обширный материал о правовых системах Великобритании и США, оно предназначено для углубленного изучения английского языка студентами, ориентированными на юридическую специализацию.

Учебные пособия написаны в соответствии с традициями Московского Университета и привязаны к учебному плану юридического факультета. Написание учебников потребовало от авторов большого, многолетнего труда, высокой профессиональной квалификации как в области преподавания иностранных языков, так и в сфере юриспруденции.

Учебные пособия получили многостороннюю апробацию на юридическом факультете МГУ. Студенты с интересом занимаются по данным пособиям, успешно овладевая необходимыми знаниями, формируя и развивая основные навыки. Учебники серии приняты в качестве основных на юридическом факультете МГУ им. М. В. Ломоносова, в Высшей школе экономики (Москва), во Всероссийском институте государства и права (Москва), в филиале Тюменского государственного университета (Нижневартовск), а также во многих других высших учебных заведениях России.

Юридический факультет МГУ очень высоко оценивает работу талантливого коллектива авторов и считает, что их содержательный, оригинальный и интересный труд — цикл учебных пособий "Just English" — будет востребован широкой читательской аудиторией.

**Доктор юридических наук, профессор МГУ им. М. В. Ломоносова
Владимир Алексеевич Томсинов:**

...Учебное пособие написано коллективом авторов, ведущих специалистов Московского Государственного Университета им. М. В. Ломоносова. Методика обучения, нашедшая свое воплощение в пособии,

подкреплена многолетним опытом преподавания английского языка на юридическом факультете МГУ.

Постоянно возрастающая потребность в квалифицированных юридических кадрах обусловлена экономическими изменениями в российском обществе. С увеличением внешнеторговой активности Российской Федерации и с вовлечением в таковую все большего количества субъектов знание иностранных языков становится для юристов необходимым инструментом в их повседневной деятельности. Большая часть делового общения с иностранными контрагентами происходит на английском языке. В связи с этим пособие "*Just English. Английский для юристов. Базовый курс*" имеет все предпосылки для того, чтобы стать настольной книгой не только студентов, но и практиков — юристов и экономистов.

**Старший преподаватель кафедры русского языка и литературы
Московского Института Иностранных Языков
Людмила Никитична Стефанова:**

...Языковой вкус, изящество мысли, мажор, юмор, уважение к читателю и знанию — сочетание этих достоинств создает уникальное для учебных изданий качество — собственную интонацию, которая располагает студента к участию в диалоге, поддерживает его в этих попытках, высвечивая один из смыслов названия серии — это ведь "только английский" и постичь его вам вполне по силам. На языке мимики этой интонации соответствует добрая улыбка интеллигентного человека, на языке человеческих взаимоотношений — возможность найти разумное и изящное решение непростой проблемы.

Читатель "*Just English*" обнаруживает, что юриспруденция является не только областью специальных знаний, но и непосредственно соприкасается с каждым из нас; что, к примеру, Хартия Вольностей или Кодекс Наполеона связаны с такими актуальными проблемами, как права личности или отмена смертной казни. Не дидактическими приемами, а выбором материала, кругом обсуждаемых проблем авторы подводят учащихся к мысли о том, что юриспруденция — первостепенная основа человеческого общежития и неотъемлемая составляющая цивилизации. Так реализуется в данной серии просветительско-воспитательная цель, являющаяся сверхзадачей всякого фундаментального учебного издания. Каждая книга "*Just English*" читается с захватывающим и благодарным интересом.

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"Let reverence for the law ... be taught in schools. Let it be written in primers, spelling books, almanacs. Let it be preached from the pulpit, proclaimed from the legislative halls and enforced in courts of justice. In short, let it become the political religion of the nation and let the old and the young, the rich and the poor, of all sexes and tongues and colours and conditions sacrifice unceasingly upon its altars."

Abraham Lincoln

ПРЕДИСЛОВИЕ

“Just English. Английский для юристов. Базовый курс” — это новое, улучшенное и дополненное издание из серии учебников “Just English”.

Предлагаемое учебное пособие предназначено для студентов юридических вузов и факультетов и рассчитано на широкую аудиторию специалистов, изучающих английский язык в связи с правовой специальностью.

В учебник включены современные аутентичные профессионально ориентированные материалы из правовых и общественно-политических источников Великобритании и США, обработанные и адаптированные для студентов юридического профиля.

Уникальность данного пособия заключается в том, что оно снабжено аудиокассетой *Just English — 2000*, содержащей записи наиболее значимых текстов, начитанные носителями языка (Великобритания). В настоящее время это единственное учебное пособие для студентов-юристов, снабженное аудио-записью.

В соответствии с требованиями учебных программ юридических вузов учебное пособие строится по принципам комплексности и интенсивности с применением новейших материалов, средств и методов преподавания. Комплексный подход и междисциплинарные связи позволяют учитывать степень знакомства с обсуждаемой проблематикой на родном языке. Интенсивность достигается за счет предоставления разнообразных текстов и заданий различного объема и степени сложности в пределах одного раздела (*Unit*). Современные методы дают возможность последовательно провести студентов по разделам специальной лексики, сформировать основные навыки работы с литературой по специальности и использовать полученные знания для беседы и дискуссии на изученные темы.

Пособие позволяет обучать студентов с различным уровнем знаний и обеспечивает широкие возможности аудиторной и самостоятельной работы. Правовая лексика вводится тематически, закрепляется в разнообразных упражнениях и находит свое применение в дискуссиях и ролевых играх.

Учебник состоит из пяти глав и хрестоматии.

- В первой главе обсуждаются общие проблемы права и дается исторический обзор правовых систем.

- Во второй главе детально рассматриваются вопросы криминологии и криминалистики.

- Третья глава посвящена правоохранительным органам и их функционированию.

- В четвертой главе анализируются стадии и методы судебного разбирательства на примере суда присяжных.

- Пятая глава рассматривает проблемы исправительных учреждений.

- Хрестоматия содержит обширный материал для дополнительного изучения, включающий выдержки из оригиналов правовых документов, биографии великих философов права, и другие материалы. В главах содержатся увлекательные рубрики *"It's interesting to know"* и *"Just for fun"*.

Материалы данного учебного пособия прошли апробацию на занятиях со студентами различных групп и уровней юридического факультета МГУ им. М. В. Ломоносова. Учебное пособие принято в качестве основного и включено в учебный план на юридическом факультете МГУ им. Ломоносова, в Высшей школе экономики, во Всероссийском институте государства и права, в филиале Тюменского государственного университета (г. Нижневартовск), а также во многих других высших учебных заведениях Москвы и России. По запросам учебных учреждений из Москвы и регионов организуются мастер-классы и методические семинары по работе с данным учебным пособием.

Авторами создан сайт *Just English* (http://www.law.msu.ru/english/home_r.htm) в сети Интернет на сервере юридического факультета МГУ, где размещены материалы из серии учебных пособий *"Just English"*, содержатся источники полезной учебной и страноведческой информации для студентов гуманитарных специальностей и происходит интерактивное общение широкой студенческой аудитории с профессорско-преподавательским составом МГУ.

Chapter I
LAW WORLDWIDE

UNIT 1. THE NEED FOR LAW

BRAINSTORM

- Rules, laws, regulations, law codes
- Lawgivers, legislators
- Civil law, criminal law
- Government

*What is your understanding of these words?
Give examples.*

Law and Society

Mr. Jones, having murdered his wife, was burying her in the garden one night, when his neighbour, hearing the noise, asked him what he was doing.

"Just burying the cat," said Mr. Jones.

"Funny sort of time to bury a cat," said the neighbour.

"Funny sort of cat," said Mr. Jones.

Now it is obvious to everyone that, in a community such as the one in which we live, some kind of law is necessary to try to prevent people like Mr. Jones from killing their wives. When the world was at a very primitive stage, there was no such law, and, if a man chose to kill his wife or if a woman succeeded in killing her husband, that was their own business and no one interfered officially.

But, for a very long time now, members of every community have made laws for themselves in self-protection. Otherwise it would have meant that the stronger man could have done what he liked with the weaker, and bad men could have joined together and terrorized the whole neighbourhood:

If it were not for the law, you could not go out in broad daylight without the fear of being kidnapped, robbed or murdered. There are far, far more good people in the world than bad, but there are enough of the bad to make law necessary in the interests of everyone.

There is no difficulty in understanding this but it is just as important to understand that law is not necessary just because

there are bad people in the world. If we were all as good as we ought to be, laws would still be necessary. If we never told lies, never took anything that didn't belong to us, never omitted to do anything that we ought to do and never did anything that we ought not to do, we should still require a set of rules of behaviour, in other words laws, to enable us to live in any kind of satisfactory state.

How is one good man in a motor-car to pass another good man also in a motor-car coming in the opposite direction, unless there is some rule of the road? People sometimes hover in front of one another when they are walking on the pavement before they can pass, and they may even collide. Not much harm is done then, but, if two



good men in motor-cars going in the opposite directions hover in front of one another, not knowing which side to pass, the result will probably be that there will be two good men less in the world.

So you can see that there must be laws, however good we may be. Unfortunately, however, we are none of us always good and some of us are bad, or at any rate have our bad moments, and so the law has to provide for all kinds of possibilities. Suppose you went to a greengrocer and bought some potatoes and found on your return home that they were mouldy or even that some of them were stones. What could you do if there were no laws on the subject? In the absence of law you could only rely upon the law of the jungle. You could go back to the shop, demand proper potatoes and hit the shopkeeper on the nose if he refused to give them to you. You might then look round the shop to try to find some decent potatoes. While you were doing this, the shopkeeper might hit you on the back of the neck with a pound weight. Altogether not a very satisfactory morning shopping.

Or you might pay your money to go to see a film at a cinema. You might go inside, sit down and wait. When the cinema was full, there might be flashed on the screen: "You've had it, Chums". And that might be the whole of the entertainment. If there were no law, the manager could safely remain on the premises and, as you went out, smile at you and say: "Hope

you've enjoyed the show, sir." That is to say, he could do this safely if he were bigger than you or had a well-armed bodyguard.

Every country tries, therefore, to provide laws which will help its people to live safely and as comfortably as possible. This is not at all an easy thing to do, and no country has been successful in producing laws which are entirely satisfactory. But we are far better off with the imperfect laws which we have, than if we had none at all.

TASK 1. Work in groups. Find in the text law-related words and expressions. Compare your lists with those of the other students. In your opinion, which of the items are legal terms? Consult a legal dictionary.

TASK 2. Find in the text the English equivalents for the following words and expressions:

1. самозащита
2. телохранитель
3. общество
4. правила поведения
5. закон джунглей
6. несовершенные законы
7. при свете дня
8. причинять вред
9. предусмотреть все возможности
10. полагаться на кого-либо
11. требовать

TASK 3. Translate the following passage into English paying special attention to the link words and expressions in bold type:

Очевидно, что закон необходим в интересах всего общества. **Иначе** людям пришлось бы жить по закону джунглей. **К сожалению**, создать совершенные законы не просто. **Следовательно**, каждое сообщество пытается установить свои собственные правила поведения. **Однако** закон не может удовлетворить всех. **В любом случае**, несовершенные законы лучше беззакония.

TASK 4. *Make your own chain of arguments with the link words and expressions listed in Task 3, using the following key-words:*

- to prevent from
- self-protection
- to demand smth.
- to rely upon smb./smth.
- successful
- to provide for
- to require
- to suppose

TASK 5. *Which parts of the text correspond to the following headings? Put them in a logical order:*

- considering possibilities
- historical background
- conclusion
- examples
- joke

DISCUSSION

Use the structural pattern built up in Task 5 to make a speech on one of the following topics:

- **Laws haven't changed since primeval times.**
- **However hard people try, laws are always insufficient.**
- **Laws are not for ordinary people, they are for lawyers.**
- **All laws are situational. They suit only a particular place at a particular time.**
- **There is some eternal law. It is good for all times and places.**

Just for Fun

When asked to explain the difference between an ordinary citizen and a lawyer, a well-known barrister explained, "If an ordinary citizen gave you an orange, he would say, "I give you this orange." But if a lawyer gave you an orange, he would say, "I hereby give, grant and convey to you all my interest, right, title and claim of and in this orange, together with all its rind, skin, juice and pulp, and all right and advantage therein with full power to bite, cut, suck, or otherwise eat or consume the said orange, or give away or dispose of to any third party the said orange, with or without its rind, skin, juice and pulp, subject to any amendments subsequently introduced or drawn up to this agreement."

UNIT 2. THE FIRST LAWS: LAWS OF BABYLON

The Birth of Law

Rules and laws — and the conventions or customs from which they are descended — have been a part of human life ever since our ancestors first began to live in large and settled groups. But our knowledge is vague of laws that were in effect before the invention of writing in about 3500 B.C. The earliest known legal text was written by Ur-Nammu, a king of the Mesopotamian city of Ur, in about 2100 B.C. It dealt largely with compensation for bodily injuries, and with the penalties for witchcraft and runaway slaves.

TASK 1. Find in the text the words that mean the following:

- the use of magic power, especially with the aid of evil spirits
- a punishment imposed for a violation of law or rule
- an accepted social custom or practice
- not clearly or explicitly stated or expressed
- payment for damage or loss, restitution
- one from whom a person is descended
- harm or damage done or suffered

TASK 2. Answer the following questions:

1. Why is it difficult to judge about the earliest laws?
2. Where and why did the first laws appear?
3. What issues did the early laws emphasise? Why?

TASK 3. The word **LEGAL** has the following meanings in Russian:

- 1) **юридический**
legal person — юридическое лицо
- 2) **правовой**
legal text — правовой текст
- 3) **судебный**
legal action — судебный иск
- 4) **законный, дозволенный законом**
legal owner — законный владелец
- 5) **легальный**
legal activities — правомерная, законная деятельность

Match the following English expressions with their Russian equivalents:

1) legal activities	a) законные права
2) legal address	b) законный владелец
3) legal advice	c) имеющий законную силу
4) legal age	d) использовать свое законное право
5) legal costs	e) история права
6) legal decision	f) консультация юриста
7) legal document	g) правовая защита
8) legal entity	h) правовой документ
9) legal ethics	i) правовой статус
10) legal expert	j) правомерная, законная деятельность
11) legal history	k) профессиональная этика юриста
12) legal language	l) решение суда
13) legal owner	m) совершеннолетие
14) legal procedure	n) стать юристом
15) legal protection	o) судебные издержки
16) legal rights	p) судопроизводство
17) legal status	q) юридическая терминология
18) of legal force	r) юридический адрес
19) to enjoy one's legal rights	s) юридическое лицо
20) to enter the legal profession	t) юрисконсульт; юридический советник

BRAINSTORM

Work in groups.

What associations does the word 'Babylon' call to mind?

Make a list of ideas and compare your notes.

TASK 4. Read the text and write down Russian equivalents for the words and expressions in bold type:

Laws of Babylon

One of the most detailed ancient legal codes was drawn up in about 1758 B.C. by Hammurabi, a king of Babylonia. The entire code, consisting of 282 paragraphs, was carved into a great stone pillar, which was set up in a temple to the Babylonian god Marduk so that it could be read by every citizen.



The pillar, lost for centuries after the fall of Babylon in the 16th century B.C., was rediscovered by a French archaeologist in 1901 amid the ruins of the Persian city of Susa. Hammurabi's words were still legible. The pillar is now in the Louvre museum in Paris.

The laws laid down by Hammurabi were **more extensive than any that had gone before**. They covered crime,

divorce and marriage, the rights of slave owners and slaves, the settlement of debts, inheritance and property contracts; there were even regulations about taxes and the prices of goods.

Punishments under the code were often harsh. **The cruel principle of revenge was observed**: an eye for an eye and a tooth for a tooth, which meant that criminals had to receive as **a punishment precisely those injuries and damages they had inflicted upon their victims**. Not only murderers but also thieves and false accusers faced the **death penalty**. And a child who hit

his father could expect **to lose the hand that struck the blow**. **The code outlawed private blood feuds** and banned the tradition by which a man could kidnap and keep the woman he wanted for his bride. In addition, the new laws **took account of the circumstances of the offender** as well as of the offence. So a lower-ranking citizen who lost a **civil case** would be fined less than an aristocrat in the same position — though he would also be awarded less if he won.

Nevertheless, Hammurabi's laws represented an advance on earlier tribal customs, because the penalty could not be harder than the crime.

TASK 5. Find in the text the English equivalents for the following law-related words and expressions. What concepts bring these groups of words together?

вор клеветник правонарушитель правонарушение преступление кровная месть наносить ущерб наносить увечья похищать	смертная казнь наказание штрафовать получать компенсацию	брак развод налоги наследство долги цены на товары гражданское дело права рабов имущественные контракты
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TASK 6. Answer the following questions:

1. Why do you think Hammurabi decided to have his laws carved into a pillar?
2. Why was the pillar set up in a temple?
3. What spheres of human life were covered by Hammurabi's code? Explain the choice.
4. How do you understand the principle "an eye for an eye and a tooth for a tooth"?
5. In your opinion, were punishments always fair?
6. Why do you think people of different ranks were treated differently by Hammurabi's code?

TASK 7. Translate the following passage into English paying special attention to the words and expressions in bold type:

Кодекс Хаммурапи

В 1901 году французские археологи обнаружили каменный столб среди руин персидского города Сузы. Текст, высеченный на столбе, был древнейшим сводом законов. Он был составлен Хаммурапи, царем Вавилона, в XVIII столетии до н. э.

Кодекс Хаммурапи состоит из 282 статей. Выставленный в храме вавилонского бога Мардука, 'столб законов' должен был служить правосудию и одновременно напоминать: законы должны знать все.

Кодекс охватывал все сферы жизни. Он ставил вне закона кровную месть, убийство, похищение невесты. Наказания за них были суровы.

В основе Кодекса лежит идея талиона: наказание должно быть "равным" преступлению — 'око за око, зуб за зуб'. В соответствии с кодексом, если человек, обвинивший другого в краже, не мог привести свидетелей, подтверждающих его слова, ему грозила смерть как клеветнику.

Кодекс также рассматривал вопросы имущества и наследства. Хаммурапи устанавливал денежный штраф, при назначении которого учитывалось как само правонарушение, так социальное положение граждан.

UNIT 3. THE FIRST LAWS: ANCIENT GREECE AND ROME

TASK 1. Read the text and write down Russian equivalents for the words and expressions in bold type:

The Legal Heritage of Greece and Rome

The ancient Greeks were among the first to develop a concept of law that separated everyday law from religious beliefs. Before the Greeks most civilizations attributed their laws to their gods or goddesses. Instead, the Greeks believed that laws were made by the people for the people.

In the seventh century B.C., Draco* drew up Greece's first written code of laws. Under Draco's code death was the

punishment for most offenses. Thus, the term *draconian* usually applies to **extremely harsh measures.**

Several decades passed before Solon — poet, military hero, and ultimately Athens' **lawgiver** — devised a new code of laws. **Trial by jury**, an ancient Greek tradition was retained, but **enslaving debtors** was prohibited as were most of the harsh punishments of Draco's code. **Under Solon's law** citizens of Athens were **eligible to serve** in the assembly and courts were established in which they could **appeal government decisions.**

What the Greeks may have **contributed to** the Romans was the concept of 'natural law'. In essence, natural law was based on the belief that certain **basic principles** are above the laws of a nation. These principles arise **from** the nature of people. The concept of natural law and the development of the first true legal system had a **profound effect on** the modern world.

*Draco — ['dreikou] — Драконт (т.ж. Трахонт), афинский законодатель

TASK 2. Complete the following table with the appropriate verb or noun forms:

Verb	Noun
to attribute	
	belief
	punishment
to develop	
	offence
to separate	
	decision
to apply	
	government
to prohibit	
to serve	
to establish	
to appeal	
to refer to	

TASK 3. *Work in teams. Make up a logical law-related story containing both verbs and nouns from Task 2. Use no fewer than 7 words.*

TASK 4. *Answer the following questions:*

1. What does the ancient Greek concept of law comprise?
2. Why were the first laws mainly attributed to divine powers?
3. What is the origin and the meaning of the word 'draconian'?
4. How do you understand the concept of 'natural law'?
5. What was Solon's contribution to ancient law?

TASK 5. *Read the text and use the words in bold type to render the text in Task 6:*

Solon (b. 630 — d. 560 B.C.)

Solon, the Athenian statesman, is known as one of the Seven Wise Men of Greece. He ended exclusive aristocratic control of the government, substituted a system of control by the wealthy, and introduced a new and **more humane law code**. He was also a noted poet.

Unfortunately it was not until the 5th century B.C. that accounts of his life and works began to be put together, mostly **on the evidence of his poems and his law code**. Although certain details have a legendary ring, the main features of his story seem to be reliable.

Solon was of **noble descent but moderate means**. He first became **prominent** in about 600 B.C. The early 6th century was a troubled time for the Athenians. Society was **dominated** by an **aristocracy of birth**, who **owned** the best land, monopolized the government, and were themselves **split into rival factions**. **The social, economic, and political evils** might well have culminated in a revolution and subsequent **tyranny (dictatorship)**, as they had in other Greek states, had it not been for Solon, to whom Athenians of all classes **turned in the hope of a generally satisfactory solution** of their problems. Because he believed in **moderation** and in an **ordered society** in which each class had its **proper place and function**, his solution was not revolution but reform.

Solon's **great contribution to the future good of Athens** was his new code of laws. The first **written code** at Athens, that of Draco, was still **in force**. Draco's laws were **shockingly severe** (hence the term *draconian*), so severe that they were said to have

been written not in ink but in blood. On the civil side they permitted enslavement for debt, and death seems to have been the penalty for almost all criminal offenses. Solon revised every statute except that on homicide and made Athenian law altogether more humane.

TASK 6. Render the following text into English using the vocabulary and information from the texts above:

Драконт

Драконт — афинский законодатель, чьи крайне суровые законы предусматривали только одно наказание — смерть — за незначительные нарушения и тяжкие преступления, совершенные в Афинах. Его имя теперь связывают со всем жестоким и безжалостным — ‘драконовские меры’, ‘драконовы законы’, ‘драконовский кодекс’.

Кодекс Драконта, который принято датировать 621 г. до н.э., не был первым записанным сводом афинских законов, но он, возможно, был первым всеобъемлющим кодексом или переработкой предыдущих законов.

Позднее Солон отменил драконтовы законы и издал новые, оставив лишь прежнее наказание за убийство.

CREATIVE WRITING

Since no law is perfect, ancient laws left much to be desired. Consult the READER for the extracts from Hammurabi's code. Work in teams to 'amend' the ancient legal code. Use the active vocabulary from the Unit. Present your ideas to the rest of the class.

UNIT 4. THE FOUNDATION OF BRITISH LAW: THE MAGNA CARTA

BRAINSTORM

Name legal documents of constitutional importance, which have affected modern legal systems.

TASK 1. Read the text and write down Russian equivalents for the words and expressions in bold type:

The Magna Carta

At the heart of the English system are two principles of government — **limited government** and **representative government**. The idea that government was not **all-powerful** first appeared in the Magna Carta*, or Great Charter, that King John** signed in 1215 under the threat of civil war.



Earlier kings of England had issued charters, making promises to their barons. But these **were granted** by, not **exacted** from the king and were very generally phrased. Later the tension between the Kings and **the nobility** increased. Since 1199 John's barons had to be promised their rights. It is, **therefore**, not surprising that Stephen Langton, archbishop of Canterbury, directed **baronial unrest** into a demand for a **solemn grant of liberties** by the king. The document known as the Articles of the Barons was at last **agreed upon**

and became the text from which the **final version** of the charter was drafted and sealed by John on June 15, 1215.

The Magna Carta **established the principle of limited government**, in which the **power of the monarch**, or government, was limited, not **absolute**. This document **provided for protection against unjust punishment and the loss of life, liberty, and property** except according to law. It stipulated that **no citizen could be punished or kept in prison without a fair trial**. Under the Magna Carta, the king agreed that certain taxes could not be levied without **popular consent**.

Although the Magna Carta was **originally intended to protect aristocracy** and not the **ordinary citizens**, it came in time to be regarded as a **cornerstone of British liberties**. It is one of the oldest written constitutional papers.

*Magna Carta — Великая Хартия Вольностей

**King John — Иоанн Безземельный, английский король (1199—1216)

TASK 2. The word **GOVERNMENT** has the following meanings in Russian:

1) государственная власть

executive government — исполнительная власть
 judicial government — судебная власть
 legislative government — законодательная власть

2) управление, руководство

to carry out the government of a state — осуществлять управление государством

3) форма правления, государственное устройство, политический строй

democratic /republican / federal / parliamentary government — демократическая /республиканская / федеральная / парламентская форма правления

constitutional government — конституционная форма правления

a system of government — система правления

4) правительство, правительственный аппарат

Liberal /Labour/ Conservative Government — либеральное /лейбористское/ консервативное правительство

to form the government — сформировать правительство

Match the following English expressions with their Russian equivalents:

1) arbitrary government	a) действующее правительство
2) authoritarian government	b) местное самоуправление
3) colonial form of government	c) военная администрация
4) government investigation	d) смешанная форма правления
5) government of the day	e) парламентское правление
6) government offices	f) правительство Её Величества
7) government official	g) правящая партия
8) government party	h) правительственные учреждения
9) government(al) department	i) представительная форма правления
10) government(al) regulation	j) временное правительство
11) government's term of office	k) распустить / расформировать правительство
12) Her Majesty's Government	l) органы государственного управления
13) local government	m) автократия
14) military government	
15) mixed government	
16) organs of government	
17) parliamentary government	

18) presidential government	n) президентская власть
19) provisional government	o) авторитарная форма правления
20) representative government	p) правительственное ведомство
21) to dissolve the government	q) правительственное расследование
	r) колониальная форма государственного устройства
	s) постановление правительства
	t) правительственный чиновник
	u) срок полномочий правительства

Use the expressions above to make sentences of your own.

TASK 3. *Answer the following questions:*

1. What were the two basic principles of the English system of government at the beginning of the 13th century? How do you understand these principles?
2. What political situation necessitated the granting of the Magna Carta?
3. What provisions did the Magna Carta contain?
4. Who enjoyed the rights granted by the Magna Carta?

TASK 4. *Render the following passage into English paying special attention to the words and expressions in bold type:*

Великая Хартия Вольностей

Великая Хартия Вольностей — это грамота, подписанная в 1215 английским королем Иоанном I. Она составлена на латинском языке и содержит 63 статьи. Этот документ был подписан в результате недовольства баронов усилением королевской власти, налоговым гнетом и неудачной внешней политикой короля. Большинство статей отражало и защищало интересы аристократии. Однако другие сословия также получили значительные права.

Великая Хартия Вольностей гарантировала соблюдение королем определенных обязательств по отношению к баронам, запрещала королю взимать налоги без согласия подданных. Хартия положила начало свободе личности. Ни один человек не мог быть арестован, заключен в тюрьму, лишен собствен-

ности или покровительства законов, изгнан или подвергнут иной каре иначе, как по суду равных ему и согласно законам страны.

Это был первый в истории Англии документ, ограничивающий власть короны и провозглашающий права и свободы подданных. Великая Хартия Вольностей стала краеугольным камнем английских свобод. Многие ее статьи получили развитие в Акте Хабеас Корпус и Билле о правах.

Великая Хартия Вольностей сыграла важнейшую роль в английской истории. Она и сейчас входит в число действующих актов конституции Великобритании.

UNIT 5. THE FOUNDATION OF BRITISH LAW: HABEAS CORPUS ACT

“Let the Body Be Brought...”

In Britain, the United States and many other English-speaking countries, the law of Habeas Corpus guarantees that nobody can be held in prison without trial. Habeas Corpus became a law because of a wild party held in 1621 at the London home of a notoriously rowdy lady, Alice Robinson. When a constable appeared and asked her and her guests to quiet down, Mrs. Robinson allegedly swore at him so violently that he arrested her, and a local justice of the peace committed her to jail.

When she was finally brought to trial, Mrs. Robinson's story of her treatment in prison caused an outcry. She had been put on a punishment diet of bread and water, forced to sleep on the bare earth, stripped, and given 50 lashes. Such treatment was barbaric even by the harsh standards of the time; what made it worse was that Mrs. Robinson was pregnant.

Public anger was so great that she was acquitted, the constable who had arrested her without a warrant was himself sent to prison, and the justice of the peace was severely reprimanded. And the case, along with other similar cases, led to the passing of the Habeas Corpus Act in Britain in 1679. The law is still on the British statute books, and a version of it is used in the United States, where the law was regarded as such an important guarantee of liberty that Article 1 of the Constitution declares that “Habeas Corpus shall not be suspended except in cases of rebellion or invasion”.

Habeas Corpus is part of a Latin phrase — *Habeas corpus ad subjiciendum* — that means “Let the body be brought before the judge.” In effect, a writ of Habeas Corpus is an order in the name of the people (or, in Britain, of the sovereign) to produce an imprisoned person in court at once.

TASK 1. Find in the text the English equivalents for the following words and expressions:

1. мировой судья
2. ордер на арест
3. варварское отношение
4. восстание; мятеж, бунт
5. вторжение, нападение, нашествие
6. недовольство общественности
7. печально известный
8. заключить в тюрьму
9. вызвать гневный протест
10. привести к принятию закона
11. получить строгий выговор
12. предстать перед судом
13. быть оправданным
14. быть приостановленным
15. от имени народа / монарха

Retell the text using the words and expressions above.

TASK 2. Work with an English-English dictionary. Find the definitions of the following legal terms:

- trial
- writ
- statute

Use each word in sentences of your own.

TASK 3. Render the following passage into English paying special attention to the words and expressions in bold type:

Хабеас Корпус

Согласно данному акту любое лицо, арестованное за совершение какого-либо уголовного преступления, имело пра-

во обратиться самолично или через своего представителя к Короне с прошением о выдаче приказа "Хабеас Корпус" начальнику тюрьмы. Получив этот приказ, начальник тюрьмы был обязан доставить арестованного к судье, который проверял обоснованность его заключения под стражу.

Хабеас Корпус Акт — это важнейшая гарантия гражданских прав и свобод в Англии. Согласно ему ни один свободный человек не мог быть подвергнут аресту без достаточных на то оснований.

ROLE-PLAY

Let the Body Be Brought!

Imagine the following situation: You have been arrested and put in custody. No warrant has been produced. Your friend or lawyer comes to see you in prison. Tell him about your problem and ask him to take appropriate steps. Appoint another student as a judge who will do justice.

UNIT 6. THE FOUNDATION OF BRITISH LAW: THE PETITION OF RIGHTS AND THE BILL OF RIGHTS

TASK 1. Complete the text using the words from the box:

The Petition of Right

royal requests; Stuart succession; more resistance;
raising taxes; prevent; restricted; forced; financial control

Parliament began to show _____ to the monarchy under the _____ from 1603 by using its gradually acquired weapon of _____. It was influenced by the gentry and began to refuse _____ for money. It eventually _____ Charles I to sign the Petition of Right in 1628, which further _____ the monarch's powers and was intended to _____ him from _____ without Parliament's consent.

TASK 2. Translate the text below into English using the information and vocabulary from the text in Task 1:

Петиция о правах

Конституционное противостояние в XVII веке выразилось в появлении в 1628 году документа, известного как Петиция о праве. Нуждаясь в денежных средствах, король Карл I попытался получить деньги от своих подданных, минуя парламент. В 1628 году парламент заставил короля принять Петицию о праве, которая разрешала взимать налоги только с согласия парламента. Этот документ гарантировал английским подданным и другие права.

TASK 3. Read the text and write down Russian equivalents for the words and expressions in bold type:

The Bill of Rights

The Bill of Rights (1689) is one of the basic instruments of the British constitution, the result of the long 17th-century struggle between the Stuart kings and the English people and Parliament. The Bill of Rights **provided the foundation** on which the government rested after the Revolution of 1688. The Revolution settlement made monarchy clearly **conditional** on the will of Parliament and provided a freedom from **arbitrary government** of which most Englishmen were **notably proud** during the 18th century.

The main purpose of the act was unequivocally to declare **illegal** various practices of James II. Among such practices proscribed were the **royal prerogative of dispensing with the law** in certain cases, the **complete suspension of laws** without the **consent of Parliament**, and the **levying of taxes** and the **maintenance of a standing army** in peacetime without specific parliamentary authorization. A number of **clauses** sought to **eliminate royal interference** in parliamentary matters, stressing that elections must be free and that members of Parliament must have complete **freedom of speech**. Certain forms of interference in the **course of justice** were also proscribed. The act also dealt with the **proximate succession to the throne**, provided the **heirs** were **Protestants**. It is the **constitutional paper** of great importance, which **prevented the sovereign from abusing his authority**.

TASK 4. The word **AUTHORITY** has the following meanings in Russian:

- 1) **власть**
supreme authority — верховная власть
- 2) **полномочие, право, права, компетенция**
to act on smb.'s authority — действовать на основании полученных полномочий
- 3) **рл. власти, начальство, администрация**
local authorities — местные власти; органы местного самоуправления
- 4) **авторитет, вес, влияние**
to have authority with smb. — пользоваться авторитетом у кого-либо
- 5) **авторитет, крупный специалист**
he is an authority on law — он является авторитетом в области права
- 6) **авторитетный источник**
to quote one's authorities — ссылаться на авторитетные источники

Match the following English expressions with their Russian equivalents:

1) competent authority	a) превышать свои полномочия
2) law-enforcement authorities / agencies	b) власть / полномочия парламента
3) lawful authority	c) законная власть
4) on good authority	d) из надёжного источника
5) the authority of Parliament	e) иметь / осуществлять власть
6) to abuse one's authority	f) неограниченные полномочия
7) to gain in authority	g) облекать властью, наделять полномочиями кого-л.
8) to hand over one's authority to smb.	h) передавать свои полномочия кому-л.
9) to have / to exercise authority	i) подрывать чей-л. авторитет
10) to undermine smb.'s authority	k) правоохранительные органы
11) to vest smb. with authority	l) авторитетный специалист
12) unrestricted authority	m) приобретать всё большую власть

TASK 5. Render the following text into English paying special attention to the words and expressions in bold type:

Билль о правах 1689 года

Борьба монарха и парламента привела к революции, известной под названием Славная революция 1688 года. Король Яков II был свергнут и вынужден покинуть страну. Его подозревали в желании сделать католическую религию официальной религией в Англии. **В соответствии с Актом о престолонаследии (Act of Settlement), опубликованным после Славной революции, принц Вильгельм Оранский и его супруга Мария взошли на трон. Условием их коронации было принятие ими английского Билля о правах.**

Английский Билль о правах ограничивал власть монарха, наделив парламент **решающей властью**, и обеспечивал защиту англиканской церкви от любых попыток религиозной контрреформы Якова II или его преемников. Английский Билль о правах **заклучал в себе много идей, касающихся права и государства**, которые позднее нашли свое отражение в американской Декларации независимости, конституции и Билле о правах. Помимо ограничения власти монарха, документ декларировал такие традиционные права англичан, как право на суд присяжных, **запрещение жестоких наказаний**, право обращения с петициями к властям и право ношения оружия, которое, впрочем, предоставлялось лишь протестантам.

TASK 6. Answer the following questions using the information from the texts above:

1. What events preceded the Bill of Rights?
2. Why did King James have to leave the country?
3. What document regulates succession since 1688?
4. How were the rights of the monarch limited by the Bill of Rights?
5. What civil rights were protected by this document?
6. What was the influence of the Bill of Rights on political thinking in America?

TASK 7. Tell about the Bill of Rights using the information given in Tasks 3, 4. Consult the READER for the extracts from the original text.

UNIT 7. THE EUROPEAN LAW IN THE 19TH CENTURY: NAPOLEON'S CODE

Napoleon's Law

The laws of much of continental Europe (particularly France), of Quebec in Canada, and of much of Latin America — along with the civil laws of Louisiana — owe their modern form largely to the work of a man who never even studied law. Napoleon Bonaparte, the Corsican soldier who became emperor of France after the French Revolution, established in 1800 five commissions to refine and organise the diverse legal systems of France. The result, enacted in 1804, was the Napoleon's Code.

Some of its original 2,281 articles were drafted by Napoleon himself, and all were affected by his thinking, even though he was completely self-taught in legal matters. The code was a triumphant attempt to create a legal system that treated all citizens as equals without regard to their rank or previous privileges. It was also so clearly written that it could be read and understood by ordinary people at a time when only Latin scholars could make sense of the earlier laws handed down since Roman times. The code was adopted intact in most of the areas of Europe that Napoleon dominated and spread from there across the Atlantic, taking root particularly in French-speaking American communities. Many of its principles are still in force today.



TASK 1. Find in the text the English equivalents for the following words and expressions:

1. вопросы права
2. изучать право
3. различные, несхожие правовые системы
4. создать правовую систему
5. император
6. гражданское право
7. первоначальный вариант статей

8. подвергаться влиянию чьих-либо идей
9. передавать (из поколения в поколение)
10. господствовать, властвовать
11. обращаться как с равными
12. разобраться в чем-то
13. приживаться, укореняться
14. быть в силе
15. без учета привилегий

Retell the text using the active vocabulary.

TASK 2. Consult the previous texts and your legal dictionary to translate the following words and expressions into English. Make up sentences of your own, using the expressions below:

- составлять проект закона
- создавать, творить законы
- вносить поправки в законы
- принимать закон
- вводить закон в действие
- обеспечивать соблюдение законов
- приводить законы в исполнение
- отменять законы
- нарушать законы

TASK 3. Answer the following questions:

1. What efforts did Napoleon make to reorganise the diverse legal systems of France?
2. Did Napoleon draw up the whole code himself?
3. What was so remarkable about Napoleon's new code?
4. What were the benefits of Napoleon's code for the ordinary people?
5. Which countries throughout the world still use the elements of Napoleon's code?

TASK 4. Render the following text into English paying special attention to the words and expressions in bold type:

Одним из важнейших событий в истории мирового права стало принятие кодекса **Наполеона**. Специальная комиссия из

четырёх крупнейших юристов под руководством Наполеона в течение короткого времени усовершенствовалась и привела в соответствие все действующие законы, постановления и местные обычаи Франции. В 1804 г. этот грандиозный свод законов, состоящий из 2281 статьи, был утвержден под названием Гражданского кодекса. Главное в этом кодексе то, что он утверждал равенство всех перед законом, свободу совести, неприкосновенность личности и собственности.

Сам Наполеон хорошо понимал историческое значение своей законотворческой деятельности. «Моя истинная слава, — говорил он, — не в том, что я выиграл сорок сражений. Но то, что не может быть забыто, то, что будет жить вечно — это мой Гражданский кодекс».

Кодекс Наполеона пережил своего создателя. Империя распалась, но Франция, а вслед за ней многие другие государства Европы и Америки продолжают руководствоваться правовыми принципами, изложенными в кодексе Наполеона.

It's Interesting to Know

Napoleon's Words of Wisdom

- A man will fight harder for his interests than for his rights.
- History is the version of past events that people have decided to agree upon.
- It is the success which makes great men.
- The heart of a statesman must be in his head.
- From sublime to ridiculousness there is only one step.
- Public morals are natural complement of all laws: they are by themselves an entire code.

TASK 5. Choose one of the following topics and prepare a presentation:

1. The main points of Napoleon's biography.
2. The great victories of Napoleon Bonaparte.
3. One hundred days of Napoleon Bonaparte.
4. The legal system of France at the time of Napoleon.

REVIEW

*What legal codes have you studied in your classes of law?
Make a report on a subject of your choice and present it
in class. Use the patterns and vocabulary from the Chapter.*

Chapter II
CRIME AND PUNISHMENT

UNIT 1. THE STUDY OF CRIME

BRAINSTORM

- **Misdeed, misconduct**
- **Crime, offense, wrongdoing**
- **Unlawful act, violation of the law, lawbreaking**
- **Harm, sin**

What is your understanding of these words? Give examples.

TASK 1. Match the following headings with the sections of the text below:

- **History**
- **Application**
- **Techniques**
- **Subject**
- **Objectives**

Criminology

(1) Criminology is a social science dealing with the nature, extent, and causes of crime; the characteristics of criminals and their organizations; the problems of apprehending and convicting offenders; the operation of prisons and other correctional institutions; the rehabilitation of convicts both in and out of prison; and the prevention of crime.

(2) The science of criminology has two basic objectives: to determine the causes, whether personal or social, of criminal behaviour and to evolve valid principles for the social control of crime. In pursuing these objectives, criminology draws on the findings of biology, psychology, psychiatry, sociology, anthropology, and related fields.

(3) Criminology originated in the late 18th century when various movements began to question the humanity and efficiency of using punishment for retribution rather than deterrence and reform. There arose as a consequence what is called the classical school of criminology, which aimed to mitigate legal penalties and humanise

penal institutions. During the 19th century the positivist school attempted to extend scientific neutrality to the understanding of crime. Because they held that criminals were shaped by their environment, positivists emphasised case studies and rehabilitative measures. A later school, the 'social defence' movement, stressed the importance of balance between the rights of criminals and the rights of society.

(4) Criminologists commonly use several research techniques. The collection and interpretation of statistics is generally the initial step in research. The case study, often used by psychologists, concentrates on an individual or a group. The typological method involves classifying offences, criminals, or criminal areas according to various criteria. Sociological research, which may involve many different techniques, is used in criminology to study groups, subcultures, and gangs as well as rates and kinds of crime within geographic areas.

(5) Criminology has many practical applications. Its findings can give lawyers, judges, and prison officials a better understanding of criminals, which may lead to more effective treatment. Criminological research can be used by legislators and in the reform of laws and of penal institutions.

TASK 2. Find in the text the English equivalents for the following:

1. криминология рассматривает природу и причины преступлений
2. изучение обстоятельств правонарушения по материалам дела
3. криминология опирается на открытия других наук
4. проблемы задержания преступников
5. проблемы предотвращения преступлений
6. применение на практике
7. исправительные учреждения
8. установить причины преступности
9. выработать действующие принципы
10. смягчить наказание
11. подвергнуть сомнению

TASK 3. Replace the words and expressions in bold type with the words and expressions that mean the same:

1. The **objectives** of criminology and criminalistics are rather different.

2. The system of **penal institutions** is to be reformed.
3. The scientific study of criminals **originated** in the late 18th century.
4. Modern criminologists **hold that** criminals are shaped by a multiplicity of factors.
5. Criminology studies the factors that **lead to** violent behaviour.

TASK 4. Match the legal terms on the left with their definitions on the right. Use them in sentences of your own:

1) deterrence	a) guidance and instruction given to offenders, their beneficial treatment aimed at restitution of positive skills and attitudes
2) case study	b) measures taken to prevent hostile action
3) legislator	c) a person serving a prison sentence
4) retribution	d) a detailed analysis of a criminal person or group
5) convict	e) a member of a body which gives or makes laws
6) rehabilitation	f) something given or demanded in repayment, especially punishment

TASK 5. Answer the following questions:

1. What steps can society take to cope with crime?
2. What trends can be observed in the development of criminology?
3. What methods and techniques are applied in criminology?
4. In what other spheres of life can criminology find a useful application?

TASK 6. Read the text and write down the Russian equivalents for the words and expressions in bold type:

Cesare Lombroso (1836—1909)

Professor Lombroso is a criminologist whose views, though not altogether correct, caused a lot of interest and made other people **look into the problem** of crime in a more scientific way. He is **regarded as the father of the scientific study of criminals, or criminology.**



Lombroso studied at the universities of Padua, Vienna, and Paris, and later he became a professor of psychiatry and **forensic medicine**, a director of a **mental asylum**.

In an enormous book called *The Criminal*, he set out the idea that there is a definite **criminal type**, who can be recognised by his or her appearance. Some of what he said is difficult to believe. For example, he said that left-handed persons have a **criminal instinct**. Among the things he considered important were the shape of the head, colour of the hair, the eyes, the curve of the chin and forehead and if the ears stick out.

Lombroso's theories were **widely influential** in Europe for a time, but his **emphasis on hereditary causes of crime** was later **strongly rejected in favour of environmental factors**. Lombroso tried to **reform the Italian penal system**, and he encouraged more **humane and constructive treatment of convicts** through the use of work programs intended to make them **more productive members of society**.

TASK 7. Complete the following text with the words from the box.
Translate the text:

criminal types; capital punishment; inmates; case studies;
upbringing; investigations;
suspended; multiple; unthinkable; rehabilitative

Cesare Lombroso, professor of psychiatry and anthropology at the University of Turin, sought through firsthand observation and measurement of prison _____ to determine the characteristics of _____. Some of his _____ allowed him to establish the existence of 'hereditary criminals'. Lombroso held that such criminals exhibit a higher percentage of physical and mental anomalies than do noncriminals. Among these anomalies, were various unusual skull sizes and asymmetries of the facial bones.

Other scholars helped to introduce the ideas that crime has _____ causes and that most criminals are not born criminal but are shaped by their _____ and associations. Thus, the emphasis in criminology had turned to experimental _____ and to preventive and _____ measures. Without this contribution into the scientific study of criminals the present-day alternatives to _____ and old-fashioned imprisonment such as probation, _____ sentence, fines, and parole would have been _____.

TASK 8. Answer the following questions:

1. What is Cesare Lombroso famous for?
2. How did he try to relate criminal behaviour to a person's appearance?
3. What was Lombroso's contribution to the development of penal system?

TASK 9. Render the following article into English paying special attention to the words and expressions in bold type:

ПРЕСТУПНИКАМИ РОЖДАЮТСЯ ИЛИ СТАНОВЯТСЯ?

Преступность: Врожденное и Приобретенное

Более ста лет назад итальян- чем обессмертил свое имя. Он, ский врач Чезаре Ломброзо со- например, утверждал, что пока- здал галерею 'преступных типов', тый лоб, квадратный подборо-

док, грубые черты лица, длинные руки и мускулистое телосложение говорят о врожденных преступных наклонностях.

Понадобилось много лет, пока теория прирожденного преступника потеряла свое влияние. Тем не менее, и в наши дни продолжают споры о наследовании преступных качеств и о биологических предпосылках преступного поведения.

Послевоенный экономический рост породил у западных лидеров опасное заблуждение, что с любыми общественными проблемами можно справиться, проводя соответствующую социальную политику и увеличивая бюджетные отчисления. Тогда казалось, что, давая человеку больше благ, можно смягчить и даже изменить его природу. Времена изменились, и стало ясно, что ни либеральные реформы, ни коммунистический диктат не привели к обществу процветания.

В 1979 г. в Центре изучения близнецов и усыновленных детей в США начали наблюдать несколько сотен двойняшек и тройняшек. Все они были разлучены вскоре после рождения и воспитывались в разных концах Англии и Америки. Экспериментаторы исходили из предположения, что, если близнецы однояйцевые, все различия, возникшие впоследствии, следует отнести за счет разной среды обитания. Однако, исследования показали, что различия между

детьми, воспитанными раздельно, и близнецами, росшими в одной семье, практически отсутствуют.

Другое исследование, проведенное в Дании, показало, что дети преступников, даже если их воспитывать в домах добропорядочных граждан, в большей степени склонны к конфликтам с законом, чем их собственные отпрыски. Более того, есть все основания считать, что, если один из разлученных однояйцевых близнецов имеет судимость за уголовное преступление, второй рано или поздно тоже свернет на скользкую дорожку.

Некоторые исследователи идут еще дальше и считают, что первопричина многих видов правонарушений, в первую очередь таких тяжких, как убийства, разбойные нападения, изнасилования и поджоги — не социальная, а биологическая.

Самый серьезный удар по 'теории о среде' нанесла сравнительно молодая наука — социобиология. Исследования, проводимые на животных показали, что у агрессивных обезьян уровень одного из гормонов — серотонина — ниже, чем у пассивных. Это, вполне возможно, относится и к человеку: у людей, совершивших преднамеренные насильственные преступления, тоже наблюдается недостаток этого гормона.

Так кто же виноват: среда или генетика?



DEBATE

Criminality — Inborn or Acquired?

Divide into two groups — pro and con, and conduct a debate on the origins of criminality.

Appoint the 'Chair' of the debate who will give the floor to the speakers of both teams.

Use the active vocabulary from the Unit.

UNIT 2. CRIMES AND CRIMINALS

BRAINSTORM

CRIME is an act or the commission of an act that is forbidden or the omission of a duty that is commanded by a public law and that makes the offender liable to punishment by that law.

Criminology deals with crimes and criminals. Name as many crimes as you can remember. Work in teams and compare your lists with those of other teams.

Law Breakers

TASK 1. Match each word on the left with the appropriate definition on the right:

- | | |
|-------------------|--|
| 1) an arsonist | a) attacks and robs people, often in the street |
| 2) a shop-lifter | b) sets fire to property illegally |
| 3) a mugger | c) is anyone who breaks the law |
| 4) an offender | d) breaks into houses or other buildings to steal |
| 5) a vandal | e) steals from shops while acting as an ordinary customer |
| 6) a burglar | f) kills someone |
| 7) a murderer | g) deliberately causes damage to property |
| 8) a kidnapper | h) steals things from people's pockets in crowded places |
| 9) a pickpocket | i) gets secret information from another country |
| 10) an accomplice | j) buys and sells drugs illegally |
| 11) a drug dealer | k) takes away people by force and demands money for their return |
| 12) a spy | l) helps a criminal in a criminal act |
| 13) a terrorist | m) uses violence for political reasons |
| 14) an assassin | n) causes damage or disturbance in public places |
| 15) a hooligan | o) hides on a ship or plane to get a free journey |
| 16) a stowaway | p) takes control of a plane by force and makes the pilot change course |
| 17) a thief | q) murders for political reasons or a reward |
| 18) a hijacker | r) is someone who steals |
| 19) a forger | s) makes counterfeit (false) money or signatures |
| 20) a robber | t) is a member of a criminal group |
| 21) a smuggler | u) steals money, etc. by force from people or places |
| 22) a traitor | v) marries illegally, being married already |
| 23) a gangster | w) is a soldier who runs away from the army |

- 24) a deserter x) brings goods into a country illegally without paying tax
- 25) a bigamist y) illegally carries drugs into another country
- 26) a drug smuggler z) betrays his or her country to another state

TASK 2. Continue the following table with the words from Task 1 where possible. The first few are done for you. Consult the dictionary when necessary:

Crime	Criminal	Criminal Act
treason	traitor	to betray
theft	thief	to steal
murder	murderer	to murder

Just for Fun

Thieves respect property; they merely wish the property to become their property that they may more perfectly respect it.

G. K. Chesterton

ROLE-PLAY

Let's Do Justice!

Work in pairs. Each pair should consist of a 'criminal' (choose your role from the list above) and a 'defence lawyer'.

STEP 1. The lawyer questions his client (the criminal) and finds out all the circumstances of the crime.

STEP 2. The lawyer delivers a speech trying to establish his client's innocence.

STEP 3. The rest of the group — the jurors — deliberate the evidence and bring in a verdict.

UNIT 3. THE CAUSES OF CRIME

TASK 1. Match the following headings with the sections of the text below:

- Psychological and psychiatric theories
- Biological theories
- Multiple causation theory
- Social environment theories
- Theological and ethical theories
- Climatic theory

(1) No one knows why crime occurs. The oldest theory, based on theology and ethics, is that criminals are perverse persons who deliberately commit crimes or who do so at the instigation of the devil or other evil spirits. Although this idea has been discarded by modern criminologists, it persists among uninformed people and provides the rationale for the harsh punishments still meted out to criminals in many parts of the world.

(2) Since the 18th century, various scientific theories have been advanced to explain crime. One of the first efforts to explain crime on scientific, rather than theological, grounds was made at the end of the 18th century by the German physician and anatomist Franz Joseph Gall, who tried to establish relationships between skull structure and criminal proclivities. This theory, popular during the 19th century, is now discredited and has been abandoned. A more sophisticated theory — a biological one — was developed late in the 19th century by the Italian criminologist Cesare Lombroso, who asserted that crimes were committed by persons who are born with certain recognizable hereditary physical traits. Lombroso's theory was disproved early in the 20th century by the British criminologist Charles Goring. Goring's comparative study of jailed criminals and law-abiding persons established that so-called criminal types, with innate dispositions to crime, do not exist. Recent scientific studies have tended to confirm Goring's findings. Some investigators still hold, however, that specific abnormalities of the brain and of the endocrine system contribute to a person's inclination toward criminal activity.

(3) Another approach to an explanation of crime was initiated by the French political philosopher Montesquieu, who attempted to relate criminal behavior to natural, or physical environment.

His successors have gathered evidence tending to show that crimes against person, such as homicide, are relatively more numerous in warm climates, whereas crimes against property, such as theft, are more frequent in colder regions. Other studies seem to indicate that the incidence of crime declines in direct ratio to drops in barometric pressure, to increased humidity, and to higher temperature.

(4) Many prominent criminologists of the 19th century, particularly those associated with the Socialist movement, attributed crime mainly to the influence of poverty. They pointed out that persons who are unable to provide adequately for themselves and their families through normal legal channels are frequently driven to theft, burglary, prostitution, and other offences. The incidence of crime especially tends to rise in times of widespread unemployment. Present-day criminologists take a broader and deeper view; they place the blame for most crimes on the whole range of environmental conditions associated with poverty. The living conditions of the poor, particularly of those in slums, are characterized by overcrowding, lack of privacy, inadequate play space and recreational facilities, and poor sanitation. Such conditions engender feelings of deprivation and hopelessness and are conducive to crime as a means of escape. The feeling is encouraged by the example set by those who have escaped to what appears to be the better way of life made possible by crime.

Some theorists relate the incidence of crime to the general state of a culture, especially the impact of economic crises, wars, and revolutions and the general sense of insecurity and uprootedness to which these forces give rise. As a society becomes more unsettled and its people more restless and fearful of the future, the crime rate tends to rise. This is particularly true of juvenile crime, as the experience of the United States since World War II has made evident.

(5) The final major group of theories are psychological and psychiatric. Studies by such 20th century investigators as the American criminologist Bernard Glueck and the British psychiatrist William Healy have indicated that about one-fourth of a typical convict population is psychotic, neurotic, or emotionally unstable and another one-fourth is mentally deficient. These emotional and mental conditions do not automatically make people criminals, but do, it is believed, make them more prone to criminality. Recent studies of criminals have thrown further light on the kinds of emotional disturbances that may lead to criminal behavior.

(6) Since the mid-20th century, the notion that crime can be explained by any single theory has fallen into disfavour among investigators. Instead, experts incline to so-called **multiple factor**, or **multiple causation** theories. They reason that **crime springs from a multiplicity of conflicting and converging influences** — biological, psychological, cultural, economic and political. The multiple causation explanations seem more credible than the earlier, simpler theories. An understanding of the causes of crime is still elusive, however, because the interrelationship of causes is **difficult to determine**.

TASK 2. Write down Russian equivalents for the words and expressions in bold type, given in the text above.

TASK 3. Find in the texts above the English equivalents for the following words and expressions and reproduce the context in which they were used:

1. мошенничество
2. кража
3. убийство
4. кража со взломом
5. сравнительный анализ преступников и законопослушных граждан
6. соотнести преступное поведение с факторами окружающей среды
7. преступления против человека
8. преступления против собственности
9. совершать преступления умышленно
10. некоторые узнаваемые наследуемые черты
11. выдающиеся ученые-криминологи
12. ряд условий
13. уровень преступности
14. быть склонным к преступной деятельности
15. пролить свет на проблему
16. теория многообразия факторов
17. достоверная теория

TASK 4. Find in the text all word combinations with the following words:

• research

• study

• theory

Reproduce the contexts in which they were used. Make up your own sentences with these words.

TASK 5. Answer the following questions:

1. What concepts formed the basis of the earliest criminological theories?
2. How did the biological theories develop?
3. What was Montesquieu's approach to causes of crime?
4. What views on crime predominated in the 19th century?
5. How did criminological theories develop in the 20th century?
6. What is the relationship between the mental and emotional state of a person and his or her inclinations to crime?
7. What are the latest views on the causes of crime?

TASK 6. Render the following passage into English paying special attention to the words and expressions in bold type:

Преступность и ее причины

Преступность и ее причины могут быть изучены на индивидуальном, групповом и социальном уровнях. Им, следовательно, могут быть даны **психологическое, социологическое и философское объяснения**. Эти объяснения не противоречат друг другу, а дополняют одно другое, позволяя проанализировать причины преступности с различных сторон.

Рассматривая эту проблему на индивидуальном уровне, можно обозначить причины преступности как **конфликт поведения человека с социальной средой**.

Когда человек попадает в проблемную ситуацию, он часто не находит решения возникших сложностей и **выбирает преступный путь**.

Но возникает естественный вопрос: а почему личность **формируется** таким образом? И почему возникают проблемные ситуации, ставящие человека перед трудным выбором? Ответить на эти вопросы невозможно, если не обратиться к изучению **современного общества**. При этом очевидно, что в качестве причин преступности выступают и **социально-экономические, и политические, и духовные факторы, тесно связанные друг с другом**.

Обстоятельствами, ведущими к **преступному поведению**, считаются: **антиобщественное поведение родителей; алкоголизм**

и нервно-психические заболевания родителей; низкий уровень культуры в семье.

Негативными особенностями личности и поведения считаются: прежняя судимость; совершение иных противоправных поступков; негативное отношение к нравственным ценностям; злобность, грубость и мстительность; пьянство, употребление наркотиков, азартные игры.

Итак, после того, как мы узнали о криминологии достаточно много, нетрудно заключить, что преступность может возникнуть на основе взаимодействия личности и социальной среды.

DEBATE

All criminals are perverse people!

Prepare your arguments for or against the statement above.

Use the active vocabulary from the Unit.

Divide into two groups — pro and con, and conduct a debate.

Appoint the 'Chair' of the debate who will give the floor to the speakers of both teams.

UNIT 4. PUNISHMENT

BRAINSTORM

In your opinion, what does 'punishment' mean?

What kinds of punishment do you know?

TASK 1. Read the text and write down Russian equivalents for the words in bold type:

Punishment describes the imposition by some authority of a **deprivation** — usually painful — on a person who has violated a law, a rule, or other norm. When the violation is of the criminal law of society there is a formal process of accusation and proof followed by **imposition** of a sentence by a designated official,

usually a judge. Informally, any organised group — most typically the family, may punish **perceived wrongdoers**.



Because punishment is both painful and **guilt producing**, its application calls for a justification. In Western culture, four basic justifications have been given: **retribution, deterrence, rehabilitation, and incapacitation**.

Most **penal historians** note a gradual trend over the last centuries toward more **lenient sentences** in Western countries. **Capital and corporal punishment**, widespread in the early 19th century, are seldom invoked by contemporary society. Indeed, in the United States corporal punishment as such appears to be contrary to the 8th Amendment's restrictions on cruel and unusual punishment. Yet the rate of imprisonment in the United States appears to be growing. Furthermore, since the mid-1970s, **popular and professional sentiment** has taken a distinctly punitive turn and now tends to see retribution and incapacitation — rather than rehabilitation — as the goals of criminal punishment.

Criminal sentences ordinarily embrace four **basic modes of punishment**. In descending order of severity these are: **incarceration, community supervision, fine, and restitution**. The death penalty is now possible only for certain types of **atrocious murders** and treason.

Punishment is an ancient practice whose presence in modern cultures may appear to be out of place because it **purposefully inflicts pain**. In the minds of most people, however, it continues to find justification.

TASK 2. Explain the meaning of the following words and expressions:

- | | |
|--------------------------|------------------|
| • authority, authorities | • justification |
| • community supervision | • rehabilitation |
| • deterrence | • restitution |
| • fine | • retribution |
| • incapacitation | • sentence |
| • incarceration | |

TASK 3. The word PUNITIVE has the following meanings in Russian:

1) **связанный с применением наказания**

punitive article — статья, устанавливающая уголовную санкцию

2) карательный; штрафной

punitive action — карательная мера, карательная акция

Match the following English expressions with their Russian equivalents:

1) punitive sentencing	a) карательная мера
2) punitive institution	b) карательное воздействие
3) punitive justice	c) карательное правосудие
4) punitive law	d) карательное учреждение
5) punitive legislation	e) лишение свободы как кара за совершённое преступление
6) punitive measure	f) уголовное законодательство
7) punitive treatment	g) уголовный закон

TASK 4. Point out the main ideas of the text in Task 1. Make a list of them.

TASK 5. Work in teams and write down false statements based on the text in Task 1 (no fewer than 6 statements). Present them in class. Use the information from the text in Task 1 to refute the other team's false statements.

TASK 6. Complete the following text with the words and expressions from the box:

From the History of Punishment

felons; offender; beheading; adultery; pillory; punishment; execution; deliberately; condemned; ancient; medieval; guilty; legal; public

For the most history _____ has been both painful and _____ in order to act as deterrent to others. Physical punishments and public humiliations were social events and carried out in most accessible parts of towns, often on market days when the greater part of the population were present. Justice had to be seen to be done.

One of the most bizarre methods of _____ was inflicted in ancient Rome on people found _____ of murdering their fathers.



Their punishment was to be put in a sack with a rooster, a viper, and a dog, then drowned along with the three animals. In _____ Greece the custom of allowing a _____ man to end his own life by poison was extended only to full citizens. The philosopher Socrates died in this way. Condemned slaves were

beaten to death instead. Stoning was the ancient method of punishment for _____ among other crimes.

In Turkey if a butcher was found guilty of selling bad meat, he was tied to a post with a piece of stinking meat fixed under his nose, or a baker having sold short weight bread could be nailed to his door by his ear.

One of the most common punishments for petty offences was the _____, which stood in the main square of towns. The _____ was locked by hands and head into the device and made to stand sometimes for days, while crowds jeered and pelted the offender with rotten vegetables or worse.

In _____ Europe some methods of execution were _____ drawn out to inflict maximum suffering. _____ were tied to a heavy wheel and rolled around the streets until they were crushed to death. Others were strangled, very slowly. One of the most terrible punishments was hanging and quartering. The victim was hanged, beheaded and the body cut into four pieces. It remained a _____ method of punishment in Britain until 1814. _____ was normally reserved for those of high rank. In England a block and axe was the common method but this was different from France and Germany where the victim kneeled and the head was taken off with a swing of the sword.

TASK 7. Answer the following questions:

1. Why did ancient punishment have to be painful?
2. What was the purpose of making punishments public?
3. What was the symbolic meaning of the punishment inflicted on the parents' murderers?
4. What punishments were most common in the East?
5. How did punishments reflect social status?

It's Interesting to Know

Joseph Ignace Guillotin

A doctor and member of the French Legislative Assembly, he suggested the use of the guillotine for executions in 1789. A physician and humanitarian, Guillotine was disturbed by vulgarity of public executions and petitioned for a single method of capital punishment to be used for all crimes demanding the death sentence. The guillotine consists of a heavy blade with a diagonal edge, which falls between two upright posts to cut off the victim's head cleanly and quickly. Similar machines had been used in various other countries including Scotland and Italy. The main idea was to make execution as quick and painless as possible. The first person executed by guillotine was the highwayman Pelletier in 1792, but the machine came into its own in 1793, during the Reign of Terror following the French Revolution, when aristocrats were guillotined by the hundred. The device was nicknamed 'Madame Guillotine' after its sponsor.

Charles Lynch

Captain Charles Lynch, of Virginia, author of the infamous lynch law, will forever be linked with 'vigilante justice'. Lynch decided that he and his neighbours were too far from lawmakers and sheriffs to punish properly the vandals and robbers terrorizing the rural area. He encouraged the fellow citizens to sign a declaration he drafted, announcing the intention to 'take matters in their own hands'. "If they (criminals) do not desist from their evil practices, we will inflict such corporal punishment on them, as to us shall seem adequate to the crime committed or the damage sustained."

Although the death penalty was not always exacted, in most cases the punishment turned out to be hanging. In addition to the fact that many innocent victims suffered lynching, a certain amount of guilt among the lynchers can be ascertained by the very technique for hanging criminals.

Lynch and his cohorts practiced a form of passive hanging. A rope was tied around a tree and the condemned man placed on a horse with the other side of the rope strung snugly around his neck. So the criminal was killed not by the captors tightening the noose, but the whim of the horse. When the horse moved far enough away from the tree, the rope choked the horseman.

UNIT 5. THE PURPOSE OF STATE PUNISHMENT

BRAINSTORM

*How do you understand the purpose of State Punishment?
In your opinion, how should State Punishment be organised?*

TASK 1. Explain the meaning of the words and expressions from the box. Complete the following text using these words and expressions:

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

What is the purpose of punishment? One purpose is obviously to _____ the offender, to correct the offender's moral attitudes and anti-social behaviour and to _____ him or her, which means to assist the offender to return to normal life as a useful member of the community.

Punishment can also be seen as a _____ because it warns other people of what will happen if they are tempted to break the law and prevents them from doing so. However, the third purpose of punishment lies, perhaps, in society's desire for _____, which basically means revenge. In other words, don't we feel that a _____ should suffer for his _____?

The form of punishment should also be considered. On the one hand, some believe that we should "make the punishment fit the crime". Those who steal from others should be deprived of their own property to ensure that criminals are left in no doubt that _____. For those who attack others _____ should be used. Murderers should be subject to the principle "an eye for an eye and a tooth for a tooth" and automatically receive the _____.

On the other hand, it is said that such views are unreasonable, cruel and _____ and that we should show a more _____ attitude to punishment and try to understand why a person commits a crime and how society has failed to enable him to live a respectable, _____ life.

TASK 2. Name the main purposes of State Punishment as mentioned in the text. Learn the text by heart.

UNIT 6. TREATMENT OF CRIMINALS

TASK 1. Match the following headings with the sections of the text below:

- **Rehabilitative programs**
- **Psychiatric and case-study methods**
- **Bentham approach**
- **Neoclassical school**
- **Preventive approach**

(1) **Various correctional approaches developed in the wake of causation theories.** The old theological and moralistic theories encouraged punishment as retribution by society for evil. This attitude, indeed, still exists. **The 19th-century British jurist and philosopher Jeremy Bentham tried to make the punishment more precisely fit the crime.** Bentham believed that pleasure could be measured against pain in all areas of human choice and conduct and that human happiness could be attained through such hedonic calculus. He argued that criminals would be deterred from crime if they knew, specifically, the suffering they would experience if caught. **Bentham therefore urged definite, inflexible penalties for each class of crime; the pain of the penalty would outweigh only slightly the pleasure of success in crime; it would exceed it sufficiently to act as a deterrent, but not so much as to amount to wanton cruelty.** This so-called calculus of pleasures and pains was based on psychological postulates no longer accepted.

(2) **The Bentham approach was in part superseded in the late 19th and early 20th centuries by a movement known as the neoclassical school. This school, rejecting fixed punishments, proposed that sentences vary with the particular circumstances of a crime, such as the age, intellectual level, and emotional state of the offender; the motives and other conditions that may have incited to crime; and the offender's past record and chances of rehabilitation.** The influence of the neoclassical school led to the development of such concepts as grades of crime and punishment, indeterminate sentences, and the limited responsibility of young or mentally deficient offenders.

(3) At about the same time, the so-called Italian school stressed measures for preventing crime rather than punishing it. **Members of this school argued that individuals are shaped by forces beyond their control and therefore cannot be held fully responsible for their crimes.** They urged birth control, censorship of pornographic literature, and other actions designed to mitigate the influences contributing to crime. The Italian school has had a lasting influence on the thinking of present-day criminologists.

(4) The modern approach to the treatment of criminals owes most to psychiatric and case-study methods. Much continues to be learned from offenders who have been placed on probation or parole and whose behavior, both in and out of prison, has been studied intensively. **The contemporary scientific attitude is that criminals are individual personalities and that their rehabilitation can be brought about only through individual treatment.** Increased juvenile crime has aroused public concern and has stimulated study of the emotional disturbances that foster delinquency. This growing understanding of delinquency has contributed to the understanding of criminals of all ages.

(5) During recent years, crime has been under attack from many directions. The treatment and rehabilitation of criminals has improved in many areas. The emotional problems of convicts have been studied and efforts have been made to help such offenders. Much, however, remains to be done. **Parole boards have engaged persons trained in psychology and social work to help convicts on parole or probation adjust to society.** Various states have agencies with programs of reform and rehabilitation for both adult and juvenile offenders.

Many communities have initiated concerted attacks on the conditions that breed crime. **Criminologists recognise that both adult and juvenile crime stem chiefly from the breakdown of traditional social norms and controls, resulting from industrialization, urbanization, increasing physical and social mobility, and the effects of economic crises and wars.** Most criminologists believe that effective crime prevention requires community agencies and programs to provide the guidance and control performed, ideally and traditionally, by the family and by the force of social custom. Although the crime rate has not drastically diminished as a result of these efforts, it is hoped that the extension and improvement of all valid approaches to prevention of crime eventually will reduce its incidence.

TASK 2. Write down the translation of the sentences from the text above given in bold type.

TASK 3. Find in the text the English equivalents for the following words and expressions:

1. бессмысленная жестокость
2. досрочное освобождение
3. общественные организации
4. ограниченная ответственность
5. освобождение на поруки
6. порождать преступление
7. преступления, совершенные несовершеннолетними
8. привлекать внимание общественности
9. совет по условно-досрочному освобождению
10. упадок традиционных общественных норм

DISCUSSION

Using the information and facts from the Unit discuss the following:

- Greater public understanding of the crime problem is important for the apprehension and conviction of criminals, their rehabilitation, and the prevention of crime.
- Awareness by the criminal of a high probability of arrest is the most effective deterrent to crime.
- The emotional problems of convicts should be given special consideration.
- Crime stems from the breakdown of traditional social norms.
- Family and social control are the most effective means of crime prevention.
- In recent years public has demanded longer and harsher sentences for offenders.

TASK 4. Give Russian equivalents for the following general types of punishment. Put them in descending order of severity.

- Capital punishment
- Community service
- Disciplinary training in a detention centre
- Fixed penalty fine

- Life imprisonment
- Probation
- Short-term imprisonment
- Suspended sentence
- Long-term imprisonment

TASK 5. Study the following list of offences. Rate them on a scale from 1 to 10 (1 is a minor offence, 10 is a very serious crime). They are in no particular order. You don't have to apply your knowledge of existing laws — your own opinion is necessary:

- driving in excess of the speed limit
- common assault (e.g. a fight in a disco-club)
- drinking and driving
- malicious wounding (e.g. stabbing someone in a fight)
- murdering a policeman during a robbery
- murdering a child
- causing death by dangerous driving
- smoking marijuana
- selling drugs (such as heroin)
- stealing £1,000 from a bank by fraud
- stealing £1,000 worth of goods from someone's home
- rape
- grievous bodily harm (almost killing someone)
- shop-lifting
- stealing £1,000 from a bank by threatening someone with a gun
- possession of a gun without a licence

TASK 6. Which of the sentences listed in Task 4 fit the offences in Task 5? Give your reasons.

TASK 7. Study the authentic cases given below. Discuss each case in class and decide the following:

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

Manslaughter

In 1981 Marianne Bachmeir, from Lubeck, West Germany, was in court watching the trial of Klaus Grabowski, who had murdered her 7 year-old daughter. Grabowski had a history of attacking children. During the trial, Frau Bachmeir pulled a Beretta 22 pistol from her handbag and fired eight bullets, six of which hit Grabowski, killing him. The defence said she had bought the pistol with the intention of committing suicide, but when she saw Grabowski in court she drew the pistol and pulled the trigger. She was found not guilty of murder, but was given six years imprisonment for manslaughter. West German newspapers reflected the opinion of millions of Germans that she should have been freed, calling her 'the avenging mother'.

Crime of Passion

Bernard Lewis, a thirty-six-old man, while preparing dinner became involved in an argument with his drunken wife. In a fit of a rage Lewis, using the kitchen knife with which he had been preparing the meal, stabbed and killed his wife. He immediately called for assistance, and readily confessed when the first patrolman appeared on the scene with the ambulance attendant. He pleaded guilty to manslaughter. The probation department's investigation indicated that Lewis was a rigid individual who never drank, worked regularly, and had no previous criminal record. His thirty-year-old deceased wife, and mother of three children, was a 'fine girl' when sober but was frequently drunk and on a number of occasions when intoxicated had left their small children unattended. After due consideration of the background of the offence and especially of the plight of the three motherless youngsters, the judge placed Lewis on probation so that he could work, support and take care of the children. On probation Lewis adjusted well, worked regularly, appeared to be devoted to the children, and a few years later was discharged as 'improved' from probation.

Murder

In 1952 two youths in Mitcham, London, decided to rob a dairy. They were Christopher Craig, aged 16, and Derek William Bentley, 19. During the robbery they were disturbed by Sydney Miles, a policeman. Craig produced a gun and killed the policeman. At that time Britain still had the death penalty for certain types of murder, including murder during a robbery. Because Craig was

under 18, he was sentenced to life imprisonment. Bently who had never touched the gun, was over 18. He was hanged in 1953. The case was quoted by opponents of capital punishment, which was abolished in 1965.

Assault

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 pounds.

Shop-lifting

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

Fraud

This is an example of a civil case rather than a criminal one. A man had taken out an insurance policy of 100,000 pounds on his life. The policy was due to expire at 3 o'clock on a certain day. The man was in serious financial difficulties, and at 2.30 on the expire day he consulted his solicitor. He then went out and called a taxi. He asked the driver to make a note of the time, 2.50. He then shot himself. Suicide used not to cancel an insurance policy automatically. (It does nowadays.) The company refused to pay the man's wife, and the courts supported them.

DEBATE

- An eye for an eye and a tooth for a tooth.
- Judge not lest you be judged.
- Everyone deserves a second chance.
- Justice is nothing unless it is tempered with mercy.

Prepare your arguments for or against the statements above.

Use the active vocabulary from the Unit.

Divide into two groups — pro and con, and conduct a debate.

Appoint the 'Chair' of the debate who will give the floor to the speakers of both teams.

UNIT 7. CAPITAL PUNISHMENT: HISTORY

TASK 1. Match the following headings with the sections of the text below:

- **Effectiveness**
- **History**
- **Moral aspect**

(1) Capital punishment is a legal infliction of the death penalty, in modern law, corporal punishment in its most severe form. The usual alternative to the death penalty is long-term or life imprisonment.

The earliest historical records contain evidence of capital punishment. It was mentioned in the Code of Hammurabi. The Bible prescribed death as the penalty for more than 30 different crimes, ranging from murder to fornication. The Draconian Code of ancient Greece imposed capital punishment for every offence.

In England, during the reign of William the Conqueror, the death penalty was not used, although the results of interrogation and torture were often fatal. By the end of the 15th century, English law recognised six major crimes: treason, murder, larceny, burglary, rape, and arson. By 1800, more than 200 capital crimes were recognised, and as a result, 1000 or more persons were sentenced to death each year (although most sentences were commuted by royal pardon). In early American colonies the death penalty was commonly authorized for a wide variety of crimes. Blacks, whether slave or free, were threatened with death for many crimes that were punished less severely when committed by whites.

Efforts to abolish the death penalty did not gather momentum until the end of the 18th century. In Europe, a short treatise, *On Crimes and Punishments*, by the Italian jurist Cesare Beccaria, inspired influential thinkers such as the French philosopher Voltaire to oppose torture, flogging, and the death penalty.

The abolition of capital punishment in England in November 1965 was welcomed by most people with humane and progressive ideas. To them it seemed a departure from feudalism, from the cruel pre-Christian spirit of revenge: an eye for an eye and a tooth for a tooth. Many of these people think differently now. Since the abolition of capital punishment crime — and especially murder — has been on increase throughout Britain. Today, therefore, public opinion in Britain has changed. People who before, also in Parliament,

stated that capital punishment was not a deterrent to murder — for there have always been murders in all countries with or without the law of execution — now feel that killing the assassin is the lesser of two evils. Capital punishment, they think, may not be the ideal answer, but it is better than nothing, especially when, as in England, a sentence of life imprisonment only lasts eight or nine years.

(2) The fundamental questions raised by the death penalty are whether it is an effective deterrent to violent crime, and whether it is more effective than the alternative of long-term imprisonment.

DEFENDERS of the death penalty insist that because taking an offender's life is a more severe punishment than any prison term, it must be the better deterrent. SUPPORTERS also argue that no adequate deterrent in life imprisonment is effective for those already serving a life term who commit murder while being in prison, and for revolutionaries, terrorists, traitors, and spies.

In the U.S. those who argue against the death penalty as a deterrent to crime cite the following: (1) Adjacent states, in which one has a death penalty and the other does not, show no significant differences in the murder rate; (2) states that use the death penalty seem to have a higher number of homicides than states that do not use it; (3) states that abolish and then reintroduce the death penalty do not seem to show any significant change in the murder rate; (4) no change in the rate of homicides in a given city or state seems to occur following an expository execution.

In the early 1970s, some published reports showed that each execution in the U.S. deterred eight or more homicides, but subsequent research has discredited this finding. The current prevailing view among criminologists is that no conclusive evidence exists to show that the death penalty is a more effective deterrent to violent crime than long-term imprisonment.

(3) The classic moral arguments in favor of the death penalty have been biblical and call for retribution. "Whosoever sheds man's blood, by man shall his blood be shed" has usually been interpreted as a divine warrant for putting the murderer to death. "Let the punishment fit the crime" is its secular counterpart; both statements imply that the murderer deserves to die. DEFENDERS of capital punishment have also claimed that society has the right to kill in defence of its members, just as the individual may kill in self-defence. The analogy to self-defence, however, is somewhat doubtful, as long as the effectiveness of the death penalty as a deterrent to violent crimes has not been proved.

The chief objection to capital punishment has been that it is always used unfairly, in at least three major ways. First, women are rarely sentenced to death and executed, even though 20 per cent of all homicides in recent years have been committed by women. Second, a disproportionate number of non-whites are sentenced to death and executed. Third, poor and friendless defendants, those with inexperienced or court-appointed attorney, are most likely to be sentenced to death and executed. DEFENDERS of the death penalty, however, have insisted that, because none of the laws of capital punishment causes sexist, racist, or class bias in its use, these kinds of discrimination are not a sufficient reason for abolishing the death penalty. OPPONENTS have replied that the death penalty can be the result of a mistake in practice and that it is impossible to administer fairly.

TASK 2. Find in the text the English equivalents for the following words and expressions related to punishment:

1. возмездие
2. долгосрочное тюремное заключение
3. допрос
4. отбыть срок в тюрьме
5. отмена смертной казни
6. пожизненное тюремное заключение
7. показательная казнь
8. приговаривать к смерти
9. пытка
10. смягчить приговор
11. телесные наказания

TASK 3. Translate the following passage into English paying special attention to the words in bold type:

На протяжении веков смертная казнь назначалась за самые разные виды преступлений. В средние века человека могли казнить за хищение имущества, изнасилование и даже поджог. Государственная измена была и остается во многих странах преступлением, наказуемым смертной казнью. Существует мнение, что даже долгосрочное или пожизненное тюремное заключение является бессмысленным наказанием для так называемых 'идео-

логических' преступников: предателей, шпионов, террористов. Смертная казнь для такого рода преступников — меньшее из двух зол.

TASK 4. Answer the following questions:

1. Why was capital punishment imposed so frequently in ancient societies?
2. Why were blacks punished more severely than whites in early American colonies?
3. When did European thinkers begin considering the alternatives to death penalty?
4. How have the attitudes towards capital punishment changed in Britain since the abolition of death penalty in 1965?
5. Is imprisonment effective for revolutionaries and terrorists? Why?
6. How have Americans treated the problem of death penalty?
7. What factors may hamper fair administration of justice in capital cases?

TASK 5. Continue the table below with the following words and expressions describing polar views. The first few are done for you:

FOR	AGAINST
proponent to argue in favour of smth.	opponent to argue against smth.

- | | |
|--|--|
| <ul style="list-style-type: none"> ● con ● defender ● pro ● supporter ● to accept smth. ● to admit smth. ● to agree to/with smth. ● to confirm smth. | <ul style="list-style-type: none"> ● to consent to smth. ● to contradict to smth. ● to deny smth. ● to disagree with smth. ● to object to smth. ● to oppose smth. ● to reject smth. |
|--|--|

TASK 6. What is your personal understanding of the following famous statements? Make a list of examples from history to illustrate these statements. Use the words and expressions from Task 5 to support the following opposite points of view:

FOR	AGAINST
<p>1. "An eye for an eye and a tooth for a tooth!" — We should admit this Biblical principle. It is eternal!....</p>	<p>1. "An eye for an eye and a tooth for a tooth!" — This is a cruel pre-Christian spirit of revenge. We are civilized now — let's give it up and be humane!....</p>
<p>2. "Let the punishment fit the crime." — Those who steal should be deprived of their property, ... those who kill should be deprived of their own lives!....</p>	<p>2. "Let the punishment fit the crime." — We can not accept fixed punishments for crimes. Circumstances should be taken into account.</p>
<p>3. "The pain of the penalty should outweigh only slightly the pleasure of success in crime." <i>J. Bentham</i></p>	<p>3.</p>
<p>4.</p>	<p>4. "It is much more prudent to acquit two persons, though actually guilty, than to pass a sentence of condemnation on one that is virtuous and innocent." <i>Voltaire</i></p>
<p>5. "The primary purpose of the punishment which society inflicts is to redress the disorder caused by the offence." <i>Pope John Paul II</i></p>	<p>5.</p>
<p>6.</p>	<p>6. "An evil deed is not redeemed by an evil deed of retaliation." <i>C. S. King</i></p>
<p>7. "Whosoever sheds man's blood, by man shall his blood be shed."</p>	<p>7.</p>

DISCUSSION

Describe the current attitudes to the following problems using the expressions from Task 5. Make up no fewer than 5 sentences.

- **International terrorism**
- **Environment**
- **Artificial intelligence**
- **Drugs**
- **Political correctness**

Just for Fun

Murder is always a mistake.. One should never do anything that one cannot talk about after dinner.

Oscar Wilde

* * *

A man sentenced to death was being taken to the execution place in very nasty weather.

"What lousy weather", he remarked.

"You are not the one to grumble", commented one of the escort.

"We've got yet to go back".

UNIT 8. CAPITAL PUNISHMENT: FOR AND AGAINST

Perhaps all criminals should be required to carry cards which read: "Fragile: Handle With Care". It will never do, these days, to go around referring to criminals as violent thugs. You must refer to them politely as 'social misfits'. The professional killer who wouldn't think twice about using his cosh or crowbar to batter some harmless old lady to death in order to rob her of her meagre life-savings must never be given a dose of his own medicine. He is in

need of 'hospital treatment'. According to his misguided defenders, society is to blame. A wicked society breeds evil — or so the argument goes. When you listen to this kind of talk, it makes you wonder why we aren't all criminals. We have done away with the absurdly harsh laws of the nineteenth century and this is only right. But surely enough is enough. The most senseless piece of criminal legislation in Britain and a number of other countries has been the suspension of capital punishment.

The violent criminal has become a kind of hero-figure in our time. He is glorified on the screen; he is pursued by the press and paid vast sums of money for his 'memoirs'. Newspapers which specialise in crime-reporting enjoy enormous circulations and the publishers of trashy cops and robbers stories or 'murder mysteries' have never had it so good. When you read about the achievements of the great train robbers, it makes you wonder whether you are reading about some glorious resistance movement. The hardened criminal is cuddled and cosseted by the sociologists on the one hand and adored as a hero by the masses on the other. It's no wonder he is a privileged person who expects and receives VIP treatment wherever he goes.

Capital punishment used to be a major deterrent. It made the violent robber think twice before pulling the trigger. It gave the cold-blooded poisoner something to ponder about while he was shaking up or serving his arsenic cocktail. It prevented unarmed policemen from being mowed down while pursuing their duty by killers armed with automatic weapons. Above all, it protected the most vulnerable members of society, young children, from brutal sex-maniacs. It is horrifying to think that the criminal can literally get away with murder. We all know that 'life sentence' does not mean what it says. After ten years or so of 'good conduct', the most desperate villain is free to return to society where he will live very comfortably, thank you, on the proceeds of his crime, or he will go on committing offences until he is caught again. People are always willing to hold liberal views at the expense of others. It's always fashionable to pose as the defender of the under-dog, so long as you, personally, remain unaffected. Did the defenders of crime, one



wonders, in their desire for fair-play, consult the victims before they suspended capital punishment? Hardly. You see, they couldn't, because all the victims were dead.

TASK 1. Explain the meaning of the following words and expressions:

- | | |
|---------------------------|--------------------------------|
| ● a brutal sex-maniac | ● to batter |
| ● a cold-blooded poisoner | ● to breed evil |
| ● a desperate villain | ● to cosset |
| ● a hardened criminal | ● to cuddle |
| ● a professional killer | ● to deter criminals |
| ● 'a social misfit' | ● to do away with |
| ● a train robber | ● to get away with murder |
| ● a violent criminal | ● to go on committing offences |
| ● a violent robber | ● to mow down |
| ● a violent thug | ● to pull the trigger |
| | ● to rob |
| | ● to think twice |

TASK 2. Study the following key phrases from the text above. Reproduce the text using these key phrases:

1. Criminals should carry cards: "Fragile: Handle With Care".
2. We mustn't refer to them as thugs, but as social misfits.
3. Killer who murders old lady for savings needs 'hospital treatment'.
4. "Society is to blame" argument — why aren't we all criminals?
5. We have done away with absurdly harsh laws: that's enough.
6. Suspension of capital punishment: senseless.
7. Violent criminal: a hero figure.
8. Glorified on screen and by press.
9. Great demand for crime stories.
10. Train robbers: a glorious resistance movement?
11. Cuddled by sociologists, adored by masses, the criminal is a privileged person.
12. He expects and receives VIP treatment.
13. Capital punishment was once a major deterrent.
14. It protected unarmed policemen, young children.
15. Now the criminal can get away with murder.

16. 'Life sentence': ten years of 'good conduct' and then freedom to live on the proceeds of crime.
17. People hold liberal views at the expense of others.
18. Were victims consulted before suspension of capital punishment? No: they were dead.

TASK 3. Follow the statements given in Task 2. Provide counter-arguments to each statement. Compare your list with those of other students.

TASK 4. Read the text below and write down the main ideas in Russian paying special attention to the words and expressions in bold type. Translate them into English. Use the vocabulary from the Unit to render the text into English:

Пришло время **отменить смертную казнь**. С каждым годом это становится все более очевидным. Опыт всех стран показывает, что смертная казнь приводит к ожесточению в обществе. В ряде стран **смертные приговоры** применяются в основном к **представителям неимущих слоев населения** либо **расовых или этнических меньшинств**.

В некоторых странах смертная казнь считается мерой, без которой невозможно **остановить распространение наркотиков**, **ликвидировать политический терроризм**, **экономическую коррупцию** или **искоренить супружескую неверность**. Однако нет никаких доказательств, что ее применение способно **снизить уровень преступности** или **политического насилия**. Смертную казнь часто используют как **средство политических репрессий**, а смертные приговоры выносятся и приводятся в исполнение произвольно.

Оправдывая смертную казнь, чаще всего говорят, что она необходима, по крайней мере временно, для **блага общества**.

Однако имеет ли государство право **лишать человека жизни**?

Смертная казнь — это **предумышленное и хладнокровное убийство человека государством**. Само существование этой меры наказания является **поправлением основных прав человека**: международное право запрещает жестокие, негуманные или унижающие человека наказания.

Многовековой опыт применения высшей меры наказания и **научные исследования о взаимосвязи смертной казни и уровня преступности** не дали **убедительных доказательств**, что смерт-

ная казнь способна эффективно защитить общество от преступности или способствовать правосудию. Ни одна система уголовной юстиции не доказала свою способность последовательно и справедливо решать, кто должен жить и кто — умереть. Некоторым удается избежать смертной казни с помощью квалифицированных защитников; другим — потому что их судят мягкосердечные судьи или присяжные; третьим помогают их политические связи или положение в обществе.

Существует определенный процент судебных ошибок, последствия которых особенно трагичны при приведении смертного приговора в исполнение.

TASK 5. Study the following facts and arguments:

Financial Costs

The death penalty is not now, nor has it ever been, a more economical alternative to life imprisonment. A murder trial normally takes much longer when the death penalty is at issue than when it is not. Litigation costs — including the time of judges, prosecutors, public defenders, and court reporters, and the high costs of briefs — are all borne by the taxpayer.

Inevitability of Error

In 1975, only a year before the Supreme Court affirmed the constitutionality of capital punishment, two African-American men in Florida were released from prison after twelve years awaiting execution for the murder of two white men. Their convictions were the result of coerced confessions, erroneous testimony of an alleged eyewitness, and incompetent defense counsel. Though a white man eventually admitted his guilt, a nine-year legal battle was required before the governor would grant them a pardon. Had their execution not been stayed while the constitutional status of the death penalty was argued in the courts, these two innocent men probably would not be alive today.

Barbarity

The latest mode of inflicting the death penalty, enacted into law by nearly two dozen American states, is lethal injection, first used in Texas in 1982. It is easy to overstate the humaneness and efficacy of this method. There is no way of knowing that it is really painless. As the U.S. Court of Appeals observed, there is "substantial and uncontroverted evidence ... that execution by lethal injection

poses a serious risk of cruel, protracted death... Even a slight error in dosage or administration can leave a prisoner conscious but paralysed while dying, a sentient witness of his or her own asphyxiation."

Deterrence

Gangland killings, air piracy, drive-by shootings, and kidnapping for ransom are among the graver felonies that continue to be committed because some individuals think they are too clever to get caught. Political terrorism is usually committed in the name of an ideology that honors its martyrs; trying to cope with it by threatening terrorists with death penalty is futile.

TASK 6. The following key notes represent the general ideas of the opponents of capital punishment. Use the arguments and examples from Task 5. Write down the complete text using these key notes and present your text in class:

1. We shouldn't be blinded by emotional arguments: glorification of criminal on screen, etc., irrelevant.
2. What are the facts? In Britain capital crime has not increased since suspension of capital punishment.
3. This has been proved many times in the past: relaxation of harsh laws has never led to increase in crime.
4. Therefore the 'deterrent' argument is absurd: capital punishment has never protected anyone.
5. Those in favour of capital punishment are motivated only by desire for revenge and retaliation.
6. There has been a marked trend in society towards the humane treatment of less fortunate members.
7. Compare the treatment of the insane in the past with today.
8. Hanging, electric chairs, garroting, etc., are barbaric practices, unworthy of human beings.
9. Suspension of capital punishment is enlightened and civilised.
10. Capital punishment creates, it does not solve, problems.
11. Solution lies elsewhere: society is to blame.
12. Overcrowding, slums, poverty, broken homes: these are the factors that lead to crime.
13. Crime can only be drastically reduced by the elimination of social injustices — not by creating so-called 'deterrents' when the real problems remain unsolved.

DEBATE

There is no room for capital punishment in a civilised society.

Use the information and the vocabulary from the Unit to argue the statement above.

Chapter III
LAW ENFORCEMENT

UNIT 1. THE HISTORY OF POLICE FORCES

BRAINSTORM

The word **POLICE** means, generally, the arrangements made in all civilised countries to ensure that the inhabitants keep the peace and obey the law. The word also denotes the force of peace officers (or police) employed for this purpose.

Which of the following actions can be performed by a POLICE OFFICER? Sort out the odd words. Explain your choice.

- | | |
|----------------------|------------------------|
| • to apprehend | • to safeguard |
| • to defend in court | • to plead guilty |
| • to convict | • to scarch |
| • to detain | • to seize |
| • to imprison | • to sentence |
| • to investigate | • to take into custody |
| • to lock up | |

TASK 1. Read the text and translate the sentences given in bold type in writing:

From the History of Police Forces

Police is the agency of a community or government that is responsible for maintaining public order and preventing and **detecting crime**. The basic police mission — preserving order by enforcing rules of conduct or laws — was the same in ancient societies as it is in the contemporary sophisticated urban environments.

The conception of the police force as a protective and law enforcement organisation developed from the use of military bodies as guardians of the peace, such as the **Praetorian Guard** — bodyguard of the ancient Roman emperors. The Romans achieved a high level of law enforcement, which remained in effect until the decline of the empire and the onset of the Middle Ages.

During the Middle Ages, policing authority was the responsibility of local nobles on their individual estates. Each noble

generally appointed an official, known as a constable, to carry out the law. **The constable's duties included keeping the peace and arresting and guarding criminals.** For many decades constables were unpaid citizens who took turns at the job, which became increasingly burdensome and unpopular. **By the mid-16th century, wealthy citizens often resorted to paying deputies to assume their turns as constables; as this practice became widespread, the quality of the constables declined drastically.**

Police forces developed throughout the centuries, taking various forms. In France during the 17th century King Louis XIV maintained a small central police organisation consisting of some 40 inspectors who, with the help of numerous paid informants, supplied the government with details about the conduct of private individuals. **The king could then exercise the kind of justice he saw fit.** This system continued during the reigns of Louis XV and Louis XVI. **After the French Revolution, two separate police bodies were set up, one to handle ordinary duties and the other to deal with political crimes.**

In 1663 the city of London began paying watchmen (generally old men who were unable to find other work) to guard the streets at night. Until the end of the 18th century, the watchmen — as inefficient as they were — along with a few constables, remained the only form of policing in the city.

The inability of watchmen and constables to curb lawlessness, particularly in London, led to a demand for a more effective force to deal with criminals and to protect the population. After much deliberation in Parliament, the British statesman Sir Robert Peel in 1829 established the London Metropolitan Police, which became the world's first modern organised police force.

The force was guided by the concept of crime prevention as a primary police objective; it also embodied the belief that such a force should depend on the consent and cooperation of the public, and the idea that police constables were to be civil and courteous to the people. The Metropolitan Police force was well organised and disciplined and, after an initial period of public skepticism, became the model for other police forces in Great Britain. Several years later the Royal Irish Constabulary was formed, and Australia, India, and Canada soon established similar organizations. Other countries followed, impressed by the success of the plan, until nations throughout the world had adopted police systems based on the British model. The development of the British police system is especially significant because the pattern

that emerged had great influence on the style of policing in almost all industrial societies.

In the U.S., the first full-time organised police departments were formed in New York City in 1845 and shortly thereafter in Boston, not only in response to crime but also to control unrest. The American police adopted many British methods, but at times they became involved in local politics. The British police, on the other hand, have traditionally depended on loyalty to the law, rather than to elected public officials, as the source of their authority and independence.

TASK 2. Answer the following questions:

1. What is the basic police mission?
2. How did the police force as law enforcement organization arise and develop?
3. Why did the quality of the constables in England decline?
4. How were policing functions performed in France?
5. What was the form of policing London in the 17th century?
6. Why was there a need for a more effective force to deal with criminals in England?
7. What factors brought about the establishment of the Metropolitan Police Force?
8. What principles were the British police guided by?
9. Why did the Metropolitan Police Force become the model for other police forces in Britain and abroad?
10. Why is the development of the British police system especially significant?

TASK 3. Find in the text above the English equivalents for the following words and expressions:

- | | |
|---|---------------------------------------|
| 1. дебаты в парламенте | 8. раскрывать преступления |
| 2. обеспечивать соблюдение правил поведения | 9. сдерживать рост преступности |
| 3. основная задача полиции (2) | 10. следить за соблюдением законов |
| 4. оставаться в силе | 11. постоянно действующая организация |
| 5. платный осведомитель | 12. полицейские структуры |
| 6. нести полицейскую службу | 13. обеспечение правопорядка |
| 7. предупреждение преступности | 14. блюститель порядка |

TASK 4. Find in the texts above the expressions containing the words 'law' and 'order'. Continue the following lists. Add more expressions using a dictionary:

to maintain public order	to enforce laws
---------------------------------	-----------------

UNIT 2. THE ORGANISATION OF POLICE FORCES

The British Police

The British police officer is a well-known figure to anyone who has visited Britain or who has seen British films. Policemen are to be seen in towns and cities keeping law and order, either walking in pairs down the streets ("walking the beat") or driving specially marked police cars. Once known as 'panda cars' because of their distinctive markings, these are now often jokingly referred to as 'jam sandwiches' because of the pink fluorescent stripe running horizontally around the bodywork. In the past, policemen were often known as 'bobbies' after Sir Robert Peel, the founder of the police force. Nowadays, common nicknames include 'the cops', 'the fuzz', 'the pigs', and 'the Old Bill' (particularly in London). Few people realise, however, that the police in Britain are organised very differently from many other countries.

Most countries, for example, have a national police force which is controlled by central Government. Britain has no national police force, although police policy is governed by the central Government's Home Office. Instead, there is a separate police force for each of 52 areas into which the country is divided. Each has a police authority — a committee of local county councillors and magistrates.

The forces co-operate with each other, but it is unusual for members of one force to operate in another's area unless they are asked to give assistance. This sometimes happens when there has been a very serious crime. A Chief Constable (the most senior police officer of a force) may sometimes ask for the assistance of London's police force, based at New Scotland Yard — known simply as 'the Yard'.

In most countries the police carry guns. In Britain, however, this is extremely unusual. Policemen do not, as a rule, carry firearms in their day-to-day work, though certain specialist units

are trained to do so and can be called upon to help the regular police force in situations where firearms are involved, e.g. terrorist incidents, armed robberies etc. The only policemen who routinely carry weapons are those assigned to guard politicians and diplomats, or special officers who patrol airports.

In certain circumstances specially trained police officers can be armed, but only with the signed permission of a magistrate.

All members of the police must have gained a certain level of academic qualifications at school and undergone a period of intensive training. Like in the army, there are a number of ranks: after the Chief Constable comes the Assistant Chief Constable, Chief Superintendent, Chief Inspector, Inspector, Sergeant and Constable. Women make up about 10 per cent of the police force. The police are helped by a number of Special Constables — members of the public who work for the police voluntarily for a few hours a week.

Each police force has its own Criminal Investigation Department (CID). Members of CIDs are detectives, and they do not wear uniforms. (The other uniformed people you see in British towns are traffic wardens. Their job is to make sure that drivers obey the parking regulations. They have no other powers — it is the police who are responsible for controlling offences like speeding, careless driving and drunken driving.)

The duties of the police are varied, ranging from assisting at accidents to safeguarding public order and dealing with lost property. One of their main functions is, of course, apprehending criminals and would-be criminals.

TASK 1. Answer the following questions:

1. Who was the founder of the British police?
2. What does "walking the beat" mean?
3. Why are British police cars called 'jamsandwich' cars in colloquial speech?
4. Is there a single police force, organised by central government?
5. What is the major difference in police organisation between Britain and some other countries?
6. When do British police forces co-operate with each other?
7. What is the name of London's police headquarters?
8. In what situations can policemen carry arms?
9. What are the ranks of policemen?
10. What is the job of CID officers?
11. What are the duties of traffic wardens?

TASK 2. Read the text and fill in the gaps with the appropriate words and expressions from the previous text:

In Britain different areas have different _____. For instance, the Metropolitan police operate in London, but there are different police forces in the counties outside London.

The top man in each police force is _____. He is appointed by the local Watch Committee which is a _____ of the local government. The Watch Committee can dismiss him, too, if the central government agrees. The Chief Constable appoints all the _____ below him in his force.

Things are slightly different in London. The top man is known as the Metropolitan Police Commissioner and his appointment is arranged through the central government.

British police are normally not _____. In special cases, when their work becomes dangerous, they can be given _____ however.

As is well known, the _____ of the British policeman is blue, with a tall helmet. These days, though, you can see a different uniform in the streets. This is the uniform with the yellow hatband worn by _____. Their job is simply to control traffic and _____.

The most famous name connected with the British police is _____. It is the headquarters of the London police force. Besides dealing with local police matters, the London police also help all over England and Wales with difficult crimes. They do this at the request of the local police.

TASK 3. Render the following text into English using the information and vocabulary from the texts above:

В Великобритании существует 52 полицейских подразделения: 43 в Англии и Уэльсе, 8 в Шотландии и 1 в Северной Ирландии. Столичная полиция и Полиция лондонского Сити отвечают за охрану общественного порядка в Лондоне. Кроме того, специальное подразделение транспортной полиции патрулирует железнодорожную сеть, а также метро Лондона.

Полицейская служба финансируется центральным правительством и местными властями. Каждое полицейское подразделение имеет своих специальных констеблей-добровольцев, которые работают в полиции в свободное время и помогают кадровым офицерам полиции, причем их работа не оплачивается. Они являются своеобразным связующим звеном между полицией и населением.

Полицейские подразделения Англии и Уэльса подведомственны органам местной полиции. Столичная полиция находится в подчинении у Министра внутренних дел. Подразделения в областях возглавляют главные констебли. Они несут ответственность за свою работу перед центральными полицейскими органами, которые назначают начальника полиции и его помощника. Комиссар Столичной полиции и его непосредственные подчиненные назначаются по рекомендации министра внутренних дел.

TASK 4. Complete the following text with the words and phrases from the box:

walkie-talkie, plain clothes, detective, uniform, policeman, police force, rank, join

Alan is now old enough and tall enough to _____ the _____ . At first, of course, he'll be an ordinary _____ of the lowest _____. He'll wear a _____ and go out in the streets keeping in touch with the police station with his _____. Then he'd like to be a _____ in _____ investigating serious crimes.

TASK 5. Look at the picture and read the police bulletin:

Crime: Armed Robbery

Location: South & South Park Streets

Date: November 13, 1999

The public's assistance is requested in identifying the person or persons responsible for an armed robbery on the southwest corner of the South St. and South Park St. intersection.

This crime occurred at 9:30 a.m. on November 13, 1999.

At about 9:30 a.m. the victim, a young visitor to the city, was walking south along South Park St. At the southwest corner of South Park St. and South St., the suspect

WANTED



jumped in front of the victim, pulled a knife from his jacket and said,

"Give me your purse or you're stuck!" The victim handed it over and the suspect fled the scene of the crime.

The suspect is described as a white male, 20—25 years old, medium build, 5'2", moustache, blue eyes, short brown hair, pointed nose. He was wearing a red baseball cap with a Montreal Canadians logo, a dark

blue jacket, green jeans and white sneakers.

This man is armed and therefore dangerous. If you can identify the man in the photofit picture, or have any information on this or any crime, contact the local Police Department or Crime Stoppers at 1-800-555-8477, and you may be eligible for a cash reward.

TASK 6. Find in the text above the English equivalents for the following words and expressions:

- | | |
|--------------------------|---------------------------------|
| • подозреваемый | • денежное вознаграждение |
| • жертва | • опознать преступника |
| • вооруженное ограбление | • скрыться с места преступления |
| • фоторобот | |

TASK 7. Find in the text the description of the criminal and compose an opposite one: e.g. "The suspect is described as black, very tall..." Use some of the expressions given below:

FACE — long, round, oval, thin, plump, fleshy, puffy, wrinkled, pasty, pimples, pock-marked, clean-shaven

FEATURES — clean-cut, delicate, forceful, regular / irregular, large, small, stern

COMPLEXION — fair, pale, dark, sallow

HAIR — curly, wavy, straight, receding (scanty), ruffled, shoulder-length, medium-length, short-cut, crew-cut, bobbed, dyed, bald, fair / dark-haired

FOREHEAD — high, low, narrow, square, broad

EYES — hollowed, bulging, close-set, deep-set, sunken, wide-apart, crossed-eyed

EYEBROWS — thin, thick, bushy, arched, pencilled, shaggy

EARS — small, big, jug-eared

NOSE — prominent, straight, pointed, hooked, flat, aquiline, snub-nosed

LIPS — full, thin, painted, cleft lip

TEETH — even / uneven, sparse, artificial

CHEEKS — plump, hollow, ruddy, stubby

CHIN — square, pointed, double, massive, protruding

- BEARD** — full, bushy, spade beard, grey-bearded, heavy-bearded
MOUSTACHE — thin, thick, tooth brush, walrus
HEIGHT — tall, short, of medium height
BUILT — average, medium built, well-built, plump, skinny
DISTINGUISHING FEATURES — birth marks, freckles, scars, wooden leg, humpback, pot-belly

TASK 8. Translate the following police bulletin into English and make the corresponding photofit:

ИХ РАЗЫСКИВАЕТ МИЛИЦИЯ

Разыскиваются преступники, совершившие убийство 21 сентября в доме номер 99 по проспекту Мира.

Первый: На вид 30 лет, рост 170—175 см, худощавого телосложения, волосы черные прямые, лицо круглое, нос прямой, глаза слегка нависают.

Был одет: темная короткая кожаная куртка, светлые брюки, коричневые ботинки. Носит темные очки в металлической оправе.

Второй: На вид 40 лет, рост 175—180 см, плотного телосложения, волосы светлые, вьющиеся до плеч, лицо овальное, нос курносый, брови густые.

Был одет: темная удлиненная кожаная куртка, темные брюки.

Любую имеющуюся информацию просьба сообщить по телефону 222-33-22, или 02.

Just for Fun

A beautiful blonde walked into a Chicago police station and gave the desk sergeant a detailed description of a man who had dragged her by the hair down three flights of stairs, threatened to choke her to death and finally beat her up.

"With this description we'll have him arrested in no time," said the desk sergeant.

"But I don't want him arrested", the young woman protested. "Just find him for me. He promised to marry me."

* * *

- Can you describe the individual?
- He was about medium height and had a beard.
- Was this a male or female?

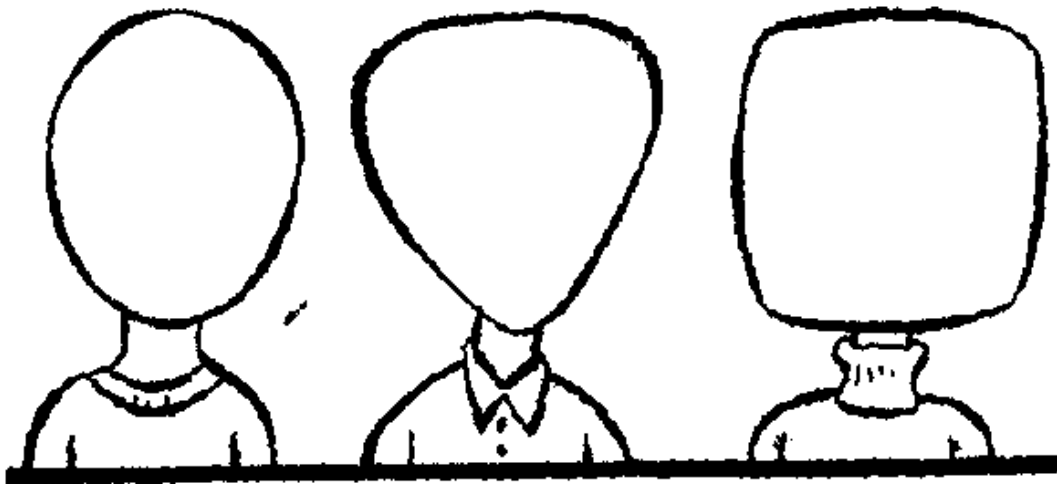
ROLE-PLAY**Identify the Suspect!**

There have been a string of bank robberies in the local area recently. Police are investigating the crimes and making the photofits of the suspects.

Work in pairs. Each pair should consist of a police inspector and a witness.

STEP 1. The police inspector is questioning the eye-witness to find out all the necessary details of the suspect's appearance.

STEP 2. Using the information obtained they make up a photofit by completing the drawings below.

**UNIT 3. POLICE POWERS**

TASK 1. Read the text and translate words and expressions given in bold type in writing:

The powers of a police officer in England and Wales to **stop and search**, **arrest and place a person under detention** are contained in the Police and Criminal Evidence Act 1984. The legislation and the code of practice set out the powers and responsibilities of officers in the investigation of offences, and the rights of citizens.

An officer is liable to disciplinary proceedings if he or she fails to comply with any provision of the codes, and evidence obtained in breach of the codes may be ruled inadmissible in court. The code must be readily available in all police stations for consultation by police officers, detained people and members of the public.

Stop and Search

A police officer in England and Wales has the power to stop and search people and vehicles if there are reasonable grounds for suspecting that he or she will find stolen goods, offensive weapons or implements that could be used for theft, burglary or other offences. The officer must, however, state and record the grounds for taking this action and what, if anything, was found.

The Criminal Justice and Public Order Act 1994 enables a senior police officer to authorise uniformed officers to stop and search people or vehicles for offensive weapons, dangerous implements where he or she has reasonable grounds for believing that serious incidents of violence may take place. The officer must specify the time-scale and area in which the powers are to be exercised.

Arrest

In England and Wales the police have wide powers to arrest people suspected of having committed an offence with or without a warrant issued by a court. For serious offences, known as 'arrestable offences', a suspect can be arrested without a warrant. Arrestable offences are those for which five or more years' imprisonment can be imposed. This category also includes 'serious arrestable offences' such as murder, rape and kidnapping.

There is also a general arrest power for all other offences if it is impracticable or inappropriate to send out a summons to appear in court, or if the police officer has reasonable grounds for believing that arrest is necessary to prevent the person concerned from causing injury to any other person or damage to property.

Detention, Treatment and Questioning

An arrested person must be taken to a police station (if he or she is not already at one) as soon as practicable after arrest. At the station, he or she will be seen by the custody officer who

will consider the reasons for the arrest and whether there are sufficient grounds for the person to be detained. The **Code of Practice** under the 1984 Police and Criminal Evidence Act made it clear that **juveniles should not be placed in the cells**. Most police stations should have a **detention room** for those juveniles who need to be detained. The suspect has a **right to speak to an independent solicitor** free of charge and to have a relative or other named person told of his or her arrest. Where a person has been arrested in connection with a serious arrestable offence, but has not yet been charged, the police may **delay the exercise of these rights** for up to 36 hours in the interests of the investigation if certain strict criteria are met.

A suspect may refuse to answer police questions or to give evidence in court. Changes to this so-called 'right to silence' have been made by the Criminal Justice and Public Order Act 1994 to allow courts in England and Wales to **draw inferences** from a defendant's refusal to answer police questions or to give information during his or her trial. Reflecting this change in the law, a new form of **police caution** (which must precede any questions to a suspect for the purpose of obtaining evidence) is intended to ensure that people understand the possible consequences if they answer questions or stay silent.

Questions relating to an offence may not normally be put to a person after he or she has been charged with that offence or informed that he or she may be prosecuted for it.

The length of time a suspect is held in police custody before charge is strictly regulated. For lesser offences this may not exceed

24 hours. A person suspected of committing a serious arrestable offence can be **detained for up to 96 hours without charge** but beyond 36 hours only if a warrant is obtained from a magistrates' court.

Reviews must be made of a person's detention at regular intervals — six hours after initial detention and thereafter every nine hours as a maximum — to check whether the criteria for **detention are still satisfied**. If they are not, the person must be released immediately.

POLICE CAUTION

You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in court, anything you do say may be given in evidence.

Interviews with suspected offenders at police stations must be tape-recorded when the police are investigating indictable offences and in certain other cases. The police are not **precluded from taping interviews** for other types of offences. The taping of interviews is regulated by a code of practice approved by Parliament, and the suspect is **entitled to a copy of the tape**.

A person who thinks that the grounds for detention are unlawful may apply to the High Court in England and Wales for a writ of *Habeas Corpus* against the person who detained him or her, requiring that person to appear before the court to justify the detention. Habeas Corpus proceedings **take precedence over others**. Similar procedures apply in Northern Ireland and a **similar remedy is available to anyone** who is unlawfully detained in Scotland.

Recognising that **the use of DNA analysis** has become a powerful tool in the investigation of crime, the Government has extended police powers to take body samples from suspects. The Criminal Justice and Public Order Act 1994 allows the police to take non-intimate samples without consent from anyone who is detained or convicted for a recordable offence, and to use the samples to search against existing records of convicted offenders or unsolved crimes. In time a national database will be built up.

Charging

Once there is sufficient evidence, the police have to decide whether a detained person should **be charged with the offence**. If there is insufficient evidence to charge, the person may **be released on bail** pending further enquiries by the police. The police may decide to take no further action in respect of a particular offence and to release the person. Alternatively, they may decide to **issue him or her with a formal caution**, which will be recorded and may be taken into account if he or she subsequently re-offends.

If charged with an offence, a person may be kept in custody if there is a risk that he or she might **fail to appear in court** or might **interfere with the administration of justice**. When no such considerations apply, the person must be released on or without bail. Where someone is detained after charge, he or she must be brought before a magistrates' court as soon as practicable. This is usually no later than the next working day.

TASK 2. Answer the following questions:

1. What are the main police powers in England and Wales?
2. In what cases can a police officer stop and search the suspect?
3. What does the procedure of stop and search consist of?
4. What are the provisions of 1994 Criminal Justice and Public Order Act?
5. What document is necessary to carry out an arrest?
6. What are the arrestable offences?
7. When can a person be arrested without a warrant?
8. Where should the suspects be taken after arrest?
9. What rights does the arrested person have?
10. When can the exercise of these rights be delayed?
11. What is the police caution?
12. What does the right of silence consist of? What can the consequences of using this right be for the suspect?
13. How long can a person be kept in custody before being charged?
14. What is the procedure of interviewing the detained person at the police station?
15. What can a person do in case of unlawful detention?
16. What are the provisions of the Habeas Corpus Act?
17. What happens to a person after he or she has been charged?

TASK 3. Find in the text above the English equivalents for the following words and expressions:

1. задержание и досмотр
2. процессуальный кодекс
3. расследование преступлений
4. права граждан
5. преступления, в связи с которыми может быть произведен арест
6. судебная повестка
7. причинение ущерба / нанесение телесных повреждений
8. право не отвечать на вопросы
9. преступления, рассматриваемые по обвинительному акту
10. основания для задержания
11. расширенные полномочия полиции
12. запротоколированное, зарегистрированное преступление
13. веские / достаточные доказательства
14. полицейский участок

15. подлежать дисциплинарному взысканию
16. иметь веские/разумные основания
17. уполномочивать, давать право
18. принимать меры
19. совершать повторные правонарушения

TASK 4. Translate the following text in writing:

The Miranda Warning

"You have the right to remain silent; anything you say can be used against you....", these are the words of the Miranda warning which was created as a result of 1966 United States Supreme Court case, *Miranda v.*



Arizona. It began when Ernesto Miranda was arrested at his home and taken into custody to the police station, where he was identified by a witness as the man who had kidnapped and raped a woman. Police officers took Mr. Miranda into an interrogation room and two hours later emerged with a written confession signed by Mr. Miranda that also stated that the confession was made voluntarily and with full knowledge of his legal rights. The officers, however, failed to advise Mr. Miranda that he had a right to have an attorney present.

The United States Supreme Court ruled that the confession could not be used as evidence of Mr. Miranda's guilt because he was not fully advised on his legal rights, which included the right to have his attorney present. The Fifth Amendment to the United States Constitution states that no person can be deprived of life, liberty, or



property, without due process of law. To ensure that other accused criminals are made aware of their constitutional rights, The Supreme Court ruled that a suspect who is taken into custody and interrogated must receive a warning of the following rights: the right to remain silent, that anything he says can be used against him in a court of law, that he has a right of the

presence of an attorney, and that if he can not afford an attorney, one will be appointed for him prior to any questioning if he so desires. The "Miranda warning" is now applied by law officers throughout the United States as a result of this ruling.

TASK 5. Match the following English expressions with their Russian equivalents:

1) credit for time in custody	a) возвращение под стражу
2) defendant not in custody	b) дальнейшее содержание под стражей
3) detention in custody	c) передать, препроводить под стражу
4) escape by person in custody	d) допрос лица, находящегося под стражей
5) in-custody confession	e) содержать под стражей
6) in-custody interrogation	f) зачёт времени пребывания под стражей
7) person in custody	g) лицо, содержащееся под стражей
8) remand in custody	h) освободить из-под стражи
9) retention in custody	i) побег из-под стражи
10) to discharge from custody	j) подсудимый, находящийся на свободе
11) to keep in custody	k) признание, сделанное лицом, находящимся под стражей
12) to submit to custody	l) содержание под стражей

TASK 6. Fill in the gaps in the text below with the appropriate words from the box:

theft; sentence; charge; fine; fingerprints; oath; arrest;
evidence; cell; court; magistrate;
handcuff; witnesses; investigate; detained; pleaded; found

A policeman was sent to _____ the disappearance of some property from a hotel. When he arrived, he found that the hotel staff had caught a boy in one of the rooms with a camera and some cash. When the policeman tried to _____ the boy, he became violent and the policeman had to _____ him. At the

police station the boy could not give a satisfactory explanation for his actions and the police decided to _____ him with the _____ of the camera and cash. They took his _____, locked him in a _____, and _____ him overnight. The next morning he appeared in _____ before the _____. He took an _____ and _____ not guilty. Two _____, the owner of the property and a member of the hotel staff, gave _____. After both sides of the case had been heard the boy was _____ guilty. He had to pay a _____ of £50 and he was given a _____ of three months in prison suspended for two years.

TASK 7. Fill in the gaps with the prepositions from the box. Some of these can be used more than once:

before; in; to; of; with

1. He's being kept _____ custody.
2. He was sentenced _____ five years.
3. She got a sentence _____ six months.
4. He was accused _____ murder.
5. She's been charged _____ theft.
6. He appeared _____ court _____ handcuffs.
7. They were brought _____ the judge.

TASK 8. Study the newspaper article below and discuss the problems of juvenile custody:

Boy, 15, Dies after Hanging in Police Cell

A fresh controversy was looming yesterday over the care of juveniles in custody when a 15-year-old boy died after being found unconscious in a police cell.

The teenager was rumoured to have tried to hang himself in the cell at Hartlepool police station, although the results of a post-mortem examination conducted yesterday will not be released until today. The

15-year-old had been arrested on suspicion of burglary and was found unconscious by custody officers at 3.15 p.m. on Monday. The officers resuscitated him before paramedics rushed him to the general hospital. He was put on a life support system but died at 1 a.m. yesterday morning.

The death will be viewed as particularly controversial because

juveniles are not supposed to be held in police cells under any circumstances. Under the 1984 Code of Practice juveniles should not be placed in the cells. "Most police stations would have a detention room for those juveniles who need to be detained. The rooms are much more spacious and less intimidating than cells and, crucially, nearer the custody officer. But juveniles are sometimes put in cells because there is nowhere else to put them", Mark Grindrod, juvenile project manager for the Howard League for Penal Reform, said. "If you have juveniles in custody you have to have particular concerns about their vulnerability, because they are

particularly prone to carrying out acts which perhaps they do not fully think through. That's why we have such specific and stringent rules about interviewing and detaining juveniles, both in police stations or prisons." A juvenile should not be held in a cell before being interviewed and a decision over whether to charge him or her is reached. Once a decision to charge has been made, police can bail the young person into the care of social services, or send him or her home, pending a court appearance.

Cleveland Police voluntarily referred the case to the Police Complaints Authority.

TASK 9. Study the selection of newspaper articles covering shop-lifting cases. Comment on the penalties given in each case:

Let Off with a Caution

Fourteen-year old Jane was lucky this time. Caught by a store detective with a bottle of hair conditioner, eye-lash dye, and a copy of *Hello* magazine hidden in her bag, she found herself in a van being driven to the police station. Even more upset than Jane was her Mum. She was as white as a sheet when she went to collect Jane from police station, and burst into tears.

Jane says, "I was lucky. Two policemen came and looked at my home, which is very middle class and respectable. I think that's why they let me off. They even asked to see my school books."

After two years of regular shop-lifting, Jane has decided to go

straight from now on. She says she did it mostly out of boredom, and not to impress her friends as a lot of youngsters do. But she feels she's grown out of it after the fright she got the other day, and has decided to look for other interests.



Yellow Fever

Roy Philips Downfall was the colour fellow. Appearing in court on shop-lifting charges, he wore a yellow parka, yellow shirt, yellow pants, and a yellow tie. It was a similar dress that drew him to the attention of the store detective at a

supermarket in Oldham, England, where everything he was after had a yellow connection: lemons, jellies, mustard, cheese, three pairs of socks, and two pairs of underpants. He was given a one-month suspended sentence.

Shop-Lifting Celebrity

Anna Bronx, the well-known TV personality, was found dead in her flat in Knightsbridge this morning after taking an overdose of sleeping pills.

The tragedy occurred less than a month after she had appeared in court on a charge of shop-lifting in a department store. It was claimed that she had taken goods worth £7.30 when she was arrested outside the store. She was sentenced to a fine of £100, and was given a two-week suspended sentence.

Mrs. Bronx was for many years a well-loved personality on a popular programme, but for the last several years had withdrawn from public life and was living by herself. Friends say that they did not think she was unhappy, but that she may have been a little bored after such an active public life.

It was of course a great shock when she was arrested for shop-lifting. Local feeling was that the magistrate had been far too severe, a feeling that can only grow after this tragic incident.

TASK 10. Retell each story from Task 9 as if you were a *Store Detective* or *Police Officer* giving evidence in court. Use some of the *Colour Idioms* given below:

- to catch smb. red-handed — to catch smb. during his or her committing a crime
- to be in the red — to be broke, having no money
- to see red — to get terribly angry
- to appear out of the blue — from nowhere, unexpectedly
- in the black and white — in a very clear way

It's Interesting to Know!

To be caught red-handed means to be caught in the act of crime. The guilt of the person is usually not in doubt. If you find a burglar in your living room holding some valuables that belong to you, then that person is said to have been caught red-handed.

Red-handed connotes hands red with blood. The expression dates back to the time when it was almost impossible to prove that somebody was guilty of a crime unless the person confessed — usually under torture — or was caught in the act of committing a crime. One crime was the killing of another man's cow, sheep or pig. There was also a law which forbade the killing of the king's deer in the forests of England. If a person was caught in possession of fresh meat, this was not usually enough to prove the person's guilt. It was only when a person was caught with both a dead animal and blood on his hands that there was enough evidence for the person to be arrested and then convicted.

ROLE-PLAY

The Lure of Shop-lifting

Role play the stories above.

*Act as a **Police Officer** who stops, searches, questions the offender and prepares a record of the case for the magistrate's court.*

*Act as a **Detained Person** who is being questioned in police custody.*

UNIT 4. POLICE AND THE PUBLIC

The Lasting Principles

In 1829 Sir Richard Mayne, one of the founders of Scotland Yard, wrote: "The primary object of an efficient police is the

prevention of crime and detection and punishment of offenders if crime is committed. To these ends all the efforts of police must be directed. The protection of life and property, the preservation of public tranquillity, and the absence of crime, will alone prove whether those efforts have been successful and whether the objects for which the police were appointed have been attained."

In attaining these objects, much depends on the approval and co-operation of the public, and these have always been determined by the degree of esteem and respect in which the police are held. Therefore, every member of the Force must remember that it is his duty to protect and help members of the public, no less than to bring offenders to justice. Consequently, while prompt to prevent crime and arrest criminals, he must look on himself as the servant and guardian of the general public and treat all law-abiding citizens, irrespective of their race, colour, creed or social position, with unfailing patience and courtesy.

.By the use of tact and good humour the public can normally be induced to comply with directions and thus the necessity for using force is avoided. If, however, persuasion, advice or warning is found to be ineffective, a resort to force may become necessary, as it is imperative that a police officer being required to take action shall act with the firmness necessary to render it effective.

TASK 1. Answer the following questions:

1. What are the objects of the police work according to Sir Richard Mayne?
2. How should the co-operation between the police and the public be achieved?
3. Why is the principle of police-public co-operation so important?

TASK 2. Read the text and translate the expressions given in bold type in writing:

Police Discipline

The police are not above the law and must act within it. A police officer is an agent of the law of the land and may be sued or prosecuted for any wrongful act committed in the performance of police duties. Officers are also subject to a disciplinary code designed to deal with abuse of police powers and maintain public

confidence in police impartiality. If found guilty of breaching the code, an officer can **be dismissed from the force.**

Members of the public have the right to **make complaints against police officers** if they feel that they have been **treated unfairly or improperly.** In England and Wales the **investigation and resolution of complaints** is scrutinised by the independent Police Complaints Authority. The Authority must supervise any case involving death or serious injury and has discretion to supervise in any other case. In addition, the Authority reviews chief constables' proposals on whether **disciplinary charges should be brought against an officer** who has been the subject of a complaint. If the chief constable does not **recommend formal disciplinary charges,** the Authority may, if it disagrees with the decision, recommend and, if necessary, direct that charges be brought.

The Government aims to ensure that the quality of service provided by police forces in Britain **inspires public confidence,** and that the police have the **active support and involvement of the communities** which they serve. The police service is taking effective action to **improve performance and standards.** All forces in England and Wales have to consult with the communities they serve and develop policing policies to meet community demands. They have to be more open and explicit about their operations and the standards of service that they offer.

Virtually all forces have **liaison departments** designed to develop closer contact between the force and the community. These departments consist of representatives from the police, local councillors and community groups.

Particular efforts are made to develop relations with young people through greater contact with schools and their pupils.

The Government has repeatedly stated its **commitment to improve relations** between the police and **ethnic minorities.** Central guidance recommends that all police officers should receive a **thorough training in community and race relations issues.** Home Office and police initiatives are designed to **tackle racially motivated crime** and to ensure that the issue is seen as a priority by the police. **Discriminatory behaviour** by police officers, either to other officers or to members of the public, is an offence under the Police Discipline Code. All police forces recognise the need to recruit women and members of the ethnic minorities in order to **ensure that the police represent the community.** Every force has an equal opportunities policy.

TASK 3. Answer the following questions:

1. What disciplinary measures are police officers subject to?
2. What authorities supervise police conduct?
3. What helps improve police-public co-operation?
4. What is a liaison department?
5. How are race related issues tackled by the police?

TASK 4. Complete the following text with the words and expressions from the box:

misconduct; opinion polls; justice; sympathy; mob violence; failures; complaints; terrorist offence

Most people have a positive attitude to the police, and _____ have indicated that there is much public _____ with men and women who have to deal with _____. There is a formal system through which _____ of police behaviour may be investigated, but in the late 1990s it was found that these procedures had not prevented some serious _____ in the system of administering _____. Some Irish people had been convicted of a _____ on the basis of confessions which had been improperly extracted from them, and the truth was discovered only after they had spent several years in prison. There were other cases too in which there were grounds for suspecting that the police had persuaded people to confess to crimes which they had not committed. Some other inquiries revealed more cases of _____ by the police.

TASK 5. Fill in the gaps with the prepositions from the box:

from; to; with; to; of

1. What is your attitude _____ the problem of crime prevention?
2. All the sympathies of the jury were _____ the defendant.
3. Finally the criminal was convicted _____ a violent assault.
4. The detective took pains to extract information _____ the eye-witness.

5. After a long questioning the suspect had to confess _____ committing a robbery.

TASK 6. Read the following newspaper article and point out the public attitude towards the police:

The PC with the Golden Handcuffs

The hiding places are running out for crooks on PC Peter Hilton's patch. He has made an incredible 287 arrests in 11 months. In a crime-bustling blitz in Eccles, Salford, villains have been pinched for offences including burglary, car theft, possession of drugs, assault and drink-driving.

Now PC Hilton has been honoured for his devotion to public service with a commendation from Greater Manchester Chief Constable David Wilmot. Mr. Willmot said it was unusual for an officer to receive an award for the number of arrests he had made rather than an individual act.

PC Hilton said modestly: "I've just been lucky. I've been in the right place at the right time. Teamwork with colleagues has also played a big part. Landing the crime-ridden Eccles beat has also helped."

The constable said that after ten years in the force he "tended to know the short cuts crooks take and also what to look for". He added: "It's all about knowing their

behaviour patterns." He said colleagues jokingly called him Pete Lockup, and even the crooks managed a smile as he slipped on the handcuffs. "When I pull up in the car they say, "Oh, no! It's PC Hilton again". I get on all right with some of them — it's OK if they've done nothing wrong."



The constable, who spent eight years on the beat in Bury, has also received three Chief Superintendent's commendations and a citation of merit from the Chief Constable for disarming a gunman. His wife Joanne said: "I'm very proud of him."

TASK 7. Translate the following words and expressions from the article above:

1. commendation
2. crime-bustling blitz
3. crook

4. PC Peter Hilton's patch
5. Pete Lockup
6. teamwork with colleagues
7. to land the crime-ridden beat
8. to pinch
9. to receive a citation of merit
10. to take short cuts

TASK 8. Find in the article above the English equivalents for the following words and expressions:

1. укрытие
2. произвести арест
3. злодей
4. угон автомобиля
5. хранение наркотиков
6. нападение
7. вождение в нетрезвом состоянии
8. быть представленным к награде
9. разоружить преступника

TASK 9. Answer the following questions:

1. What offences does Pete Hilton deal with?
2. What is unusual about his reward?
3. What helps Pete in his work?

TASK 10. Read the following newspaper article and point out the public attitude towards the police:

£220,000 for Victim of Police Assault

A hairdresser won £220,000 damages yesterday after a jury found that he was assaulted by police and wrongfully arrested. This happened after counsel for Din Zung, 32, urged the jury to send a clear message that the public would no longer stand for "lying, bullying, racism and perjury" by the Metropolitan Police.

Central London County Court was told that police went to Mr. Zung's

COUNSEL for (the party) — here same as **BARRISTER (UK)** — a lawyer who has the right to plead as an advocate in a superior court

home over a dispute involving a leaking roof. Mr. Zung was arrested after refusing to allow officers in without a warrant. Akmal Khan, his

solicitor, said his client's arms were twisted behind his back and he was

SOLICITOR (UK) — a qualified lawyer who advises clients, represents them in the lower courts and prepares cases for barristers to try in higher courts

handcuffed. "They punched and kicked him in the van and he was kicked in the kidneys". Another policeman used his back as a footstool and the driver turned round and insulted him verbally saying he had got no more than he deserved. The charge officer told him, "I've never arrested a Chink before." When he was released at 11 p.m. that night they threw him into the street in just jeans and flip-flops. "He had to walk two miles home," Mr. Khan said.

When Mr. Zung arrived home, the front door was open and his stereo and other property had been stolen. Doctors found extensive bruising to his back and kidneys and he was passing blood.

Mr. Zung made a formal complaint to the Police Complaints Authority. Despite a police surgeon confirming the injuries, the complaint was rejected and he decided to sue.

Ben Emmerson, counsel for Mr. Zung, urged the jury to send a strong message to Sir Paul Condon by awarding damages that would hit his budget. "In this case a small award would be regarded as a victory by the officers."

A statement issued on behalf of Sir Paul, the Metropolitan Police Commissioner, said: "We believe the award to be excessive and we are going to appeal against the size of the award but not the verdict."

The Metropolitan Police said no action would be taken against the constables involved: Christopher Smith, Andrew Morris and Bob Davies.

In a separate case at the same court Terence Wilkinson, 27, was awarded £64,000 damages. He had accused other officers from the same area of wrongful arrest and assault, false imprisonment and malicious prosecution.

TASK 11. Translate the following words and expressions from the article above:

1. bullying
2. charge officer
3. false imprisonment
4. malicious prosecution
5. award
6. to be wrongfully arrested
7. to appeal against the verdict
8. to make a complaint
9. to reject a complaint

10. to steal property
11. to take an action against smb.
12. to win damages

TASK 12. Find in the article above the English equivalents for the following words and expressions:

1. лжесвидетельство
2. ордер на арест
3. телесные повреждения
4. надеть наручники
5. наносить словесные оскорбления
6. предъявлять иск

TASK 13. Answer the following questions:

1. What did Mr.Zung's case against Metropolitan Police consist of?
2. What were the circumstances of Mr. Zung's arrest?
3. How did the Police Authority react to Mr. Zung's formal complaint?
4. What were Mr. Zung's further actions?
5. What were the formal grounds for filing the case?
6. Why was the amount of the award so important for Mr. Zung's counsel?
7. What actions will be taken against the police officers involved?

CREATIVE WRITING

Study the Manifesto of the U.S. citizens against police brutality. Compile a similar Manifesto on behalf of the British public using the facts from the previous article.

US Public Manifesto

Instead of protecting the public, police departments around the country are waging a campaign of violence and intimidation against the people in our communities. In cities across the country,

police kill unarmed people every month, yet the officers are rarely disciplined. In New Orleans and Philadelphia, police were caught fabricating evidence and filing false reports in thousands of cases. In New York recently, undercover cops shot an unarmed black man 15 times. Police brutality is caught on videotapes.



Basta Ya! This is too much! The U.S. locks up a higher percentage of its people than any other country in the world. Jails are being built instead of schools and hospitals, and politicians are promising to put more cops on the street and pass more fascist laws to put more people in jail. But who will protect us from the system?

Who will protect the people being routinely brutalized for being the wrong colour or being homeless or poor? Who will protect our youth who are arrested and jailed, by cops for how they look and dress? **IT'S UP TO US TO STOP THE EPIDEMIC OF POLICE ABUSE AND VIOLENCE!**

Today, as politicians push anti-crime propaganda and laws, and anti-civil rights initiatives, we can strike a note of truth if we raise our voices loud enough and bring into streets a message that cannot be ignored. We are calling on people of all races and backgrounds to stand up and say that we will no longer put up with all this.

JOIN US IN MAKING THIS DAY A POWERFUL REALITY!

ROLE-PLAY **Good or Evil?**

Role play the press conference on the principles of police ethics:

Participants:

Peter Hilton — the honourable PC

Jack Gorilla — a crook from PC Hilton's patch

Ben Emmerson — the defence counsel

Andrew Morris and Bob Davies — the 'evil' policemen

The rest of the class are journalists who are free to ask questions. Make sure that different views are expressed. Use the information given in the Unit.

UNIT 5. SCOTLAND YARD

The History of Scotland Yard

The task of organising and designing the 'New Police' was placed in the hands of Colonel Charles Rowan and Sir Richard Mayne. These two Commissioners occupied a private house at 4, Whitehall Palace, the back of which opened on to a courtyard, which had been the site of a residence owned by the Kings of Scotland and known as 'Scotland Yard'. Since the place was used as a police station, the headquarters of the Metropolitan Police became known as Scotland Yard.

These headquarters were removed in 1890 to premises on the Victoria Embankment and became known as 'New Scotland Yard'; but in 1967, because of the need for a larger and more modern headquarters building, a further removal took place to the present site at Victoria Street (10 Broadway), which is also known as 'New Scotland Yard'.

The Force suffered many trials and difficulties in overcoming public hostility and opposition. But, by their devotion to duty and constant readiness to give help and advice coupled with kindness and good humour, they eventually gained the approval and trust of the public. This achievement has been fostered and steadily maintained throughout the history of the Force, so that today its relationship with the public is established on the firmest foundation of mutual respect and confidence.

TASK 1. Answer the following questions:

1. Who was responsible for organising and designing the 'New Police'?
2. Why did the headquarters of the Metropolitan Police become known as Scotland Yard?
3. What is 'New Scotland Yard' and where is it currently located?
4. What difficulties in relations with the public did the force suffer?
5. What is the main principle of the Force's relationship with the public?

TASK 2. Find in the text above the English equivalents for the following words and expressions:

1. главное полицейское управление

2. Столичная полиция
3. комиссар полиции
4. претерпевать невзгоды
5. преодолеть враждебное отношение
6. завоевать доверие общественности
7. на основе взаимного уважения

TASK 3. Fill in the gaps in the text below with the appropriate words from the previous text:

Scotland Yard is a popular name for the _____ of London's Metropolitan Police Force, and especially its Criminal Investigation Department. The name is derived from a small area where the headquarters was situated from 1829 to 1890. The area, in turn, was named after the _____ of Scottish kings in London. The custom of referring to the headquarters as _____ began soon after the _____ was reorganised by the British statesman Sir Robert Peel in 1829. The headquarters was moved in 1890 to new buildings erected on the Thames Embankment, which were known as _____. In 1967 the present headquarters, a modern 20-storey building situated near the Houses of Parliament, was opened.

TASK 4. Read the text and translate the sentences given in bold type in writing:

Scotland Yard

At first the new police force encountered little cooperation from the public, and when Scotland Yard stationed its first plainclothes police agents on duty in 1842, there was a public outcry against these 'spies'. The police force had gradually won the trust of the London public by the time Scotland Yard set up its Criminal Investigation Department (CID) in 1878. The CID was a small force of plainclothes detectives who gathered information on criminal activities. **The CID was subsequently built up into the efficient investigative force that it now constitutes.** It presently employs more than 1,000 detectives.

The area supervised by the London Metropolitan Police includes all of Greater London with the exception of the City of London, which has its own separate police force. The Metropolitan Police's duties are the detection and prevention of crime, the preservation of public order, the supervision of road traffic and

the licensing of public vehicles, and the organisation of civil defence in case of emergency.

The administrative head of Scotland Yard is the commissioner, who is appointed by the Crown on the recommendation of the Home Secretary. Beneath the commissioner are a deputy commissioner and four assistant commissioners, each of the latter being in charge of one of Scotland Yard's four departments; administration, traffic and transport, criminal investigation (the CID), and police recruitment and training. The CID deals with all aspects of criminal investigation and comprises the criminal records office, fingerprint and photography sections, the company fraud squad, a highly mobile police unit known as the flying squad, the metropolitan police laboratory, and the detective-training school.

Scotland Yard keeps extensive files on all known criminals in the United Kingdom. It also has a special branch of police who guard visiting dignitaries, royalty, and statesmen. Finally, Scotland Yard is responsible for maintaining links between British law-enforcement agencies and Interpol. Although Scotland Yard's responsibility is limited to metropolitan London, its assistance is often sought by police in other parts of England, particularly with regard to difficult cases. The Yard also assists in the training of police personnel in the countries of the Commonwealth.

TASK 5. Answer the following questions:

1. What was the public sentiment about the first Scotland Yard plainclothes police agents?
2. When did Scotland Yard set up its Criminal Investigation Department?
3. What were the CID's initial duties?
4. What is the CID nowadays?
5. Which parts of London are covered by the Metropolitan Police?
6. What are the Metropolitan Police's duties?
7. Who is the administrative head of Scotland Yard?
8. What is the structure of the CID?
9. What assistance does The Yard render to the countries of the Commonwealth?

TASK 6. Find in the text above the English equivalents for the following words and expressions:

1. 'Большой' Лондон

2. правоохранительные органы
3. отдел регистрации преступлений и преступников
4. 'летучий отряд'
5. чрезвычайное положение
6. пребывание на службе
7. министр внутренних дел
8. Департамент уголовного розыска
9. выдача водительских удостоверений
10. отдел по борьбе с мошенничеством
11. полицейский в штатском
12. преступная деятельность
13. завоевать доверие
14. быть назначенным королевой
15. направлять на место работы
16. собирать сведения

TASK 7. Fill in the gaps in the text below with the words and expressions from the box:

guards; tap; armoured vehicles; bullet-proof; kidnappers; couriers; bug; security firm; private detectives

'Sherlock and Holmes' is a _____ which offers a complete range of security services. We have _____ with special _____ windows to transport money and other valuable items. We can supply trained _____ to protect exhibits at art shows and jewellery displays. We can advise you if you think someone is trying to _____ your phone or _____ your private conversations at home or in the office with hidden microphones. We have ex-policemen whom you can hire as _____ and special _____ to deliver your valuable parcels anywhere in the world. We can protect you or your children against possible _____.

CREATIVE WRITING

Using the information and vocabulary from the Unit compile an advertisement of:

- a private detective
- a bodyguard
- a detective-training school

TASK 8. *Render the following text into English using the information and vocabulary from the texts above. Pay special attention to the words and expressions given in bold type:*

Из истории Скотланд Ярда

В 1829 году первые лондонские комиссары полиции Майн и Роуэн организовали главное полицейское управление в помещении дворца Уайтхолл, в котором раньше останавливались шотландские короли при посещении Лондона. Отсюда и происходит название английской уголовной полиции — Скотланд Ярд.

Англия столетиями не имела ни общественных обвинителей, ни настоящей полиции. **Поддержание порядка и охрана собственности считались делом самих граждан.** Но никто не хотел этим заниматься. Англичане предпочитали за деньги нанимать людей для охраны порядка. Каждый мог задержать преступника, привести его к мировому судье и предъявить обвинение. Если обвиняемого осуждали, то задержавший получал вознаграждение, что часто вызывало месть сообщников осужденного.

В 1828 году в Лондоне существовали целые районы, где обворовывали даже днем. На 822 жителя приходился один преступник. Около 30 000 человек существовали исключительно за счет грабежей и воровства. Ситуация была столь серьезна, что министр внутренних дел Сэр Роберт Пил решил наконец создать полицию вопреки общественному мнению. Эта инициатива привела к горячим дебатам в Парламенте. Но в конце концов полиция обеспечила безопасность на улицах Лондона и завоевала доверие общества.

Just for Fun

The Los Angeles Police Department (LAPD), the FBI, and the CIA are all trying to prove that they are the best at apprehending criminals. The President decides to give them a test. He releases a rabbit into a forest and each of them has to catch it.

The CIA goes in. They place animal informants throughout the forest. They question all plant and mineral witnesses. After three months of extensive investigations they conclude that rabbits do not exist.



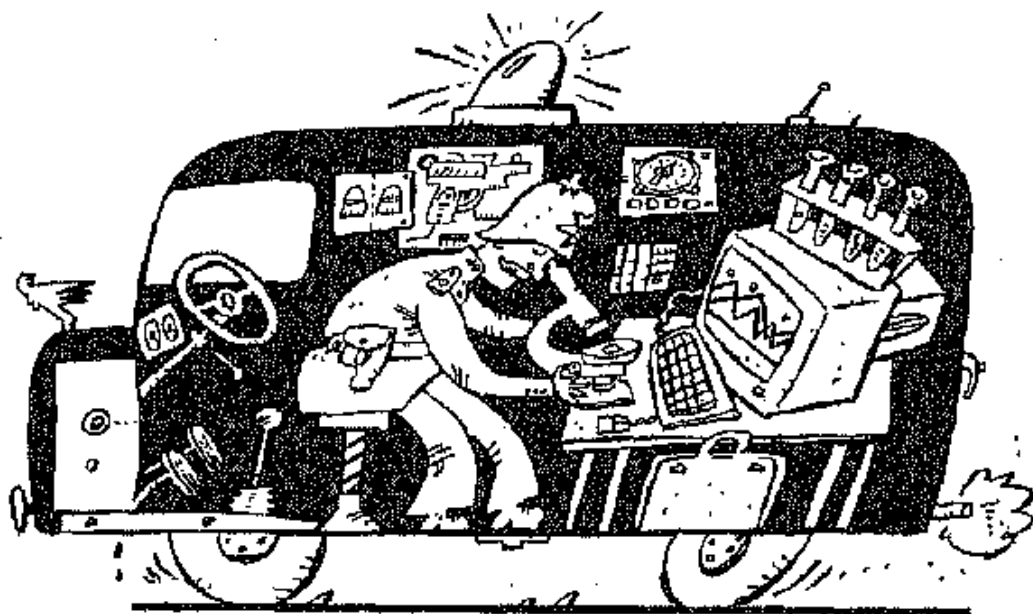
The FBI goes in. After two weeks with no leads they burn the forest, killing everything in it, including the rabbit, and they make no apologies.

The LAPD goes in. They come out two hours later with a badly beaten bear. The bear is yelling: "Okay! Okay! I'm a rabbit! I'm a rabbit!"

UNIT 6. POLICE TECHNIQUES

The UK Forensic Science Service

The Forensic Science Service (FSS) serves the administration of justice in England and Wales by providing scientific support in the investigation of crime, and by giving evidence to courts. Its customers include the police, the Crown Prosecution Service, coroners and defence solicitors.



In February 1995 the UK government announced that the FSS would merge with the Metropolitan Police Forensic Science Laboratory to form a single agency serving all police forces in England and Wales through seven regional operational laboratories.

Scientific expertise is available on a case-by-case basis to law enforcement agencies and attorneys. The Service provides assistance to home and overseas police forces in the investigation of many crimes, particularly fires where arson is suspected, cases involving DNA profiling and offences involving the use of firearms. The scientists have a wide range of experience in fire-scene examination, including fatal fires in domestic premises, large industrial fires and vehicle fires.

DNA profiling is a revolutionary scientific testing process which can positively identify an individual from a specimen of blood, semen, hair roots or tissue. Its application to crime specimens represents the greatest advance in forensic science in decades. The vast potential of DNA profiling is recognised by the

police and the legal profession, and its use in criminal investigation has increased.

The Forensic Science Service provides advice on firearms and related matters and assistance in the investigation of shooting incidents. When presented with a suspect weapon, the expert is able to establish whether or not it was the weapon used in a crime. Experts are particularly adept in the microscopic examination of spent bullets and cartridge cases. They have access to a world-famous computer-based information systems relating to thousands of firearms.

The Service offers training to overseas scientists which is of a general nature or is aimed at specific techniques such as DNA profiling or examination of firearms and documents. Training is provided on note taking, searching, report writing and expert witness appearances in court. Contact is maintained with other institutions and universities in Britain and other countries.

TASK 1. Answer the following questions:

1. What functions does the Forensic Science Service exercise?
2. What are the FSS customers?
3. What assistance does the FSS provide to police forces in criminal investigation?
4. Why is DNA profiling a revolutionary testing process?
5. How does examination of firearms and related matters help investigate crime?
6. What does the course of scientists' training consist of?

TASK 2. Explain the meaning of the following words and expressions and use them in sentences of your own:

1. fatal fire in domestic premises
2. industrial fire
3. vehicle fire
4. fire-scene examination
5. investigation of shooting incidents
6. forensic science
7. on a case-by-case basis
8. crime specimen
9. DNA profiling
10. expert witness

TASK 3. *Render the following newspaper article into English paying special attention to the words and expressions given in bold type. Consult the text in Task 4.*

Корреспондент одной из московских газет взял интервью у заместителя комиссара Скотланд Ярда, который курирует особое подразделение по борьбе с терроризмом, а также вопросы национальной безопасности и уголовного розыска.

- Сколько офицеров служит в лондонской полиции?
- 28 тысяч. (Для справки: в Москве несут службу свыше 70 тысяч сотрудников милиции.)
- Сколько вооруженных столкновений происходит в среднем в течение года?
- В прошлом году возникло 1621 столкновение, стреляли дважды, один раз — со смертельным исходом.
- В состоянии ли главное полицейское управление обеспечить быстрое реагирование на вызов полиции?
- Мы реагируем на звонки согласно их первостепенной важности. Если есть пострадавшие, патруль прибывает спустя несколько минут после поступления вызова на пульт диспетчерской системы Скотланд Ярда. Это позволяет направить на место происшествия ближайший дежурный патруль.
- Вооружена ли Столичная Полиция?
- Лондонская полиция не вооружена. Однако в городе круглосу-
- точно действует специальный патруль на бронированных высокоскоростных машинах. В состав этого патруля входят 3 вооруженных офицера полиции. Полицейские машины оснащены компьютерными дисплеями, так что информация о личности подозреваемого сразу же поступает к оперативным работникам.
- Какие достижения технического прогресса использует Столичная Полиция в расследовании преступлений?
- Например, мы используем сканирующий электронный микроскоп для исследования улик, найденных на месте преступления, которые впоследствии могут послужить вещественными доказательствами, таких как отпечатки пальцев, фрагменты кожного и волосяного покрова. Если не существует специализированной экспертной методики (*extensive investigative techniques*), в каждом отдельном случае обращаются к гражданским специалистам и проводится узкоспециальная работа (*to resort to sophisticated job*). Полиция также пользуется результатами исследований ДНК, по

этим результатам можно получить очень дороги, поэтому к ним прибегают лишь в наиболее сложных случаях. Однако, лабораторные методы исследования

TASK 4. Read the following text and translate the sentences given in bold type in writing:

Police Technology in the USA

Requests for police services are generally transmitted to headquarters by telephone and then by radio to officers in the field. Police have long operated on the theory that fast response time results in more arrests and less risk or injury to victims. **The current trend is toward handling calls by priority, with emergency response reserved for cases involving an injured party or those in which a reasonable chance exists to prevent a crime or make an arrest at the scene.** Modern computer-assisted dispatching systems permit automatic selection of the nearest officer in service. In some cities, officers can receive messages displayed on computer terminals in their cars, without voice communication from headquarters. An officer, for example, can key in the license number of a suspect car and receive an immediate response from the computer as to the status of the car and the owner's identity.



An increasing number of agencies are now using computers to link crime patterns with certain suspects. Fingerprints found at crime scenes can be electronically compared with fingerprint files.

In recent years technological advances have been made in such areas as voice identification, use of the scanning electron microscope, and blood testing which is an important tool because only 2 persons in 70,000 have identical blood characteristics. **Some of the new laboratory techniques, although highly effective, are extremely expensive, so their use is limited to the most challenging cases.**

TASK 5. Answer the following questions:

1. What are the current trends in police work in the USA?
2. What cases are handled by priority under the new approach?

3. How do computers assist in police work?
4. What technological advances have been made in law-and-order campaign?
5. Why is blood testing an important tool in crime detection?

TASK 6. Find in the text above the English equivalents for the following words and expressions:

1. пострадавшая сторона
2. предотвратить преступление
3. осуществить арест на месте преступления
4. отпечатки пальцев
5. быстрое реагирование
6. печатать, вводить с клавиатуры
7. технический прогресс

TASK 7. Render the following text into English paying special attention to the words and expressions given in bold type:

Большое число расследований уголовных преступлений, ведущихся американскими правоохранительными органами, вынудило ФБР приступить к созданию новой криминалистической лаборатории. Лаборатория будет оснащена новейшим оборудованием для баллистической, химической, судебно-медицинской и других видов экспертизы, необходимых для расследования различных преступлений.

Лаборатория ФБР, которая находится в Вашингтоне, на протяжении многих лет остается крупнейшей и лучшей в стране. Однако в последнее время она не справляется с огромным потоком заданий, поступающих не только от головного ведомства, но и из других правоохранительных органов.

Необходимость создания новой лаборатории продиктована также тем, что ФБР все чаще приходится заниматься расследованием сложнейших дел, связанных с международным терроризмом, организованной преступностью и контрабандой наркотиков.

Руководство ФБР планирует создание единой компьютерной базы данных всех правоохранительных органов США, которая будет содержать информацию о преступниках и их сообщниках и вещественных доказательствах, собранных в ходе расследований.

It's Interesting to Know**Alphonse Bertillion**

The problem of identifying criminals was made much easier by Bertillion, who, in 1882, invented a system called anthropometry. As head of the identification department of the Paris police he had careful measurements made of the head, limbs and body of every criminal he could lay his hands on, who could then not get away in the future by giving a false name. Photography was also used for the first time. Many hundreds of criminals were caught in the first years of the system's operation, but it was soon replaced by fingerprinting. To Bertillion, though, must go the credit for creating the science of human identification.

DEBATE**Cybercop: An Alternative to Policeman?**

Divide into groups — pro and con, and conduct a debate on the necessity of new technologies in police work.

Appoint the 'Chair' of the debate who will give the floor to the speakers of both teams.

Use the active vocabulary from the Unit.

Chapter IV
FAIR TRIAL: THE JURY

UNIT 1. ORIGINS OF THE JURY

BRAINSTORM

- Acquittal / Sentencing
- Apprehension
- Bringing charges
- Bringing in a verdict
- Imprisonment
- Jury trial
- Police custody
- Questioning

*Arrange the legal actions listed above into a logical chain.
What is the place of jury trial in this sequence?*

Early Juries

A jury is a body of lay men and women randomly selected to determine facts and to provide a decision in a legal proceeding. Such a body traditionally consists of 12 people and is called a petit jury or trial jury.

The exact origin of the jury system is not known; various sources have attributed it to different European peoples who at an early period developed similar methods of trial. The jury is probably of Frankish origin, beginning with inquisition, which had an accusatory and interrogatory function. Trial by jury was brought to England by the Normans in 1066.



In medieval Europe, trials were usually decided by ordeals, in which it was believed God intervened, revealing the wrongdoer and upholding the righteous. In the ordeal by water, for instance, a priest admonished the water not to accept a liar. The person whose oath was being tested was then thrown in. If he floated, his oath was deemed to have been perjured. If he was telling the truth, he might drown but his innocence was clear.

In 1215, however, the Catholic Church decided that trial by ordeal was superstition, and priests were forbidden to take part. As a result, a new method of trial was needed, and the jury system emerged.

At first the jury was made up of local people who could be expected to know the defendant. A jury was convened only to "say the truth" on the basis of its knowledge of local affairs. The word *verdict* reflects this early function; the Latin word from which it is derived, *veredictum*, means "truly said".

In the 14th century the role of the jury finally became that of judgment of evidence. By the 15th century trial by jury became the dominant mode of resolving a legal issue. It was not until centuries later that the jury assumed its modern role of deciding facts on the sole basis of what is heard in court.

TASK 1. Find in the text the words that mean the following:

- examination of a case before a court of law;
- a former method of trial used to determine guilt or innocence by subjecting the accused person to serious physical danger, the result being regarded as a divine judgment;
- a solemn appeal to a court to witness one's determination to speak the truth;
- freedom from sin or moral wrong;
- a belief or practice resulting from ignorance, fear of the unknown, trust in magic or chance.

TASK 2. Answer the following questions:

1. What is a jury?
2. How were cases resolved before jury system emerged?
3. Why was there a need for jury system?
4. What was the function of the first juries?
5. How did the function of the jury change through the centuries?

TASK 3. Read the following text and write down the Russian equivalents for the words and expressions given in bold type:

Ordeal

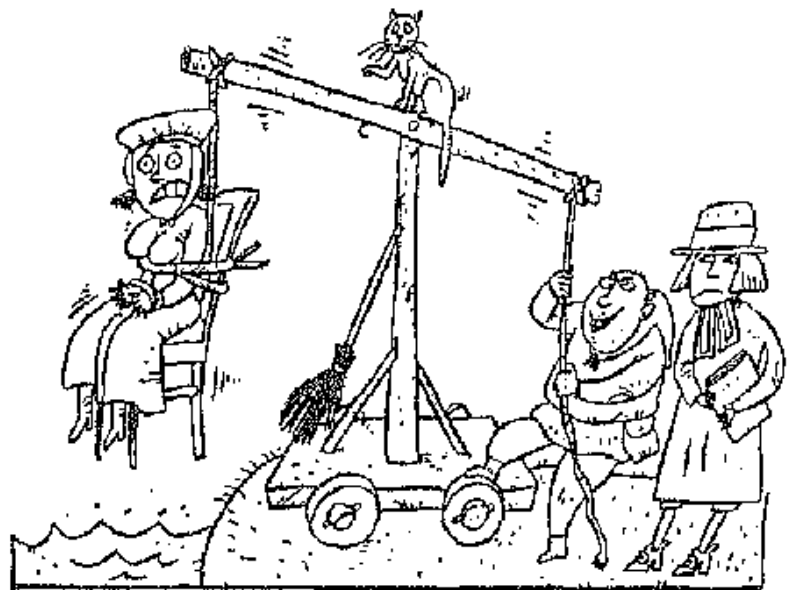
Ordeal is a **judgement of the truth** of some claim or **accusation** by various means based on the belief that the outcome will reflect the **judgement of supernatural powers** and that these powers will

ensure the triumph of right. Although fatal consequences often attend an ordeal, its purpose is not punitive.

The main types of ordeal are **ordeals by divination, physical test, and battle**. A Burmese ordeal by divination involves two parties being furnished with candles of equal size and lit simultaneously; the owner of the candle that outlasts the other is adjudged to have won his cause. Another form of ordeal by divination is the appeal to the corpse for the discovery of its murderer.

The ordeal by physical test, particularly by fire or water, is the most common. In Hindu codes a wife may be required to pass through fire to prove her fidelity to a jealous husband; traces of burning would be regarded as **proof of guilt**. The practice of dunking suspected witches was based on the notion that water, as the medium of baptism, would 'accept', or receive, the innocent and 'reject' the guilty. Court officials would tie the woman's feet and hands together and then drop her into some deep water. If she went straight to the bottom and drowned, it was a sure sign that she wasn't a witch. On the other hand, if she didn't sink and just bobbed around for a while, the law said she was to be condemned as a witch.

In ordeal by combat, or ritual combat, the victor is said to win not by his own strength but because supernatural powers have intervened on the side of the right, as in the duel in the European Middle Ages in which the 'judgement of God' was thought to determine the winner. If still alive



after the combat, the loser might be hanged or burned for a criminal offence or have a hand cut off and property confiscated in civil actions.

TASK 4. Answer the following questions:

1. What was the purpose of ordeal in early ages?
2. What were the main types of ordeals?
3. What did ordeal by divination consist of?
4. What did ordeal by fire have to prove?
5. In what way was ordeal by water devised?
6. What concept was at the basis of ordeal by combat?

It's Interesting to Know

Instructions for Justices of the Peace in The 16th and 17th Century England Relating to Witches

1. Conjuraton, or Invocation of any evil Spirit, for any intent, or to be counselling, or aiding thereto, is Felony without benefit of Clergy.

2. To consult, entertain, employ, feed, or reward any evil Spirit, to or for any intent or purpose, is Felony in such offenders, their aiders and counsellors.

3. To take up any dead body, or any part thereof, to be employed or used in any manner of Witchcraft, is Felony in such offenders, their aiders and counsellors.

4. Also to use or practice Witchcrafts, Enchantment, Charm, or Sorcery, whereby any person shall be killed, pinned, or lamed in any part of their body, or to be counselling or aiding thereto, is Felony. By the ancient common law such offenders were to be burned.

Now against these Witches, (being the most cruel, revengeful, and bloody of all the rest) the Justices of Peace may not always expect direct evidence, seeing all their works are the works of darkness, and no witnesses present with them to accuse them.

These are the main points to discover and convict these Witches; for they prove fully that those Witches have made a League with the Devil:

1. These Witches have ordinarily a Spirit, which appeareth to them; sometimes in one shape, sometimes in another; as in the shape of a Man, Woman, Boy, Dog, Cat, Foal, Fowl, Hare, Rat, Toad, & And to these Spirits they give names, and they meet together to christen them (as they speak).

10. The Testimony of other Witches, confessing their own Witchcrafts, and witnessing against the suspected, that they have Spirits or Marks; that they have been at their meetings; that they have told them what harm they have done.

11. If the dead body bleeds upon the Witches touching it.

13. The Examination and Confession of the Children (able & fit to answer) or Servants of the Witch. Also whether they have seen her call upon, speak to, or feed any Spirit, or such like, or have heard her foretell of this mishap, or speak of her power to hurt, or of her transportation to this or that place.

14. Their own voluntary Confession (which exceeds all other evidence), of the hurt they have done, or of the giving of their souls to the Devil, and of the Spirits which they have, how many, how they call them, and how they came by them.

UNIT 2. JURY DUTY

TASK 1. Read the following text and write down Russian equivalents for the words and expressions in bold type:

The Fear of Jury Duty

For Americans, serving jury duty has always been a **dreaded chore**. There is plenty of history behind this fear. In colonial days, jurors were locked in a small room with no ventilation and were denied food and water in an attempt to **inspire a quick verdict**. If the jurors returned with the wrong decisions, they too were **charged with a crime**. As more and more laws were passed, **the rules of evidence** expanded and trials became longer, which resulted in more technical and increasingly boring hours for jurors. Trial lawyers have tried to change the boredom by replacing **endless hours of testimony** with **computer animation**, video reconstructions, color charts and graphics to better explain the evidence.



The judicial system depends on juries. The United States Constitution guarantees its citizens the right to a trial by jury of **their peers**. When summoned for jury duty, Americans should look upon it as an opportunity to serve their country, their **community**, and their **fellow citizens**.

Each year, over 5 million Americans are **summoned** for jury duty to **render verdicts** in approximately 120,000 trials.

Prospective jurors are chosen at **random** from **voter registration lists**. When people are chosen for jury duty, they are often shown a video tape explaining the jury system or given a **HANDBOOK ON JURY SERVICE**.



TASK 2. Answer the following questions:

1. Why have Americans always feared the jury service?
2. In what conditions were jurors kept in colonial days? Why?
3. How has trial procedure changed through the years?
4. Why is the right to a jury trial considered to be so important for the U.S. citizens?

The following text comes from a handbook on jury service for the U.S. citizens.

Jury Service — an Important Job and a Rewarding Experience

The right to trial by a jury of our fellow citizens is one of our most important rights and is guaranteed by the Constitution of the United States. By serving on a jury, then, you are helping to guarantee one of our most important freedoms.

Your job as a juror is to listen to all the evidence presented at trial and to 'decide the facts' — that is, to decide what really happened. The judge, on the other hand, 'decides the law' — that is, makes decisions on legal issues that come up during the trial. For example, the judge may have to decide whether you and the other jurors may hear certain evidence or whether one lawyer may ask a witness a certain question. You should not try to decide these legal issues, sometimes you will even be asked to leave the courtroom while they are being decided. Both your job and that of the judge must be done well if our system of trial by jury is to work. In order to do your job you do not need any special knowledge or ability. It is enough that you keep an open mind, concentrate on the evidence being presented, use your common sense, and be fair and honest. Finally, you should not be influenced by sympathy or prejudice: it is vital that you be impartial with regard to all people and all ideas.

Many jurors find that it is exciting to learn about this most important system 'from the inside', and challenging to deal fairly and thoroughly with the cases they hear. We hope that you, too, find your experience as a juror to be interesting and satisfying.

How You Were Chosen

Your name was selected at random from voter registration records and placed on a list of potential jurors. Next, your answers to the Questionnaire for Jurors were evaluated to make sure that you were eligible for jury service and were not exempt from service. To be eligible, you must be over 18 years of age, a citizen of the United States, a resident of the county in which you are to serve as a juror, able to communicate in the English language and if you have been convicted of a felony, you must have had your civil rights restored. People who meet these requirements may be excused from

jury service if they have illnesses that would interfere with their ability to do a good job, would suffer great hardship if required to serve, or are unable to serve for some other reason.

You are here because you were found to be eligible for jury duty and were able to serve. You are now part of the 'jury pool', the group of people from which trial juries are chosen.

TASK 3. Find in the text above the English equivalents for the following words and expressions:

1. показания
2. анкета для присяжных
3. списки избирателей
4. предубеждение
5. судебное разбирательство
6. вопросы права
7. фонд, резерв присяжных
8. сохранять объективность в подходе к вопросу, делу
9. освобождать от обязанностей присяжного
10. подходить для службы в жюри присяжных
11. заслушивать показания
12. исключать из состава присяжных
13. восстанавливать в гражданских правах
14. тщательно и беспристрастно рассматривать дело
15. удовлетворять требованиям

TASK 4. Explain the meaning of the following words and expressions:

- fellow citizens
- evidence
- to decide the law
- to decide the facts
- courtroom
- common sense
- prejudice
- to be impartial

TASK 5. Answer the following questions:

1. What is the job of a juror?
2. What is the job of a judge?

3. What qualities should a good juror have?
4. What requirements should one meet to be eligible for jury service?
5. What are the reasons for a person to be excused from jury service?
6. What is a jury pool?

TASK 6. Translate the following text into English, paying special attention to the words and expressions in bold type:

Требования, предъявляемые к присяжным заседателям.

В список присяжных заседателей не включаются лица:

- не внесенные в списки избирателей;
- не достигшие к моменту составления списков присяжных заседателей **возраста 25 лет**;
- имеющие неснятую или непогашенную судимость;
- признанные судом недееспособными.

Из списков присяжных заседателей исключаются:

- лица, не владеющие языком, на котором ведется судопроизводство в данной местности;
- немые, глухие, слепые и другие лица, являющиеся инвалидами;
- военнослужащие;
- судьи, прокуроры, следователи, адвокаты, нотариусы;
- священнослужители.

TASK 7. The word EVIDENCE has the following meanings in Russian:

- 1) доказательство
evidence at law — судебные доказательства
- 2) показания
evidence for the defence — показания свидетелей защиты
- 3) улики
evidence of crime — улики
- 4) свидетельство
written evidence — письменное свидетельство

Match the following English expressions with their Russian equivalents:

1. evidence in the case	a) вещественное доказательство
2. evidence on oath	b) давать показания, представить доказательства
3. to give/offer/introduce/ produce evidence	c) доказательства вины; улики
4. to plant evidence	d) доказательства или показания по делу
5. to weigh evidence	e) доказательства, показания, полученные с нарушением закона
6. to withhold evidence	f) доказательство из первых рук
7. evidence wrongfully obtained	g) заключение эксперта
8. evidence of guilt	h) косвенное доказательство
9. circumstantial evidence	i) лжесвидетельство
10. conclusive/ decisive evidence	j) ложное доказательство, показание
11. expert evidence	k) недостаточное доказательство
12. false evidence	l) неопровержимое доказательство
13. first hand evidence	m) окончательное, решающее доказательство
14. insufficient evidence	n) оценить доказательства
15. irrefutable evidence	o) показания под присягой
16. perjured evidence	p) скрыть доказательства
17. physical evidence	q) сфабриковать доказательства

TASK 8. Study the following Juror's Excusal/Postponement Form. Imagine that you are a juror not willing to perform your jury duty. Fill in the form stating your own reasons:

JUROR'S EXCUSAL/POSTPONEMENT FORM

You may be disqualified / exempt from Jury Duty for the reasons listed below by checking the appropriate item, or enter your request in the area provided

DISQUALIFICATIONS FOR JURY DUTY

- Convicted Felon (Civil Rights not Restored)
- Presently under prosecution for a crime
- Not a resident of _____ County
- Not a citizen of the United States

You may be EXEMPT from Jury Duty for reasons listed below

- 70 or older and wish to be temporarily excused
- 70 or older and wish to be permanently excused
- Physically unable (Doctor's note must be submitted)
- Parent, not employed full time with custody of child under age 6
- Expectant Mother
- Served on Jury Duty in past 12 months
- Full-time law enforcement officer

I request to be excused or postponed because

Any request for excusal or postponement must be received at least 7 days prior to your report date. You will be notified by mail regarding the status of your request and postponement date, if applicable.

Signature

Phone number (Home and Work)

UNIT 3. SELECTION OF THE TRIAL JURY

TASK 1. Read the following text and write down Russian equivalents for the words and expressions in bold type:

The first step in the selection of the trial jury is the selection of a 'jury panel'. When you are selected for a jury panel you will be directed to report, along with other panel members, to a courtroom in which a case is to be heard once a jury is selected. The judge assigned to that case will tell you about the case and will introduce the lawyers and the people involved in the case. You will also take an oath, by which you promise to answer all questions truthfully. Following this explanation of the case and the taking of the oath, the judge and the lawyers will question you and the other members of the panel to find out if you have any personal interest in it, or any feelings that might make it hard for you to be impartial. This process of questioning is called *Voir Dire*, a phrase meaning "to speak the truth".

JUROR'S OATH

I do solemnly, sincerely and truly declare and affirm that I will faithfully try the defendant and give a true verdict according to the evidence

Many of the questions the judge and lawyers ask you during *Voir Dire* may seem very personal to you, but you should answer them completely and honestly. Remember that the lawyers are not trying to embarrass you, but are trying to make sure that members of the jury do not have opinions or past experiences which might prevent them from making an impartial decision.

During *Voir Dire* the lawyers may ask the judge to excuse you or another member of the panel from sitting on the jury for this particular case. This is called *challenging a juror*. There are two types of challenges. The first is called a *challenge for cause*, which means that the lawyer has a specific reason for thinking that the juror would not be able to be impartial. For example, the case may involve the theft of a car. If one of the jurors has had a car stolen and still feels angry or upset about it, the lawyer for the person accused of the theft could ask that the juror be excused for that reason. There is no limit on the number of the panel members that the lawyers may have excused for cause.

The second type of challenge is called a *peremptory challenge*, which means that the lawyer does not have to state a reason for

asking that the juror be excused. Like challenges for cause, peremptory challenges are designed to allow lawyers to do their best to assure that their clients will have a fair trial. Unlike challenges for cause, however, the number of peremptory challenges is limited.

Please try not to take offence if you are excused from serving on a particular jury. The lawyer who challenges you is not suggesting that you lack ability or honesty, merely that there is some doubt about your impartiality because of the circumstances of the particular case and your past experiences. If you are excused, you will either return to the juror waiting area and wait to be called for another panel or will be excused from service, depending on the local procedures in the county in which you live.

Those jurors who have not been challenged become the jury for the case. Depending on the kind of case, there will be either six or twelve



jurors. The judge may also allow selection of one or more alternate jurors, who will serve if one of the jurors is unable to do so because of illness or some other reason.

TASK 2. Find in the text above the English equivalents for the following words and expressions:

1. состав присяжных
2. отвод присяжного
3. мотивированный отвод
4. немотивированный отвод
5. присяжные, подобранные для судебного рассмотрения дела
6. присяжный запасного состава
7. принять присягу
8. принять беспристрастное решение
9. указать причину отвода
10. явиться в зал заседания

TASK 3. Answer the following questions:

1. What is the aim of Voir Dire?
2. What does the procedure of Voir Dire consist of?

3. What is challenging a juror?
4. What are the types of challenge?
5. Why is the number of peremptory challenges limited?
6. What aims do lawyers pursue while challenging jurors?
7. What is the number of jurors sitting on a case?
8. Who are alternate jurors?

TASK 4. *The Russian expression СУДЕБНЫЙ ПРОЦЕСС has the following equivalents in English:*

- 1) **litigation** — судебный процесс, спор, тяжба
 civil litigation — судебный процесс по гражданскому делу
 local litigation — тяжба в местном суде
 litigation expenses — судебные издержки
 issue in the litigation — предмет судебного спора
- 2) **lawsuit** — судебный процесс, судебное дело, иск, тяжба, правовой спор, судебный спор, судебное разбирательство
 to be cast in lawsuit — проиграть судебный процесс
 party to a lawsuit — сторона по делу
 to file a lawsuit — подать иск
- 3) **suit** — судебный процесс, иск, преследование по суду, судебное дело, судебная тяжба, судопроизводство
 to win / to lose a suit — выиграть / проиграть судебный процесс
 to mount a suit — предъявить иск
 to press a suit — оказывать давление на ход судебного процесса
 to bring a suit — возбудить дело, тяжбу
- 4) **trial** — судебный процесс, судебное разбирательство, слушание дела
 open(-court) trial — открытый судебный процесс
 to conduct / hold a trial — вести судебный процесс
 staged trial — инсценированный судебный процесс
 trial by jury — рассмотрение дела с участием присяжных
 to bring to trial / to put (up) on trial / to place on trial — предать суду
 to face trial — предстать перед судом
 to stand trial — отвечать перед судом
 civil trial — гражданское судопроизводство
 criminal trial — уголовное судопроизводство

preliminary trial — предварительное слушание дела
 case for trial / trial case — дело, подлежащее судебному рассмотрению

case on trial — дело на стадии судебного рассмотрения
 delay in trial — задержка судебного разбирательства, отсрочка судебного разбирательства

trial docket / trial list — список дел к слушанию

investigation at the trial — судебное следствие

party to a trial — сторона в процессе; участник процесса

5) **cause** — судебный процесс, судебное дело, тяжба

legal cause — судебное дело, законное основание

major / minor cause — дело о тяжком / малозначительном правонарушении

costs in the cause — судебные издержки, издержки в процессе

cause list — список дел к слушанию

side in a cause — сторона по делу

6) **controversy** — гражданский судебный процесс, правовой спор, судебный спор

legal controversy — правовой спор; судебный спор

to decide a controversy — решить спор

party in controversy — сторона в судебном споре

7) **process** — судебный процесс, процедура, порядок, производство дел, судопроизводство, процессуальные нормы

investigation process — процесс расследования

8) **proceeding(s)** — судебный процесс, рассмотрение дела в суде, судебное разбирательство, судебная процедура, производство по делу, судопроизводство

to take criminal proceeding(s) — возбудить уголовное преследование

civil proceeding(s) — гражданское производство

criminal proceeding(s) — уголовное судопроизводство

forfeiture proceeding(s) — процедура конфискации

Find in the list above the English equivalents for the following Russian expressions:

1. судебные издержки

2. сторона по делу

3. тяжба
4. проиграть / выиграть судебный процесс
5. возбудить дело

TASK 5. Translate the following text into English, paying special attention to the words and expressions in bold type:

Формирование скамьи присяжных заседателей включает:

- составление списков присяжных заседателей,
- приглашение их в судебное заседание,
- выявление судьей объективности и непредвзятости при рассмотрении данного дела у приглашенных в суд присяжных заседателей,
- использование сторонами права на мотивированный и немотивированный отвод присяжных заседателей.

В результате остаются 12 основных и 2 запасных присяжных заседателя.

От исполнения обязанностей присяжного заседателя по конкретному делу председательствующий судья освобождает всякого, чья объективность вызывает обоснованные сомнения вследствие оказанного на это лицо незаконного воздействия, наличия у него предвзятого мнения, знания им обстоятельств дела из непроцессуальных источников, а также по другим причинам.

ПРИСЯГА

После того, как коллегия присяжных заседателей сформирована и избран их старшина, председательствующий судья приводит присяжных заседателей к присяге.

“Клянусь исполнять свои обязанности честно и беспристрастно, принимать во внимание все рассмотренные в суде доказательства, доводы, обстоятельства дела и ничего, кроме них, разрешать дело по своему внутреннему убеждению и совести, как подобает свободному гражданину и справедливому человеку”. (Россия)

TASK 6. Complete the following text using the words from the box:

The Jury in Britain

criminal offence; acquitted; challenge; civil cases; convicted; disqualified; liable for; ownership of property; randomly; right of appeal; evidence; judiciary; verdict; unanimous; undertake

Trial by jury is an ancient and important feature of English justice. Although it has declined in _____ (except for libel and fraud), it is the main element in criminal trials in the crown court. Jury membership was once linked to the _____, which resulted in male and middle-class dominance. But now most categories of British residents are obliged to _____ jury service when summoned.

Before the start of a criminal trial in the crown court, 12 jurors are chosen from a list of some 30 names _____ selected from local electoral registers. They listen to the _____ at the trial and give their verdict on the facts, after having been isolated in a separate room for their deliberations. In England, Wales and Northern Ireland the _____ may be 'guilty' or 'not guilty', the latter resulting in acquittal. Until 1967 the verdict had to be _____. But now the judge will accept a majority verdict after the jury has deliberated for more than two hours provided that, in the normal jury of 12 people, there are no more than two dissenters.

In Scotland the jury's verdict may be 'guilty', 'not guilty' or 'not proven', the accused is _____ if either of the last two verdicts is given. As a general rule no one may be _____ without corroborated evidence from at least two sources.

If the jury acquits the defendant, the prosecution has no _____ and the defendant cannot be tried again for the same offence.

A jury is independent of the _____. Any attempt to interfere with a jury is a _____. Potential jurors are put on a panel before the start of the trial. In England and Wales the prosecution and the defence may _____ individual jurors on the panel, giving reasons for doing so. In Scotland the prosecution or defence may challenge up to three jurors without reason. In Northern Ireland each defendant has the right to challenge up to 12 potential jurors without giving a reason.

People between the ages of 18 and 70 (65 in Scotland) whose names appear on the electoral register, with certain exceptions, are _____ jury service and their names are chosen at random. Ineligible people include, for example, judges and people who have within the previous ten years been members of the legal profession or the police, prison or probation services. People convicted of certain offences within the previous ten years cannot serve on a jury. Anyone who has received a prison sentence of five years or more is _____ for life.

Just for Fun

Jury — a group of twelve men who, having lied to the judge about their hearing, health, and business engagements, have failed to fool him.

Henry Lewis Mencken

UNIT 4. IN THE COURTROOM

TASK 1. Read the following text and write down Russian equivalents for the words and expressions in bold type:

The number of the days you work as a juror and your working hours depend on the jury selection system in the county in which you live. Working hours may also be varied by the judge to accommodate witnesses coming from out of town or for other reasons.

Regardless of the length of your working day, one thing that may strike you is the amount of waiting. For example, you may have to wait a long while before you are called for a jury panel. You also may be kept waiting in the jury room during trial while the judge and the lawyers settle a question of law that has come up.

This waiting may seem like a waste of time to you and also may make it seem as if the court system isn't working very well. In reality, however, there are good reasons for the waiting you do both before and during trial.

Your having to wait before trial is important for the **efficient operation of the system**. Because there are many cases to be heard and because trials are expensive, judges encourage people to come to an agreement in their case before trial. These agreements, called settlements, can occur at any time, even a few minutes before the **trial is scheduled to begin**. This means that it is impossible to know exactly how many trials there will be on a particular day or when they will start. Jurors are kept waiting, therefore, so that **they are immediately available** for the next case that goes to trial.

Your waiting during trial helps **assure the fairness of the proceedings**. You will remember that the jurors decide the facts and that the judge decides the law. If you are sent out of the

courtroom during trial, it is probably because a legal issue has come up that must be decided before more evidence can be presented to you. You are sent out because the judge decides that you should not hear the discussion about the law, because it might **interfere with your ability to decide the facts** in an impartial way. Sometimes the judge will explain why you were sent out, but sometimes he may not be able to do so. Please be assured, however, that these **delays during trial**, explained or not, are important to the fairness of the trial.

In any case, judges and personnel do whatever they can to minimize the waiting before and during trial. Your understanding is appreciated.

TASK 2. Answer the following questions:

1. What does a juror's working day depend on?
2. What is a settlement?
3. When and why are jurors sent out of the courtroom during trial?

Courtroom Personnel

In addition to the lawyers and the judge, three other people will play an important role in the trial. The court reporter, who sits close to the witnesses and the judge, puts down every word that is spoken during the trial and also may record the proceedings on tape. The clerk, who sits right below the judge, keeps track of all documents and exhibits and notes down important events in the trial. The bailiff helps to keep the trial running smoothly. The jury is in the custody of the bailiff, who sees to the jurors comfort and convenience and helps them if they are having any problems related to jury service.

TASK 3. Find in the text above the English equivalents for the following words and expressions:

1. судебный секретарь
2. вещественное доказательство
3. вести магнитофонную запись
4. судебный пристав
5. протоколист суда



TASK 4. Look at the picture of an American courtroom. Match the numbers in the picture with the words below:

- | | |
|---|---|
| <input type="checkbox"/> jury | <input type="checkbox"/> witness stand |
| <input type="checkbox"/> court reporter | <input type="checkbox"/> prosecuting attorney |
| <input type="checkbox"/> judge | <input type="checkbox"/> bailiff |
| <input type="checkbox"/> defendant | <input type="checkbox"/> jury box |
| <input type="checkbox"/> defence attorney | <input type="checkbox"/> judge's bench |
| <input type="checkbox"/> witness | <input type="checkbox"/> courtroom |

TASK 5. Read the letter of the inmate of San Quentin Prison (USA). Using the picture above, explain why the courtroom layout is described as unfavourable for the defendant in the text:

A View From Behind Bars

I want to talk about the way that courtrooms are laid out. I think that by their design, it already puts the defendant at a disadvantage when he goes to trial. Maybe you think that it is ridiculous to claim that the way a courtroom is laid out has an impact on a trial, but let me explain.

When you walk into a courtroom in California, the floorplan is basically the same as any other. Since most people have seen at least one trial on TV, you can probably visualise what I am describing. If you sit in the jury box and look out over the courtroom, here is what you will see. Closest to the jury is a witness stand where the witnesses sit when they testify. On the other side of the witness stand is the Judge's Bench sitting high above everything else, so as to give an air of authority. Facing the Bench and witness stand are the tables where the prosecutor and defence sit during the course of the trial. In between the prosecutor and defence table is a podium that the lawyers stand at when they address the court and the jury. Sitting closest to the jury box is always the prosecutor's table, then the podium, and on the other side of that is the defence table. The person on trial is as far away from the jury as it is possible. When I was on trial, I couldn't even see half of the jury, unless I leaned out over the table to look at them. So, this set-up seems to make the person on trial distant, and not even a real part of the proceedings, which in my opinion, makes it easier for the jury to depersonalise you when you are on trial. Meanwhile, the prosecutor is damned near sitting in the jury's lap all through the trial and the jury has the tendency to relate with the prosecutor a lot easier. This might sound like a trivial thing, but consider this. A witness for the defence is on the witness stand and giving his or her testimony, but all through the witness's testimony, the prosecutor is sitting right next to the jury and reacting to everything the witness says by facial expressions and body language. And, if you are saying that this doesn't have an impact on a jury, then you are very naive... or a prosecutor.

TASK 6. Translate the following definitions in writing:

CASE — any proceeding, action, cause, lawsuit or controversy initiated through the court system by filing a complaint, petition or information.

WITNESS — a person who testifies under oath in court regarding what was seen, heard or otherwise observed.

TRIAL — the presentation of evidence in court to a trier of facts who applies the applicable law to those facts and then decides the case.

EVIDENCE — a form of proof legally presented at a trial through witnesses, records, documents, etc.

TASK 7. Read the text carefully and comment on the advice given to jurors. Be ready to explain the relevance of each item:

Do's and Don'ts for Jurors

During trial

1. **DO** arrive on time. The trial can not proceed until all jurors are present. **Do** return to the courtroom promptly after breaks and lunch.

2. **DO** pay close attention to witnesses. Concentrate both on what the witnesses say and on their manner while testifying. If you cannot hear what is being said, raise your hand and let the judge know.

3. **DO** keep an open mind all through the trial. **DON'T** form an opinion on the case until you and the other jurors have conducted your deliberations. Remember that if you make up your mind while listening to one witness's testimony, you may not be able to consider fully and fairly the testimony that comes later.

4. **DO** listen carefully to the instructions read by the judge immediately before the jury begins its deliberations. Remember that it is your duty to accept what the judge says about the law to be applied to the case you have heard. **DON'T** ignore the judge's instructions because you disagree about what the law is or ought to be.

5. **DON'T** talk about the case with anyone while the trial is going on, not even with other jurors. It is equally important that you do not allow other people to talk about the case in your presence, even a family member.

6. **DON'T** talk to the lawyers, parties, or witnesses about anything. These people are not permitted to talk to jurors and may appear to ignore you outside the courtroom. Remember that they are not trying to be rude: they are merely trying to avoid giving the impression that something unfair is going on.

7. **DON'T** try to discover evidence on your own. For example, never go to the scene of any event that is part of the case you are hearing. Remember that cases must be



decided only on the basis of evidence admitted in court.

8. DON'T let yourself get any information about the case from newspapers, television, radio, or any other source. Remember that news reports do not always give accurate or complete information. Even if the news about the trial is accurate, it cannot substitute for your own impressions about the case. If you should accidentally hear outside information about the case during trial, tell the bailiff about it in private.

9. DON'T express your opinion about the case to other jurors until deliberations begin. A person who has expressed an opinion tends to pay attention only to evidence that supports it and to ignore evidence that points the other way.

During deliberations

1. DO consult with the other jurors before making up your mind about a verdict. Each juror must make up his or her own mind, but only after impartial group consideration of the evidence.

2. DO reason out differences of opinion between jurors by means of a complete and fair discussion of the evidence and of the judge's instructions. DON'T lose your temper, try to bully other jurors, or refuse to listen to the opinions of other jurors.

3. DO reconsider your views in the light of your deliberations, and change them if you have become convinced they are wrong. DON'T change your convictions about the importance or effect of evidence, however, just because other jurors disagree with you or so that the jury can decide on a verdict.

4. DON'T play cards, read, or engage in any other diversion.

5. DON'T mark or write on exhibits or otherwise change or injure them.

6. DON'T cast lots or otherwise arrive at your verdict by chance, or the verdict will be illegal.

7. DON'T talk to anyone about your deliberations or about the verdict until the judge discharges the jury. After discharge you may discuss the verdict and the deliberations with anyone to whom you wish to speak. DON'T feel obligated to do so; no juror can be forced to talk without a court order. DO be careful about what you say to others. You should not say or write anything that you would not be willing to state under oath.

TASK 8. Translate the following into English:

Присяжный заседатель не должен:

- отлучаться из зала судебного заседания во время слушания дела,

- общаться по делу с лицами, не входящими в состав суда, без разрешения председательствующего,
- собирать сведения по делу вне судебного заседания.

Just for Fun

A jury consists of twelve persons chosen to decide who has the better lawyer.

* * *

"You seem to be in some distress," said the judge to the witness. "Is anything wrong?"

"Well, your Honour," said the witness, "I swore to tell the truth and nothing but the truth, but every time I try, some lawyer objects!"

* * *

A man had been convicted of theft on circumstantial evidence. When the case was sent for appeal, he revealed to his lawyer that he had been in prison at the time of the crime committed. "Good Heavens, man!" said the lawyer. "Why on earth didn't you reveal that fact at the trial?"

"Well," said the man, "I thought it might prejudice the jury against me."

* * *

A man accused of stealing a watch was acquitted on insufficient evidence. Outside the courtroom he approached his lawyer and said, "What does that mean — acquitted?"

"It means," said the lawyer, "that the court has found you innocent. You are free to go."

"Does it mean I can keep the watch?" asked the client.

* * *

First juror: "We shouldn't be here very long. One look at those two fellows convinces me that they are guilty."

Second juror: "Not so loud, you fool! That's counsel for the prosecution and counsel for the defence!"

UNIT 5. KINDS OF CASES

TASK 1. Read the following text and write down Russian equivalents for the words and expressions in bold type:

As a juror, you may **sit on a criminal case**, a civil case, or both.

Civil Cases

Civil cases are usually disputes between or among private citizens, corporations, governments, **government agencies**, and other organisations. Most often, the party bringing the suit is asking for money damages for some wrong that has been done. For example, a tenant may sue a landlord for failure to fix a leaky roof, or a landlord may sue a tenant for **failure to pay rent**. People who have been injured may sue a person or a company they feel is responsible for the injury.

The party bringing the suit is called the plaintiff; the party being sued is called the defendant. There may be many plaintiffs or many defendants in the same case.

The plaintiff starts the lawsuit by filing a paper called a complaint, in which the case against the defendant is stated. The next paper filed is usually the answer, in which the **defendant disputes** what the plaintiff has said in the complaint. The defendant may also feel that **there has been a wrong committed by the plaintiff**, in which case a counterclaim will be filed along with the answer. It is up to the plaintiff to **prove the case against the defendant**. In each civil case the judge tells the jury the **extent to which the plaintiff must prove the case**. This is called the plaintiff's burden of proof, a burden that the plaintiff must meet in order to win. In most civil cases the plaintiff's burden is to prove the case by a preponderance of evidence, that is, that the plaintiff's version of what happened in the case is more probably true than not true.

Jury verdicts do not need to be unanimous in civil cases. Only ten jurors need to agree upon a verdict if there are 12 jurors: five must agree if there are six jurors.

Criminal Cases

A criminal case is brought by the state or by a city or county against a person or persons accused of having committed a crime. The state, city, or county is called the plaintiff; the accused person is called the defendant. **The charge against the defendant** is called an information or a complaint. The defendant has pleaded not guilty and you should **presume the defendant's innocence** throughout the entire trial unless the plaintiff **proves the defendant guilty**. The plaintiff's burden of proof is greater in a criminal case than in a civil case. In each criminal case you hear the judge will tell you all the elements of the crime that the plaintiff must prove; the plaintiff must prove each of these elements **beyond reasonable doubt** before the defendant can be found guilty.

In criminal cases the verdict must be unanimous, that is, all jurors must agree that the defendant is guilty in order to overcome the presumption of innocence.

TASK 2. Find in the text above the English equivalents for the following words and expressions:

1. заявление об обвинении
2. элемент (состава) преступления
3. презумпция невиновности
4. показания (2)
5. истец
6. судебное разбирательство (3)
7. частные лица
8. денежная компенсация ущерба
9. единогласное решение присяжных
10. наличие более веских доказательств
11. письменные объяснения, возражения ответчика по делу
12. ответчик
13. встречный иск
14. бремя доказывания
15. ответственность за ущерб
16. подать иск / возбудить дело
17. заслушать показания
18. заявить о своей невиновности

TASK 3. Translate the following definitions into Russian:

DEFENDANT — (crim.) person charged with a crime;

(civ.) person or entity against whom a civil action is brought.

ACTION — proceeding taken in court synonymous to case, suit, lawsuit.

PREPONDERANCE OF EVIDENCE — the weight of evidence presented by one side is more convincing to the trier of facts than the evidence presented by the opposing side.

PLAINTIFF — the party who begins an action, complains or sues.

COUNTERCLAIM — claim presented by a defendant in opposition to the claim of the plaintiff.

COMPLAINT — (crim.) formal written charge that a person has committed a criminal offence;

(civ.) initial document filed by a plaintiff which starts the claim against the defendant.

TASK 4. Match the following English expressions with their Russian equivalents:

1) evidence for the plaintiff	a) вызывать истца в суд
2) judgement for the plaintiff	b) выступать в суде в качестве адвоката истца
3) plaintiff's claim	c) доказательства в пользу истца
4) to appear for the plaintiff	d) исковое требование
5) to call the plaintiff	e) свидетель, выставленный истцом
6) witness by the plaintiff	f) судебное решение в пользу истца

TASK 5. The word **DEFENDANT** has the following meanings in Russian:

1) ответчик

civil defendant — ответчик

2) обвиняемый

bailed defendant — обвиняемый или подсудимый, освобождённый (из-под стражи) под залог

3) подсудимый

judgement for the defendant — судебное решение в пользу ответчика или подсудимого

4) подзащитный

representation of defendant — представительство интересов подзащитного или подсудимого

Match the following English expressions with their Russian equivalents:

1) convicted defendant	a) подсудимый, содержащийся под стражей
2) defendant in custody	b) осуждённый
3) defendant's record	c) досье подсудимого
4) defendant's story	d) свидетель, выставленный ответчиком / подсудимым
5) defendant's witness	e) версия, выдвинутая обвиняемым

TASK 6. Answer the following questions:

1. What is a *civil case*?
2. Who is a *plaintiff*?
3. Who is a *defendant*?
4. What is a *complaint*?
5. What is an *answer*?
6. What is a *counterclaim*?
7. What is a *burden of proof*?
8. What is a *criminal case*?
9. What is *preponderance of evidence*?
10. How many jurors are necessary to agree upon the verdict in a criminal case?
11. Who is the plaintiff in a criminal case?
12. What is meant by the *presumption of innocence*?

TASK 7. Study the article below and decide the following:

1. What are the names of the plaintiff and the defendant in the lawsuit?
2. What was the issue at the heart of the dispute?
3. What were the claims of both parties?
4. How did the Random House editor describe the manuscript?
5. How did Joan Collins' attorney build up the defence?
6. What was the jury's verdict?

Joan Collins Has Starring Role in Lawsuit

Reuter and Associated Press
NEW YORK

British actress Joan Collins made her debut Tuesday in a New York courtroom, battling publishing giant Random House over a multimillion-dollar book contract. Random House is suing Collins, demanding the return of a \$1.2 million advance paid to her for manuscripts it claims were unfinished and unpublishable. Collins, best known for playing the scheming Alexis Carrington in the television series *Dynasty*, has

countersued for \$3.6 million she claims the publishing house still owes her.

Collins said she "felt completely shattered and let down" by the lawsuit. "It has seriously upset my writing career and my reputation," she said.

The dispute centered on a simple question: what is a completed manuscript?

Delivering the opening argument for Random House, attorney Robert Callagy said Collins had

not met the terms of her contract and had to return the advance money. "Miss Collins should be treated like any other person," Callagy said. "If you sign the contract, you must perform."

Former Random House editor Joni Evans testified that in 1991, when she first read Collins' manuscript, she felt 'alarmed'. "It just wasn't working in any shape or form," said Evans, now a literary agent. "It was no good. It wasn't grounded in reality. It was dull, primitive and rough. It was cliched in plot."

Collins' attorney, Kenneth David Burrows, argued that the actress had submitted two complete manuscripts, *A Ruling Passion*, written in 1991 at her home in France, and a second manuscript with the working title *Hell Hath No Fury*. Thus she had turned in

the required number of words and therefore had complied with the contract. He also said Random House should have provided her with editing and advice but instead it was trying to avoid meeting its obligations. He argued earlier that under the 1990 book deal she was guaranteed the money even if the publisher rejected the book.

Verdict. The jury decided that Collins had completed one manuscript in compliance with her contract. But Random House did not have to pay her for the second manuscript because it was merely a rehashing of the first one and not a separate piece of work. The verdict meant Collins could keep the advance and collect more from Random House, though how much more remained in dispute.

ROLE-PLAY

Is Justice Done?

Role play the Joan Collins trial.

STEP 1. Write down the speeches for the opening and closing arguments of the parties' attorneys.

STEP 2. Role play the trial: 'the lawyers' deliver their speeches; 'the defendant' testifies in court.

STEP 3. The rest of the group — the jurors — deliberate the evidence and bring in a verdict of their own.

It's Interesting to Know

Curious Wills

- When Margaret Montgomery of Chicago died in 1959, she left her five cats and a \$15,000 trust fund for their care to a former employee, William Fields. The will stipulated that Fields was to use the trust income solely for the cats' care and feeding, including such delicacies as pot roast meat. If, however, he outlived all the cats, Fields would inherit the trust principal. Nine years later the last cat, Fat Nose, died at 20, and Fields, 79, was \$15,000 richer.



- Charles Vance Millar, a Canadian lawyer and financier who died a bachelor in 1926, bequeathed the bulk of his fortune to whichever Toronto women gave birth to the largest number of children in the 10 years after his death. Four women eventually tied in the 'stork derby' that followed the publication of his will. Each had 9 children, and they shared between them \$750,000. A fifth woman who had 10 children was ruled out because 5 were illegitimate.

- One of the world's shortest wills was left by an Englishman named Dickens. Contested in 1906 but upheld by the courts, it read simply: "All for mother".

- A 19th-century London tavernkeeper left his property to his wife — on the condition that every year, on the anniversary of his death, she would walk barefoot to the local market, hold up a lighted candle, and confess aloud how she had nagged him. The theme of the confession was that if her tongue had been shorter, her husband's days would have been longer. If she failed to keep the appointment, she was to receive no more than 20 pounds a year, just enough to live on. Whether the wife decided to take the bigger bequest or spare herself humiliation is not known.

UNIT 6. STEPS OF THE TRIAL

TASK 1. Read the following text and write down Russian equivalents for the words and expressions in bold type:

What Happens During the Trial

Events in a trial usually happen in a particular order, though the order may be changed by the judge. The usual order of events is set out below.

Step 1. Selection of the Jury.

Step 2. Opening Statements. The lawyers for each side will discuss their views of the case that you are to hear and will also present a general picture of what they intend to prove about the case. What the lawyers say in their opening statements is not evidence and, therefore, does not help prove their cases.

Step 3. Presentation of Evidence. All parties are entitled to present evidence. The testimony of witnesses who testify at trial is evidence. Evidence may also take the form of physical exhibits, such as a gun or a photograph. On occasion, the written testimony of people not able to attend the trial may also be evidence in the cases you will hear.

Many things you will see and hear during the trial are not evidence. For example, what the lawyers say in their opening and closing statements is not evidence. Physical exhibits offered by the lawyers, but not admitted by the judge, are also to be disregarded, as is testimony that the judge orders stricken off the record.

Many times during the trial the lawyers may make objections to evidence presented by the other side or to questions asked by the other lawyer. Lawyers are allowed to object to these things when they consider them improper under the laws of evidence. It is up to the judge to decide whether each objection was valid or invalid, and whether, therefore, the evidence can be admitted or the question allowed. If the objection was valid, the judge will sustain the objection. If the objection was not valid, the judge will overrule the objection. These rulings do not reflect the judge's opinion of the case or whether the judge favours or does not favour the evidence or the question to which there has been an objection.

It is your duty as a juror to decide the weight or importance of evidence or testimony allowed by the judge. You are also the sole judge of the credibility of witnesses, that is, of whether their testimony is believable. In considering credibility, you may take into

account the witnesses' opportunity and ability to observe the events about which they are testifying, their memory and manner while testifying, the reasonableness of their testimony when considered in the light of all the other evidence in the case, their possible bias or prejudice, and any other factors that bear on the believability of the testimony or on the importance to be given that testimony.

Step 4. The Instructions. Following presentation of all the evidence, the judge instructs the jury on the laws that are to guide the jury in their deliberations on a verdict. A copy of the instructions will be sent to the jury room for the use of jurors during their deliberations. All documents or physical objects that have been received into evidence will also be sent to the jury room.

Step 5. Closing Arguments. The lawyers in the closing arguments summarize the case from their point of view. They may discuss the evidence that has been presented or comment on the credibility of witnesses. The lawyers may also discuss any of the judge's instructions that they feel are of special importance to their case. These arguments are not evidence.

Step 6. Jury Deliberation. The jury retires to the jury room to conduct the deliberations on the verdict in the case they have just heard. The jury first elects a foreman who will see to it that discussion is conducted in a sensible and orderly fashion, that all issues are fully and fairly discussed, and that every juror is given a fair chance to participate.

When a verdict has been reached, the foreman signs it and informs the bailiff. The jury returns to the courtroom, where the foreman presents the verdict. The judge then discharges the jury from the case.

TASK 2. Find in the text above the English equivalents for the following words and expressions:

1. вступительная речь
2. заключительная речь
3. надёжность свидетеля
4. зачитать вердикт
5. правомерный протест
6. принять, поддержать протест
7. вычеркнуть из протокола
8. удалиться в комнату для совещаний присяжных
9. совещание присяжных

10. старшина присяжных
11. свидетельские показания
12. отклонить протест

TASK 3. Answer the following questions:

1. What are the steps of a trial?
2. What can be considered *evidence*?
3. What is a *physical exhibit*?
4. What are *objections*?
5. When can *objections* be made?
6. Who can sustain or overrule an *objection*?
7. What does the judge say in the *instructions*?
8. Who presents *closing arguments*?
9. What happens during *jury deliberations*?

TASK 4. Render the following text into English paying special attention to the words and expressions given in bold type:

Прения сторон

Прежде чем исследованные в предшествующей стадии судебного разбирательства материалы дела будут анализироваться в совещании присяжных, они обсуждаются в процессе судебных прений, где государственный обвинитель и защитник, используя профессиональные знания и навыки, восстанавливают связь между доказательствами, позволяя судьям от общества сделать свободный выбор между обвинением и оправданием подсудимого.

Позиции обвинения и защиты в суде присяжных строятся не только на основе принципа состязательности, но и на основе принципа презумпции невиновности: невиновность подсудимого предполагается, а виновность доказывается обвинителем.

Судья вправе прервать речь, возражение или замечание стороны, если в них содержатся:

- сведения, не имеющие прямого отношения к делу;
- обстоятельства, оскорбительные для чьей-либо чести и достоинства;
- данные, не проверенные в ходе судебного следствия;
- ссылки на исключенные из дела доказательства;
- сведения о прежней судимости обвиняемого;

- **иные обстоятельства, влияющие на объективность присяжных.**

Судья в своем напутственном слове объясняет присяжным заседателям, что при вынесении вердикта они должны:

- **руководствоваться здравым смыслом;**
- **руководствоваться принципом презумпции невиновности, согласно которому подсудимый не обязан доказывать свою невиновность: бремя доказывания вины подсудимого лежит на государственном обвинителе;**
- **оценивать исследованные в суде доказательства (показания подсудимого, потерпевшего, свидетелей, заключения экспертов и др.) в их совокупности, согласовывая их одно с другим;**
- **не принимать во внимание доказательства, вычеркнутые из протокола;**
- **не воспринимать как доказательства доводы, прозвучавшие в речах сторон.**

TASK 5. Translate the following text into Russian:

Verdict

Verdict, in law, is the pronouncement of the jury upon matters of fact submitted to them for deliberation and determination. In civil cases, verdicts may be either general or special. A general verdict is one in which the jury pronounces generally upon all the issues, in favor of either the plaintiff or the defendant. A special verdict is one in which the jury reviews the facts, but leaves to the court any decisions on questions of law arising from those facts. As a rule, however, special verdicts are not applicable to criminal cases, and in most instances the jury renders a general verdict of "guilty" or "not guilty."

Generally, the jury's verdict must be unanimous. In a number of states, however, the condition of unanimity has been modified, and verdicts can consequently be rendered by a designated majority of the jury. All jury members must be present in court when the verdict is given.

In criminal cases a verdict of acquittal is conclusive upon the prosecution (the state), thus precluding double jeopardy, but the defendant may be tried again in the event the jury cannot reach a decision. The defendant must be present when the verdict is rendered.

TASK 6. Match the following English expressions with their Russian equivalents:

1) final verdict	a) вердикт о виновности
2) general verdict	b) вердикт о невиновности
3) special verdict	c) вердикт об оправдании
4) to attain/reach/return/ bring in a verdict	d) вердикт об осуждении
5) unanimous verdict	e) вынести вердикт
6) verdict of acquittal	f) генеральный вердикт, вердикт по существу дела
7) verdict of conviction	g) окончательный вердикт
8) verdict of guilty	h) ошибочный вердикт
9) verdict of non-guilty	i) прийти к соглашению относительно вердикта
10) wrong verdict	j) вердикт, вынесенный единогласно
11) to agree to/upon a verdict	k) специальный вердикт (решение присяжными частного вопроса)

TASK 7. Render the following text into English paying special attention to the words and expressions given in bold type:

Вердиктом является решение коллегии присяжных заседателей по поставленным перед ней вопросам, включая основной вопрос о виновности подсудимого.

Присяжные выносят вердикт

- без постороннего влияния, удалившись в совещательную комнату;
- открытым голосованием, причем никто не вправе воздержаться от принятия решения;
- путем **единогласного решения**, или **большинством голосов**;
- ответы даются по каждому вопросу отдельно.

Руководит совещанием присяжных старшина, который последовательно ставит на обсуждение подлежащие разрешению вопросы, проводит голосование, ведет подсчет голосов.

TASK 8. Revise your knowledge of the work of juries. Fill in the gaps in the following sentences:

1. A juror should keep an open _____ all through the trial. 2. You become a potential juror after your name is selected

_____ from voters registration _____. 3. A crime of graver nature than a misdemeanour is a _____. 4. To _____ somebody means to find a person not guilty in a trial. 5. Civil cases are usually disputed between or among _____, corporations or other organizations. 6. The _____ of jury doesn't need to be _____ in civil cases. 7. The _____ keeps track of all documents and exhibits in trial being the judge's assistant. 8. The job of a juror is to listen to _____ and to decide _____. 9. One who is engaged in a lawsuit is called a _____. 10. Process by which a lawyer questions a witness called to testify by the other side is _____. 11. "_____ " is a phrase meaning "to speak the truth". 12. A juror should not be influenced by sympathy or _____. 13. A juror should not express his _____ to other jurors before _____ begin. 14. Formal accusation of having committed a criminal offence is a _____. 15. To be a good juror you should use your _____ and be _____. 16. The third stage of a trial is _____. 17. When a _____ has been reached the judge _____ the jury from the case. 18. A member of jury panel must _____ an _____ promising to answer all questions truthfully. 19. To be eligible, you must: be _____, _____, able to _____, and if you _____ ever _____, you must have your _____. 20. Compromise agreement by opposing parties, eliminating the need for the judge to resolve the controversy is called _____. 21. Trier of facts is a _____ or, in a non-jury trial — a _____. 22. People who don't meet certain _____ may be _____ from jury service. 23. Lawyers for each side are allowed to _____ when they consider something done improper under the _____ of evidence. 24. Attorney who represents the defendant is a _____. 25. _____ is any statement made by a witness under _____ in legal proceedings. 26. _____ means that the lawyer doesn't have to state a _____ for asking the juror to be excused. 27. The party bringing the suit is called a _____. 28. The fifth step of a trial is called _____, when the lawyers _____ the case from their _____ of view. 29. The lawsuit is started by filing a paper called a _____. 30. The defendant's innocence is _____ unless he is proved _____. 30. It is up to judge to decide whether each _____ is valid or _____. 31. Following the _____ of evidence, the judge gives _____ to the jurors on the laws that are to guide them in their _____ on

a _____. 32. A _____ case is brought by the state or the city against a person or persons accused of _____ a crime. 33. In _____ cases people who have been _____ may sue a person or a company they feel is responsible for _____. 34. If the defendant has _____ not guilty, the prosecution must prove his guilt to overcome the _____. 35. The _____ elected by the jury should provide that _____ is conducted in orderly fashion. 36. _____ is a request by a party to excuse a specific juror for some reason. 37. The _____ in trial decides the law, i.e. makes decisions on legal _____. 38. Most often in civil cases the party bringing the _____ is asking for money _____.

UNIT 7. THE VALUE OF JURIES

Falling Bastion?

How valuable is the jury in modern times? This is a very controversial question. On the one hand the jury has much ancient history behind it (though some scholars have argued it is more mythology than true history) as a bastion of the liberty of the subject against repressive governments. To a minor degree the jury can, and occasionally still does, play this role.

The jury system is the ordinary citizen's link with the legal process. It is supposed to safeguard individual liberty and justice because a commonsense decision on the facts either to punish or acquit is taken by fellow citizens rather than by professionals. But the system has been criticized because of its high acquittal rates; allegedly unsuitable or subjective jurors; intimidation of jurors; and administrative reason for saving time and costs.

Throughout the world the use of jury trials is limited. The French Revolution initiated trial by jury in continental Europe, and this spread to other civil-law countries, but only for criminal trials. In the 20th century jury trials have been abandoned or eliminated in most civil-law countries. Jury trials survive primarily in the common-law countries, above all, the United States. Even there and in England jury trial has declined in favor of trial by judge. Many critics urge the curtailment or elimination of the jury trial as an amateurish and inefficient method of determining a legal issue. Critics would like to replace the jury with panels of experts in relevant fields. But, after widespread opposition to such proposals, it seems as though the jury will continue in its present form.

TASK 1. Answer the following questions:

1. Why is jury called 'the bastion of liberty'?
2. Why has the jury system been criticized?
3. In what countries is the jury system used? Why?

TASK 2. Comment on the following quotations. Which of them are for or against the jury system? Give your grounds:

Words of Wisdom About Jury Service

The jury, passing on the prisoner's life,
May have in the sworn twelve a thief or two
Guiltier than him they try.

William Shakespeare

Our civilization has decided... that determining the guilt or innocence of men is a thing too important to be trusted to trained men... When it wants a library catalogued, or the solar system discovered, or any trifle of that kind, it uses up its specialists. But when it wishes anything done which is really serious, it collects twelve of the ordinary men standing round. The same thing was done, if I remember right, by the Founder of Christianity.

G. K. Chesterton

"Write that down," the King said to the jury, and the jury eagerly wrote down all three dates on their slates, and then added them up, and reduced the answer to shillings and pence.

Lewis Carroll

I consider trial by jury as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution.

Thomas Jefferson

It's not only the juror's right, but his duty to find the verdict according to his own best understanding, judgement, and conscience, though in direct opposition to the direction of the court.

John Adams

Providing an accused with the right to be tried by a jury of his peers gave him an inestimable safeguard against the corrupt or overzealous prosecutor.

Justice Byron White

TASK 3. Read the article describing the current debate on jury system in the UK:

Jury System Reform Defeated in Parliament

In 1999 the UK Home Secretary Jack Straw unveiled plans to limit the right to trial by jury. In the UK defendants in certain cases can choose whether they want a trial by magistrates or by judge and jury. The Home Secretary said, "England and Wales has the only jurisdiction system where defendants have the right to choose their court. In addition, trial by jury is a more expensive process than a hearing by magistrates." Defending the proposed legislation, Mr. Straw said that it would streamline the criminal justice system, save 128 million pounds a year and prevent some defendants from "working the system".

The jury trial in its modern form stems back to 1855. Serious crimes are automatically heard by a jury as well as a wide range of middle-ranking offences such as theft and handling stolen goods. There were plans to abolish jury trials for complex fraud cases. The Home Office pointed out the huge cost of such cases to the taxpayers and the strain on judges, juries and defendants. The government argued that some defendants abuse the current system

MAGISTRATES (Justices of the Peace or JPs) are judicial officers who judge cases in lower courts. They are usually unpaid and have no formal legal qualifications, but they are respectable people who are given some training.

delaying their trial by pleading not guilty in order to get a trial by jury, then changing their plea at the last moment in order to get a more lenient sentence.

In both chambers of Parliament, however, the legislation was condemned as unjust, and the bill described as "one of the worst pieces of legislation to come for many years". The majority of the MPs in the House of Commons voted against the proposals to allow magistrates to decide whether defendants accused of lesser offences should be entitled to jury trial. The Lords also condemned the bill as bringing in a two-tier system in which the rich would be able to defend their reputation but the poor would not.

Opponents of the bill believe it would have restricted a

fundamental right to jury trial by one's peers and would erode public confidence in the criminal justice system. The legal profession, civil liberties groups, opposition parties and the Lords rejected Jack Straw's policy.

TASK 4. Answer the following questions:

1. What was the subject matter of the bill proposed by the UK Home Secretary?
2. What were the reasons for introducing this bill?
3. What crimes do juries in England and Wales deal with?
4. In your opinion, why were there plans to abolish jury trials for complex cases?
5. Why was the legislation rejected by both Houses of Parliament? Explain the position of the Commons and the Lords.
6. Why would the poor suffer from this kind of legislation?

TASK 5. Study the opinion poll on the UK government initiative to limit the right to trial by jury. Which of these opinions are for / against the jury system?

The new bill is considered to be the beginning of the end for Britain's ancient jury system. The members of the public were asked a question "Do you believe it is the fairest system available or is it old-fashioned and in need of reform?"

It's clear that the system is far from ideal. Juries of ordinary people are by their very nature more influenced by emotion than facts because they aren't trained to deal with these. That being said, magistrates are probably not that much better placed to do so.

John Cahill, UK

The right for a suspect to have a jury has been welded into English law for hundreds of years. What right has Straw to deny people this basic right?

Nick, England

Flawed as the jury system is, the right to be judged by one's peers is not something that should be tossed aside lightly, and certainly not on the grounds of expense.

Kit, UK

As a retired Cop I can tell you that the rule is this: if you are guilty get a good lawyer and a jury. If you are innocent you would have a better chance with a judge only.

Ty Northcutt, USA

In real life it doesn't make much difference whether you opt for trial by jury or trial by magistrates. In the Netherlands there is no trial by jury whatsoever, still I cannot see any signs of a despotic police state looming above the horizon, democracy going to pot, or personal freedom going down the drain.

Frank Drop, The Netherlands

If a defendant is tried by a true 'jury of his peers', then a jury trial would perhaps result in justice. If, as is currently true in the United States, and possibly also in the UK, a jury is selected from people who are not peers of the defendant, who know nothing of the case, and have nothing better to do with their time then a jury trial becomes a two-ring circus. The ring which produces the best performance wins. Justice is incidental. It becomes all about winning.

Jim, USA

The idea of 12 good men/women is flawed. The jury system is a lottery and you have no guarantee that the people have an adequate grasp of the concepts involved. The courtroom is a forum for a display of semantics by lawyers and too many people are misled by it.

Lucas, UK

Trial by jury is part of what the English-speaking nations of the world understand by democracy. The ordinary people don't only decide who shall write the laws, by electing the MPs, they also decide, by serving on juries, against whom those laws shall be applied. If you argue that they are incompetent to do the latter, then by the same token you are in fact arguing that they are incompetent to do the former.

T. D. Erikson, UK

Although a jury by one's peers may have its flaws, I can think of no better or less flawed system available. Sure, it may be expensive, but since when has there been a price tag on justice? If somebody can come up with a better non-biased judicial system then please feel free. But until then, I see no better alternative.

Frederick Seal, USA

There seems to be a continual erosion of our judicial system. It's another step towards justice by decree. Magistrates are essentially illegitimate: they are not elected, nor randomly chosen; they are appointees of the State. Their use should be restricted to very minor cases. The right to be judged by one's peers is ancient and fundamental. Justice dispensed by 'experts' or officials is abhorrent.

Mark Parker, UK

The people need to be involved in the justice system. No juries, only appointed judges? I don't think so.

Joyce Cross, USA

Having worked as a Barrister's Clerk for some time I have come to the conclusion that jury trials do not always result in justice. Most criminals are accomplished liars, resulting in many juries being lead astray from the truth. As a result justice is not reached.

Hannah Bell, England

Ask many innocent victims of this flawed system. The law is a complex business and best left to those who have devoted their lives to studying it. Replace juries drawn from ordinary people with teams of professional jurors trained and qualified to perform the function.

John, England

DEBATE

Do Juries Deliver Justice?

Express your opinion on the question above.

Prepare your arguments for or against. Divide into two groups — pro and con, and conduct a debate.

Appoint the 'Chair' of the debate who will give the floor to the speakers of both teams.

Use the active vocabulary from the Unit.

It's Interesting to Know

Cyber Justice

An artificial-intelligence program called the Electronic Judge is dispensing justice on the streets of Brazilian cities. The program is installed on a laptop carried by a human judge and helps to assess swiftly and methodically witness reports and forensic evidence at the scene of an incident. It then issues on-the-spot fines and can even recommend jail sentences. It is part of a scheme called 'Justice-on-Wheels', which is designed to speed up Brazil's overloaded legal system by dealing immediately with straightforward cases.

Most people are happy to have the matters sorted out on the spot, says the program's creator, who sits in the state's Supreme Court of Appeals. He adds that the idea is not to replace judges but to make them more efficient.

After police alert the rapid justice team to minor accidents, they can be on the scene within 10 minutes. Most cases require only simple questions and no interpretation of the law — the decision-making process is purely logical. The program presents the judge with multiple choice questions, such as "Did the driver stop at the red light?" or "Had the driver been drinking alcohol above the acceptable limit of the law?" These sorts of questions

need only yes or no answers. The program gives more than a simple judgement: it also prints out its reasoning. If the human judge disagrees with the decision it can simply be overruled. Some people who have been judged by the program do not realise that they have been tried by software.

It could be some time before a similar system takes the place of an English court. "It would have to satisfy the authorities that it was absolutely foolproof first," says a spokesman for the Lord Chancellor's office, which oversees courts in England and Wales. But it could be put to use in the U.S., where the discussion is under way to set up a mobile system to resolve disputes over traffic accidents.

Chapter V
IMPRISONMENT: RETRIBUTION
OR REHABILITATION?

UNIT 1. PENAL AND CORRECTIONAL INSTITUTIONS THROUGHOUT HISTORY

BRAINSTORM

1. *What role do correctional institutions play in the modern society?*

2. *Which of the following words refer to:*

a) *goals of punishment*

b) *correctional institutions:*

- | | |
|---|--|
| <ul style="list-style-type: none"> ● Cell ● Custody ● Deterrent ● Imprisonment ● Incarceration ● Isolation ● Jail/Gaol ● Penitentiary | <ul style="list-style-type: none"> ● Penitence ● Penology ● Prison ● Reformation ● Reformatory ● Rehabilitation ● Retribution ● Solitary confinement |
|---|--|

TASK 1. Read the following text and write down Russian equivalents for the words and expressions given in bold type:

Development of the Prison System

A prison is an institution for the confinement of persons convicted of major crimes or felonies. In the 19th and the 20th centuries, imprisonment replaced corporal punishment, execution, and banishment as **the chief means of punishing serious offenders**.

Historically exile, execution, and various forms of corporal punishment were the most common **penalties for criminal acts**.

In the 12th century England **jails** were widely used as places for the confinement of accused persons until their cases could be **tried by the king's court**. Imprisonment gradually came to be accepted not only as a device for holding persons awaiting trial but also as a means of **punishing convicted criminals**.

During the 16th century a number of houses of correction were established in England and on the continent for the reform of **minor offenders**. In these institutions there was little **segregation** by age, sex, or other condition. The main emphasis was on strict discipline and **hard labour**.

Although **reformation of offenders** was intended in the houses of correction, the unsanitary conditions and lack of provisions for the welfare of the inmates soon produced widespread agitation for further changes in methods of handling criminals. **Solitary confinement** of criminals became an ideal among the rationalist reformers of the 18th century, who believed that solitude would help the offender to become penitent and that penitence would result in reformation.

Meanwhile, strenuous opposition to the prolonged isolation of prisoners developed very early, especially in the United States. A competing philosophy of prison management, known as the 'silent system' was developed. The main distinguishing feature of the silent system was that prisoners were allowed to work together in the daytime. Silence was strictly enforced at all times, however, and at night the prisoners were confined in individual cells.

Further refinements were developed in Irish prisons in the mid-1800s. Irish inmates progressed through three stages of confinement before they were returned to civilian life. The first portion of the sentence was served in isolation. Then the prisoners were allowed to associate with other inmates in various kinds of work projects. Finally, for six months or more before release, the prisoners were transferred to 'intermediate prisons', where inmates were supervised by unarmed guards and given sufficient freedom and responsibility to permit them to demonstrate their fitness for release. Release was also conditional upon the continued good conduct of the offender, who could be returned to prison if necessary.

These were the steps made to fit the severity of the punishment to the severity of the crime, in the belief that the existence of clearly articulated and just penalties would act as a deterrent to crime. Since then, deterrence, rather than retribution, has become a leading principle of European penology.

TASK 2. Answer the following questions:

1. What is a prison?
2. What were the means of punishing offenders before the 19th century?
3. What was the purpose of jails in the 12th century England?
4. What were the main features of houses of correction in the 16th century?
5. Why did the rationalist reformers of the 18th century seek to establish solitary confinement of criminals?
6. What is the 'silent system'?
7. What were Irish prisons like in the mid-1800s?

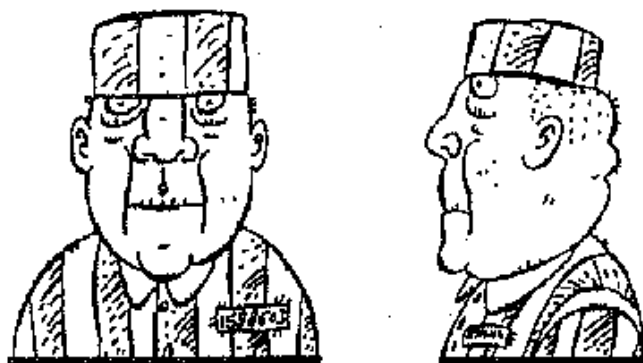
TASK 3. Read the text below and answer the following questions:

1. What are the purposes of incarceration?
2. How are these purposes obtained?
3. What three categories of prisons are described in the text?
4. What is the general principle of confining offenders into different kinds of prisons?

Present-day Penal Institutions

Modern prisons are quite diverse, but it is possible to make some generalisations about them. In all but minimum-security prisons, the task of maintaining physical custody of the prisoners is usually given the highest priority and is likely to dominate all other concerns. Barred cells and locked doors, periodic checking of cells, searches for contraband, and detailed regulation of inmates' movements about the prison are all undertaken to prevent escapes. In order to forestall thievery, drug and alcohol use, violent assaults, rapes, and other types of prison crime, the inmates are subjected to rules governing every aspect of life; these do much to give the social structure of the prison its authoritarian character.

The need to maintain security within prisons has prompted many countries to separate their penal institutions into categories of maximum, medium, and minimum security. Convicted offenders are assigned to a particular category on the basis of the



seriousness or violent nature of their offence, the length of their sentence, their proneness to escape, and other considerations. Within a prison, the inmates are often classified into several categories and housed in corresponding cellblocks according to the security risk posed by each individual. Younger offenders are usually held in separate penal institutions that provide a stronger emphasis on treatment and correction.

Prisons generally succeed in the twin purposes of isolating the criminal from society and punishing him for his crime, but the higher goal of rehabilitation is not as easily attained. An offender's time in prison is usually reduced as a reward for good behaviour and conscientious performance at work. The privilege of receiving visits from family members and friends from the outside world exists in almost all penal systems.

TASK 4. Find in the text above the English equivalents for the following words and expressions:

1. заключённый
2. нападение с применением насилия
3. некарательное воздействие и исправление
4. осуждённый
5. реабилитация личности преступника
6. тюрьма с максимальной изоляцией заключённых
7. тюрьма с минимальной изоляцией заключённых
8. тюрьма со средней степенью изоляции заключённых

TASK 5. Explain the meaning of the following words and expressions. Make up sentences of your own:

- conscientious performance at work
- proneness to escape
- security risk
- to forestall thievery
- to give smth. the highest priority
- to maintain security within prisons

TASK 6. Match the following English expressions with their Russian equivalents:

1) breach of prison	a) 'промышленная тюрьма' (тюрьма, где заключённые работают в цехах, мастерских)
2) closed prison	b) бежавший из тюрьмы
3) industrial prison	c) бежать /совершить побег/ из тюрьмы
4) open prison	d) быть приговорённым к тюремному заключению
5) prison bar	e) отбывать срок в тюрьме
6) prison breaker	f) перевоспитание или обучение заключённых (профессии) в тюрьме
7) prison education	g) побег из тюрьмы; побег из-под стражи
8) prison lawyer	h) тюремная камера
9) prison term	i) тюремная решётка
10) prison ward	j) тюремное заключение, тюремный срок
11) to be sent to prison	k) тюремный юрист
12) to do one's time (in prison)	l) тюрьма закрытого типа
13) to escape from prison	m) тюрьма открытого типа (неохраняемая)

The Tower of London

Founded nearly a millennium ago and expanded upon over the centuries since, the Tower of London has protected, housed, imprisoned and been for many the last sight they saw on Earth.

It has been the seat of British government and the living quarters of monarchs, the site of renowned political intrigue, and the repository of the Crown Jewels. It has housed lions, bears, and (to this day) flightless ravens, not to mention notorious traitors and framed members of court, lords and ministers, clergymen and knights.

In the Middle Ages the Tower of London became a prison and place of execution for politically related crimes, with most captives being put to death (murdered or executed). Among those killed there were the humanist Sir Thomas More (1535); the second wife of Henry VIII, Anne Boleyn (1536). Other notable inmates included Princess Elizabeth (later Elizabeth I), who was briefly imprisoned by Mary I for suspicion of conspiracy; the infamous conspirator Guy Fawkes (1606) and the adventurer Sir Walter Raleigh (1618). Even in the 20th century during World War I several spies were executed there by firing squad.

TASK 7. Explain the meaning of the following words and expressions:

- a framed member of court
- a notable inmate
- a notorious traitor
- a politically related crime
- an infamous conspirator
- the repository of the Crown Jewels
- the seat of British government
- the site of renowned political intrigue

TASK 8. Complete the following table with the appropriate verb or noun forms:

Verb	Noun
to plot	
	execution
to capture	
	conspiracy
to imprison	
	protection
	traitor
to suspect	

TASK 9. Match the names of the renowned prisoners from the box with the stories given below:

Catherine Howard; Sir Walter Raleigh; Anne Boleyn;
Guy Fawkes; Sir Thomas More

Here are some of the unfortunates held within the Tower walls.

_____, the Lord Chancellor and scholar who served Henry VIII until the break with Rome, refused to acknowledge Henry VIII as supreme head of the English Church, and continued adamant when the king's subjects were required to subscribe to the oath imposed. He also protested against the divorce of Catherine of Aragon, who had given Henry only one living child, the Princess Mary.

_____, Henry VIII's second wife, was taken to the Tower on a charge of adultery. Before her crowning she had stayed in what is now called the "Queen's House", built below the Bell Tower in 1530. As a prisoner she returned there. Her trial took place in the medieval great hall where she was sentenced to death.

_____ was Henry VIII's fifth wife and according to him his "very jewel of womanhood". He adored her and showered her with gifts and favours and pampered her in every way. She appointed a former admirer as her private secretary and soon rumours were being whispered at court about the Queen's misconduct. Henry's immediate reaction was one of total disbelief. However, he ordered an investigation and found that she had really been flirting behind his back. For this he could show no mercy. She went the way of her cousin Anne Boleyn; she was tried, condemned and beheaded at the Tower of London.

_____ was a leading conspirator in the Gunpowder Plot to blow up Parliament. He was a Catholic convert who had served in the Spanish army before becoming involved in the plot. He and his fellow conspirators were taken to the Tower and interrogated in the Queen's House. In January 1606 with three others, he was drawn on a hurdle from the Tower to the Houses of Parliament and there hanged, beheaded and quartered.

_____ was an explorer known for his expeditions to the Americas, and for allegedly bringing tobacco and the potato from the New World to the British Isles. A favourite of Elizabeth I, he fell thoroughly out of favour and spent 12 years in the Tower

on a charge of plotting against King James I. He was released in 1616, only to find himself back there in 1618 after his fruitless expedition to look for gold mines in Guyana. This time he was kept in one of the most cold and direful dungeons before being beheaded six weeks later. In his speech from the scaffold he thanked God that he died in the light, and not in the dark prison of the Tower.

TASK 10. Read the text and write down Russian equivalents for the words and expressions given in bold type:

The Bastille

The Bastille was a medieval fortress on the East side of Paris that became, in the 17th and 18th centuries, a French state prison and a **place of detention** for important persons **charged with miscellaneous offences**. The Bastille, **stormed by an armed mob** of Parisians in the opening days of the French Revolution, was a symbol of the despotism of the Bourbons and held an important place in the ideology of the Revolution.

With its eight towers, 100 feet high, linked by walls of equal height and surrounded by a moat more than 80 feet wide, the Bastille dominated Paris. The first stone was laid on April 22, 1370, on the orders of Charles V of France, who had it built as a *bastide*, or fortification (the name Bastille is a **corruption** of *bastide*), to protect this wall around Paris against English attack.

The Cardinal de Richelieu was the first to use the Bastille as a state prison in the 17th century. Prisoners included **political troublemakers** and individuals held at the request of their families, often to **coerce a young member into obedience** or to **prevent a disreputable member from marring the family's name**. Under Louis XIV, the Bastille became a place of **judicial detention**; and later persons being tried by the Parliament were also detained there. It is noteworthy that prohibited books were also placed in the Bastille. The high cost of maintaining the building **prompted talk of demolition** in 1784.

On July 14, 1789, when only seven prisoners were confined in the building, a mob advanced on the Bastille with the intention of asking the prison governor to release the arms and munitions stored there. Angered by the governor's refusal, the people stormed and captured the place. This dramatic action came to symbolise the end of the ancient regime. The Bastille was subsequently demolished by order of the Revolutionary government.

TASK 11. Answer the following questions:

1. When and why was the Bastille built?
2. Who was the first to use the Bastille as a state prison?
3. What was the Bastille like in the 17th and 18th centuries? Who was confined there?
4. How was the Bastille demolished?

TASK 12. Read the text in the section "It's Interesting to Know". Find more information about the research into the treatment of criminals carried out by the 18th century humanists:

It's Interesting to Know

John Howard, 1726—1790

There is in England today a society called *The Howard League of Penal Reform*. It is named after one of the greatest figures in the history of law in the eighteenth century. Howard was High Sheriff of Bedfordshire when, in 1773 he started to investigate prison conditions. The thing that drew his interest was the discovery that innocent people were often held in gaol until they had paid the gaoler's fees even though the court had found them not guilty. In the next three years he visited every prison in Great Britain and Ireland as well as many in Europe and wrote a book based on his experiences called *The State of Prisons*. He died in Russia on his way to find out about sanitary conditions in the Russian army. Through his work and that of Elizabeth Fry prisons were at last improved and prisoners treated more like human beings than animals.

Cesare Beccaria, 1738—1794

Punishment of criminals in the eighteenth century was savage, from torture to death or imprisonment. One of the first people to raise a voice against the inhumanity was Beccaria, who wrote a famous book called *Concerning Crimes and Punishment*. He called for mercy and his pleas were heard by such people as Frederick the Great of Prussia, who was in a position to do something about unjust laws. The book was soon translated into several languages. He was one of the first people to say that the law should consider the person being tried as well as the crime he or she has committed.

Elizabeth Fry, 1780—1845

Until the great reforms in law, which took place in the nineteenth century, criminals were treated with great brutality. Thieves were hanged or deported, while floggings were very common and prisons were dirty and terribly overcrowded. Elizabeth Fry was one of the very few people who devoted their lives to improving the life of prisoners. She was a Norfolk Quaker who went among the criminals to understand them better and to improve the conditions in which they lived. In 1817 she formed a society for the improvement of prison conditions and started to take an interest in prisons in other countries. She was so successful in her work that she was thanked by the House of Commons for her efforts.

REVIEW

Sum up the information from the Unit. Add the facts and data that you have obtained during your classes of law. Make reports and present them in class. Use the patterns and the vocabulary from the Unit.

UNIT 2. PRISON POPULATION

TASK 1. Read the text below and answer the following questions:

1. What are the main categories of inmates?
2. Where are long-term prisoners usually held?
3. What is the purpose of reformatories?
4. What are open prisons?

Nowadays prisoners are kept in separate institutions according to the severity of crime committed, as well as to the age, sex and other conditions. Consequently, the inmates include unconvicted prisoners, juvenile delinquents, women prisoners, recidivists and life-sentence prisoners.

Most prisoners serving longer sentences are held in correctional institutions, which are usually large maximum-security buildings holding offenders in conditions of strict security. Young offenders

are usually detained in reformatories, often designated under names that imply that their purpose is treatment or correction rather than punishment. Women are normally held in separate prisons. Prisoners who are not considered a danger to the community may be confined in low-security or open prisons.

TASK 2. Explain the meaning of the following words and expressions:

- unconvicted prisoner
- juvenile delinquent
- recidivist
- life-sentence prisoner

TASK 3. Match the following English expressions with their Russian equivalents:

1) close prisoner	a) 'узник совести'; политический заключённый
2) life-sentence prisoner	b) версия, выдвинутая обвиняемым
3) long-sentence / long-term prisoner	c) военнопленный
4) prisoner of conscience	d) лицо, содержащееся в одиночном заключении
5) prisoner of war	e) обвиняемый, отпущенный (из-под стражи) на поруки
6) prisoner on bail	f) осуждённый, отбывающий долгосрочное тюремное заключение
7) prisoner on trial	g) подсудимый
8) prisoner's box	h) приговорённый к пожизненному тюремному заключению
9) prisoner's story	i) скамья подсудимых

TASK 4. Read the following text and write down Russian equivalents for sentences given in bold type:

Prison Inmates

Unconvicted Prisoners

Some of the prison population consists of unconvicted prisoners held in custody and awaiting trial. These prisoners are presumed

to be innocent and are treated accordingly. They are allowed all reasonable facilities to seek release on bail, prepare for trial, maintain contact with relatives and friends, and pursue legitimate business and social interests. They also have the right to wear their own clothes and can write and receive unlimited number of letters.

Young Offenders

In Britain, young offenders are held in reformatories, which are designed for the treatment, training and social rehabilitation of youth. School-age delinquents are kept in residential training schools, and young offenders between the ages of 16 and 25 who have been convicted of a criminal act serve in special facilities. The most famous of these is the *Borstal Institution*.

Women prisoners

Women are usually held in smaller prisons with special programmes and recreational opportunities offered to reflect stereotyped female roles, with emphasis on housekeeping, sewing and typing skills. Women prisoners do not wear prison uniform and there is a clothing allowance to help pay for clothes while in prison. Some prisons provide mother and baby units, which enable babies to remain with their mothers where that is found to be in the best interests of the child. In addition to the usual visiting arrangement, several prisons allow extended visits to enable women to spend the whole day with their children in an informal atmosphere.

Habitual offenders

Criminals who have frequently been apprehended and convicted, who have manifested a settled practice in crime, and who are presumed to be a danger to the society in which they live are referred to as habitual offenders. Studies of the yearly intake of prisons, reformatories, and jails in the United States and Europe show that from one-half to two-thirds of those imprisoned have served previous sentences in the same or in other institutions. The conclusion is that the criminal population is made up largely of those for whom criminal behaviour has become habitual; moreover, penal institutions appear to do little to change their basic behaviour patterns.

Though the percentage of recidivists runs high for all offenders, it is greatest among those convicted of such minor charges as vagrancy, drunkenness, prostitution, and disturbing the peace. These are more likely than serious criminal charges to result from an entire way of life. Accordingly, their root causes are rarely susceptible to cure by jailing.

Life-sentence prisoners

Since capital punishment has been abolished in Britain, the severest penalty for the most atrocious crimes, such as murder, is life imprisonment. Those serving life sentences for the murder of police and prison officers, terrorist murders, murder by firearms in the cause of robbery and the sexual or sadistic murder of children are normally detained for at least twenty years. Life sentences for offences other than murder can be reduced up to nine years.

On release, all life-sentence prisoners remain on licence for the rest of their lives and are subject to recall should their behaviour suggest that they might again be a danger to the public.

TASK 5. Find in the text above the English equivalents for the following words and expressions:

1. исправительное заведение для малолетних правонарушителей
2. исправление и перевоспитание заключённых
3. рецидивист (2)
4. бродяжничество
5. нарушение общественного порядка
6. сотрудник исправительного учреждения
7. отбывать наказание (в тюрьме)

TASK 6. Answer the following questions:

1. What is the status of 'unconvicted prisoners'? What are their privileges?
2. What are the purposes of reformatories?
3. What is the most famous facility for young offenders?
4. What special programmes are established for women prisoners?
5. What additional rights do women prisoners have?
6. What are habitual offenders?
7. What are the most typical crimes committed by recidivists?
8. What is the severest penalty for the most atrocious crimes?
9. What kinds of 'lifers' are sentenced to the longest term of imprisonment?
10. How is life sentence typically reduced in Britain?
11. How are 'lifers' supervised when released?

TASK 7. The word BAIL has the following meanings in legal Russian:

- 1) поручительство
civil bail — поручительство в гражданском процессе

- 2) передача на поруки; брать на поруки; передавать на поруки
to free on bail — освободить на поруки
- 3) поручитель; поручители
to be /to go bail — стать поручителем
- 4) залог при передаче на поруки
excessive bail — чрезмерная сумма залога

Match the following English expressions with their Russian equivalents:

1) to stand bail for smb.	a) явиться в суд (о выпущенном под залог)
2) to accept /to allow / to take bail for the prisoner	b) быть отпущенным на поруки
3) to forfeit /to jump one's bail	c) внести залог / поручиться за кого-л.
4) to find bail	d) найти себе поручителя
5) release on bail	e) не явиться в суд (об отпущенном под залог)
6) straw bail	f) ненадёжное ('липовое') поручительство
7) to surrender to one's bail	g) освобождение под залог
8) to be out on bail	h) отказать в поручительстве
9) to deny bail	i) отпустить арестованного на поруки (под залог)

TASK 8. Read the article below and write down the criminal record of the convict:

A Lifer Keen on Canaries

Robert Franklin is an American criminal, a **convicted murderer** who became a self-taught ornithologist during his 54 years in prison, forty-two of them in **solitary confinement**. He became known for his contribution to the study of birds.

At the age of 13 Franklin ran away from home and, by the age of 18, was in Alaska, working as a pimp and living with a dance-hall girl. An argument over the girl led to his fighting and killing a man. **Pleading guilty to manslaughter** in 1909, he was sentenced to 12 years in a federal prison. After stabbing a fellow prisoner and proving generally troublesome, he was transferred to Kansas, where he continued to be a **loner** but began to educate himself, taking

university extension courses. In 1916 he **stabbed** and killed a guard and was tried, **convicted** and sentenced to hanging, but in 1920 President Woodrow Wilson **commuted** his sentence to life imprisonment in solitary confinement.

Thereafter, mostly in solitary confinement, he began raising canaries and other birds, collecting laboratory equipment, and studying the diseases of birds and their breeding and care. Some of his research writings were **smuggled out of prison** and published in 1943. Later, however, he was allowed to continue his research but denied further right of publication. His research was considered an important work in the field of ornithology.

DISCUSSION

Using the vocabulary and facts from the Unit discuss the following:

- There are groups of inmates who should have additional rights.
- Kids brought up in prison are likely to become criminals.
- Penal institutions appear to do little to cure a habitual offender by jailing.

UNIT 3. PRISON LIFE

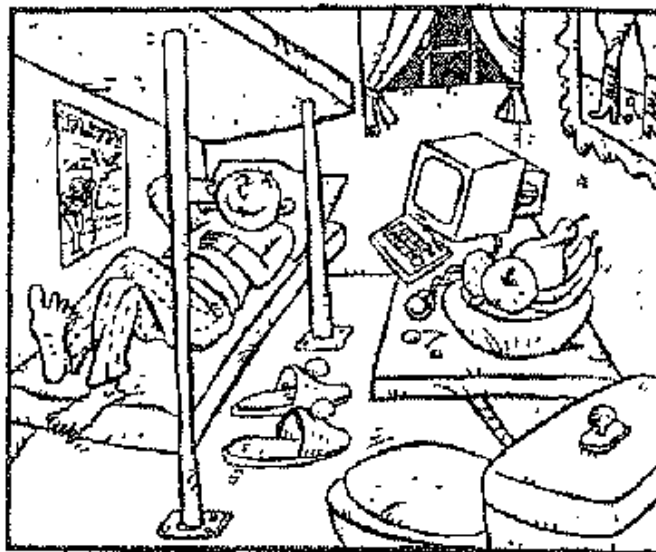
TASK 1. Read the following text and write down Russian equivalents for sentences given in bold type:

Among the 'pains of imprisonment' that both male and female inmates face are, in the first place, the deprivation of liberty and the loneliness and boredom of imprisonment. Second, prisoners are deprived of all goods and services from the outside world. Stripped of possessions, they often equate their material losses with personal inadequacy. The third deprivation for the majority is the absence of heterosexual relationships. Fourth, prisoners are subjected to vast body of institutional regulations designed to control every aspect of behaviour.

In part this control forms the deprivation of freedom that is the essence of imprisonment, and in part it is necessary adjunct as a means of maintaining security, controlling the introduction of weapons, contraband substances and preventing escapes.

Most prisons limit the number of visits that a prisoner may receive from his family or friends. Visits normally take place within the sight of an officer, and in some cases within his hearing. In many prisons, visits are conducted with the prisoner sitting on one side of the table and his visitor on the other, with a wire mesh partition between them; the visitor may be searched for contraband.

Prisoners may write and receive letters and may make telephone calls. Correspondence of prisoners is usually subject to censorship by the prison authorities, and prisoners may not write more than one letter each week. Privileges include a personal radio, books, periodicals and newspapers. They also have an opportunity to watch television (in many prisons each prisoner has a TV-set), and to make purchases from the prison shop with money earned in prison.



Control of the prison is maintained by a number of disciplinary sanctions, which may include forfeiture of privileges, confinement within a punishment block or cell, or the loss of remission or good time (time deducted from the sentence as a reward for good behaviour). Typically, the prohibited offences include mutiny and violence to officers; escaping, or being absent from a place where the prisoner is required to be and possessing unauthorised articles.

TASK 2. Explain the meaning of the following words and expressions and reproduce the context in which they were used:

- body of institutional regulations
- contraband substance
- forfeiture of privileges
- personal inadequacy
- to be stripped of possessions
- to control the introduction of weapons
- to possess unauthorised articles

TASK 3. Find in the text above the English equivalents for the following words and expressions:

1. лишение свободы
2. бунт, мятеж

3. заключённый
4. обыск, досмотр
5. подлежать цензуре

TASK 4. Answer the following questions:

1. What deprivations do prisoners suffer?
2. What is the aim of controlling every aspect of prisoner's life?
3. What are the institutional regulations for visits that prisoners may receive?
4. What rights do prisoners have?
5. What disciplinary sanctions are imposed to maintain security in prison?

TASK 5. Read the text and answer the following questions. Write down Russian equivalents for sentences given in bold type.

1. What rights do prisoners enjoy in Europe and the United States?
2. What have you learned about Habeas Corpus and mandamus?
3. Why are the courts now willing to limit prisoners' access to the federal courts in the United States?

Prisoners' Rights

The idea that a prisoner has rights that may be protected by actions in the courts has been developed in Europe and the United States. In England, in the absence of a written constitution, prisoners resorting to the courts have relied on the general principles of administrative law, which require fair procedures by disciplinary bodies. Although many actions brought by prisoners have been unsuccessful, prison disciplinary procedures have been improved as a result of such litigation.

In the U.S. actions brought under the provisions of the U.S. Constitution (notably the Eighth and the Fourteenth amendments) establish that prisoners are entitled to the protection of the Constitution. Early U.S. court decisions ruled that prisoners had

AMENDMENT 8

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

forfeited all of the rights enjoyed by free citizens. Eventually, the courts recognised certain rights and legal remedies available to

prisoners, who may now file their own suits, have direct access to the federal courts, and file writs of Habeas Corpus and mandamus. Under Habeas Corpus the prisoner may request release, transfer, or another remedy for some aspect of confinement. Mandamus is

AMENDMENT 14

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

a command issue by a court directing a prison administrator to carry out a legal responsibility — to provide a sick prisoner with medical care, for example — or to restore to the prisoner rights that have been illegally

denied. Prisoners have sought remedies for many problems, including relief from unreasonable searches, release from solitary confinement, and the procuring of withheld mail. Recent decisions have indicated, however, that the courts are now willing to limit legal writs by prisoners in deference to the security requirements of the prison.

TASK 6. Find in the text above the English equivalents for the following words and expressions:

1. судебный процесс, судебное дело
2. предписание Хабеас Корпус
3. судебный приказ нижестоящему суду или должностному лицу
4. тюремное заключение
5. необоснованный обыск
6. предъявить иск; возбудить судебное дело (2)
7. восстанавливать в правах
8. добиваться судебной защиты

TASK 7. Explain the meaning of the following words and expressions:

- to resort to the court
- to forfeit a right
- release from solitary confinement
- procuring of withheld mail
- prison security requirements

TASK 8. Read the articles below and point out the opposite views on prison facilities:

Criticism of Jail TV

The UK Government has been accused of going "soft on crime" for considering a proposal to allow thousands of prisoners to have televisions in their cells.

The Home Office has asked the Prison Service to investigate the issue to try to defuse tensions in Britain's overcrowded jails. Prison Service officials said no decisions had been made and said it was weighing up the 'pros and cons' of the scheme.

Home Affairs spokesman, James Clappison, said: "We think prison conditions should be decent and austere and prisons should be a punishment. We think televisions

in cells are not consistent with that. We think it's soft on criminals."

The former Home Secretary, Michael Howard, said: "Televisions in cells could provide a calming influence and a powerful incentive to good conduct. It could also be used for educational and communication purposes."

Deputy director of the Prison Reform Trust, Nick Flynn, said: "It's a delicate matter and it shouldn't be used for prisoners to sit around to watch football. But it could be a useful tool for the Prison Service to give information to prisoners."

A Manicure for Jack the Ripper at the Killers' Health Club

Some of Britain's most notorious killers and rapists are being offered the luxury of beauty therapy. They can enjoy facials, manicures and pedicures at Ashworth maximum security hospital's new Health and Beauty Center club. The 650 male and female patients can also enjoy a sauna, solarium and massage area at the mental hospital near Liverpool.

These inmates have avoided prison because the courts decided

they are either mentally ill or criminally insane.

Hospital authorities said that the facilities available to inmates "especially benefited those with low self-esteem or who found it difficult to relax."

Among the 'clients' of the Club is a knifeman who attacked 10 people and is now pleading for access to a fully equipped gym, and a sadistic rapist undergoing aromatherapy treatment.

DISCUSSION

Using the vocabulary and facts from the articles above discuss the following:

- **Prison conditions should be decent and austere and prisons should be a punishment.**
- **Prison facilities provide a calming influence and a powerful incentive to good conduct.**

TASK 9. Read the text below and write down a list of problems that prison inmates face:

The International Covenant on Civil and Political Rights declares that "all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person". However, in reality all over the world, hundreds of thousands of people are being held in prisons that are: squalid, overcrowded, dilapidated, insanitary, inhumane, unjust, very expensive and ineffective in tackling crime. In many countries, conditions are so bad that prisoners die from malnutrition, diseases, attacks from other prisoners or prison staff, or suicide. Under extremely overcrowded and insanitary conditions, diseases such as tuberculosis and dysentery spread very rapidly, and without medical treatment they may easily be fatal.

At the same time there is a small number of people who present such a danger to the community or to themselves that they need to be detained. However, for most offences, imprisonment is not an effective penalty. Many countries which may have very high prison populations have very high crime rates. This shows that prison is probably not deterring many people from crime. Whilst in prison, the attitudes of minor offenders may harden as they mix with those convicted of more serious crimes. This often leads to minor offenders committing more serious crime after they are released from prison.

Large amounts of money are spent on locking people up, even when prison staff are poorly paid, buildings are not maintained and prisoners are treated inadequately.

In many countries, prison populations have been increasing substantially over recent years. Most prisoners are young, poor, urban men. Locking up this section of the general population for

substantial periods has a destabilising effect on the whole of society in the longer term.

TASK 10. Find in the text above the English equivalents for the following words and expressions:

1. высокий уровень преступности
2. лицо, совершившее малозначительное правонарушение
3. эффективная мера наказания
4. удержать от совершения преступления
5. посадить, 'упрятать' в тюрьму
6. освободить из тюрьмы

TASK 11. Complete the text using the words from the box:

restraint; release date; recidivism; rehabilitate; preventive

Criticism of the present prison system of punishment has focused mainly on its rehabilitative and _____ functions. Critics point out that _____ — the commission of another crime after the offender has served a sentence for the first time — is high. Thus the system seems ineffective as a cure for, or a _____ upon, those factors in offenders which may lead to criminal acts. Furthermore, because there is no way to predict the future behaviour of individuals, the length of sentence and the _____ may have no relationship to the prison time necessary to effect a cure in, or _____, an offender. Many criminologists insist that there is no adequate body to demonstrate that any punishment, capital punishment included, has a restraining effect on potential criminal behaviour.

CREATIVE WRITING

Write down a list of measures necessary to improve the present prison system. Consider the information from the texts above.

DEBATE

Prisons: A Solution to Crime?

Using the vocabulary and facts from the Unit, discuss the following:

- **Hundreds of thousands of people are imprisoned in inhumane conditions.**
- **Many countries with very high prison populations have very high crime rates.**
- **There are people who present such a danger to the community that they need to be detained.**
- **Prison does not deter many people from crime.**
- **Whilst in prison, the attitudes of minor offenders harden as they mix with those convicted of more serious crimes.**
- **All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.**

UNIT 4. ALTERNATIVES TO PRISON

TASK 1. Read the following text and write down Russian equivalents for sentences given in bold type:

Prison Improvements and Alternatives

In most criminal justice systems the majority of offenders are dealt with by means other than custody — by fines and other financial penalties, by probation or supervision, or by orders to make reparation in some practical form to the community.

Fine

The most common penalty, fine, avoids the disadvantages of many other forms of sentence; it is inexpensive to administer and does not normally have the side effects, such as social stigma and loss of job that may follow imprisonment. **However, there are dangers that the imposition of financial penalties may result in more affluent offenders receiving penalties that they can easily discharge, while less affluent offenders are placed under burdens that they cannot sustain.**

Restitution

Related to the fine is an order to pay restitution (in some countries termed compensation). **The principle of restitution is popular in some countries as an alternative to punitive sentencing,**

but there are some drawbacks. One is the possibility, as in the case of the fine, that the more affluent offender may receive favourable treatment from the court because he is able to pay restitution. The second drawback is that such schemes do not help all victims of crime. Only those who are the victims of crimes for which the offender is caught and convicted and has the funds to pay restitution are likely to be recompensed. **Victims of crimes of violence in some countries — such as England and Canada — are entitled to restitution from public funds, whether or not the offender is detected or has the resources necessary to compensate him.**

Probation

There are many ways of dealing with offenders that do not involve the payment of money. One is probation, a system that takes many different forms in different jurisdictions. However, that essentially involves the suspension of sentence on the offender subject to the condition that he is supervised while living in the community by a probation officer and possibly agrees to comply with such other requirements as the court may think appropriate. **Usually, if the offender complies with the probation order and commits no further offence while it is in force, no other penalty is imposed.** If he breaks the requirement of the order or commits another offence, he can be brought back before the court and punished for the original offence as well as for the later one.

Suspended Sentence

In many American states probation is combined with a suspended sentence, so that the sentence the offender will have to serve if he breaks the order is fixed in advance. **In England the sentence is not fixed in advance, and the court has complete discretion if there is a breach of probation terms to sentence the offender for the original crime in light of his later behaviour.**

Reparation

The concept of reparation has gained in popularity in a number of jurisdictions. Under this method, the offender makes good the damage he has done through his crime, not by paying money but by providing services to the victim directly or indirectly through the community. In England this takes the form of the community service order, under which the court is empowered to order anyone who is convicted of an offence that could be punished with imprisonment to perform up to 240 hours of unpaid work for the community, usually over a period of not more than 12 months. The kind of work involved varies according to the area, the time of year, and the abilities of the offender; in some cases it may involve heavy

physical labour, but in others it may require such work as the provision of help to handicapped people. If the offender completes the hours of work ordered by the court, he receives no further penalty, but if he fails to carry out the work without reasonable excuse, he can be re-sentenced for the original offence. This method is less expensive to administer than imprisonment, less damaging to the offender and his family, and more useful to the community. There are some doubts about the extent to which the availability of community service as an alternative to prison weakens the deterrent effect of the criminal law, but there can be no doubt that community service has become an established sentencing alternative.

Disqualification

Other alternatives to prison are based on the idea of preventing an offender from committing further offences, without necessarily confining him or her in a prison. The most familiar power of this kind is that of disqualifying an offender from driving a motor vehicle or from holding a driver's license. Other forms of disqualification may be imposed on offenders convicted of particular types of crimes: a fraudulent company director may be disqualified from being involved in the direction of a company, a corrupt politician may be disqualified from holding public office, or a parent who sexually abuses his children may be deprived of parental authority over them.

It appears, however, that imprisonment will still remain the major instrument of punishment. In light of the difficulties surrounding its use, prison ideally should be employed as a last resort for those offenders who cannot be handled in any other way.

TASK 2. Find in the text above the English equivalents for the following words and expressions:

1. быть лишенным водительских прав
2. быть лишенным родительских прав
3. иметь право на возмещение ущерба
4. соответствовать требованиям
5. коррумпированный политик
6. насильственное преступление
7. отсрочка исполнения приговора или наказания
8. сдерживающий эффект
9. сотрудник службы пробации
10. судебный приказ о направлении на пробацию
11. экономические санкции
12. условное осуждение
13. наблюдение, надзор

14. отсроченный приговор
15. компенсация, возмещение (3)
16. общественные работы

TASK 3. Read the text below and comment on the sentence given in bold type.

Tracking Humans: The Electronic Bracelet in the Modern World

Alternatives to incarceration such as the use of fines, community service, and restitution are products of the social movements of the 1960s. The rationalizations of these alternatives have been cost effectiveness, efficiency and humaneness. The same arguments have been associated with the newest community-based sanction, "electronic monitoring". It is clear that such an alternative may yield these benefits.

The electronic monitoring system generally requires the offender to wear an electronic bracelet around his or her ankle or wrist. The monitoring is usually of two types: passive or active. The passive system provides for random telephone monitoring by authorities in order to confirm that it is the specific offender who is present and responding. In contrast, an active system provides continuous information as to whether an individual is within the range, generally 150 to 200 feet, of a transmitter located within their residence. This is commonly referred to as continuous monitoring.

The overriding rationale in favour of electronic monitoring appears to centre on its potential to alleviate both prison

overcrowding and the financial burden of incarceration.

The effects of imprisonment on an individual may be great. It is common knowledge that imprisonment returns a man to society with a scarred psyche, unpaid debts and financial losses, a highly disruptive if not irreparably broken family, children who lose respect for their parent, no job, and a gap in his life history that is hard to explain when he seeks a new job. In this respect, electronic monitoring allows the offender to remain at home where he or she can continue to hold employment and maintain any dependent children.

Consequently, society may benefit as well, since there will be no additional burden placed on the welfare system, as would be the case if an offender with dependent family members was imprisoned.

Violent crimes committed by electronically monitored offenders are rare. About one out of twenty-five electronically monitored offenders commit crimes, and the vast majority of these new offences are non-violent. Moreover, these figures compare favourably with other monitoring systems, including bail and probation.

TASK 4. Answer the following questions:

1. What is the electronic monitoring system? What is its purpose?
2. What is the difference between passive and active monitoring?
3. What are the advantages of electronic monitoring compared with incarceration? What are its drawbacks?

TASK 5. Study the texts above (Task 1 and Task 3) and write down the advantages and disadvantages of each alternative to imprisonment. Make up your own list of prison alternatives.

TASK 6. Read the following text and answer the questions:

1. What approach characterises the Dutch punitive system?
2. What penalties do the Dutch prefer to impose on their criminals?
3. What are the prisons in Holland like?
4. What rights do prisoners enjoy in the Netherlands?
5. What is the goal of humanitarian treatment of offenders in Holland?

The Netherlands: a Land without Prisons

Soaring crime rates and law-and-order backlash are hardly unique to the United States, but not all countries have taken the 'lock-'em-up-and-throw-away-the-key' approach. Many nations, in fact, have largely shelved the punitive psychology in dealing with criminals — and none more forthrightly than Holland. The Dutch have adopted an innovative and remarkably humane system of dealing with law breakers, with the result that the Netherlands is close to becoming a land without prisons. And the policy is apparently paying dividends: crime is certainly climbing much more slowly there than in all other countries.

The Dutch hold the view that harsh treatment and get-tough attitudes only aggravate the problems that lead a person to crime. "A prison sentence does little to 'resocialise' a person", says vice-president of the Hague Court. "It more likely leads to rancour and bitterness. A mild sentence, possibly even just a fine, shows an offender that society cares about him." Because of this benevolent concept fewer and fewer people are serving time in Holland.

Whenever possible, the Dutch prefer to fine law breakers rather than clap them in jail. But even for those imprisoned, every effort is made to provide an environment that will rehabilitate the convicts. While, as one official put it, "Dutch prisons are not Hilton Hotels," neither are they ugly fortresses full of cellblocks and harassment. Several prisons in Holland are country villas with only a handful

of prisoners. In many institutions prisoners are allowed to wear their own clothes and keep personal possessions; they are given comfortably furnished rooms with such homey items as curtains, and they often are allowed to work outside the prison or leave from time to time to visit their families.

Moreover, Holland has an extraordinary one-to-one ratio between prisoner staff members and inmates. "Our objective," says the Deputy Prison Director, "is not to make life pleasant for prisoners, but to normalise it as much as possible to prepare the prisoners for a return to society."

Dutch officials maintain that their philosophy of short prison sentences and humanitarian treatment is essential if convicts are not to become repeaters. "A heavy sentence," they say, "keeps a person out of possible mischief longer, but it merely postpones and aggravates the problem of recidivism."

Given that kind of success, it is not surprising that Holland's liberal penal philosophy has won applause.

TASK 7. Explain the meaning of the following words and expressions from the text above:

- soaring crime rates
- law-and-order backlash
- 'lock-'em-up-and-throw-away-the-key' approach
- to shelve the punitive psychology
- get-tough attitudes
- to resocialise a person
- benevolent concept
- homey items
- to become repeaters

TASK 8. Render the following passage into English paying special attention to the words and expressions in bold type:

Швеция прославилась своим гуманным отношением к людям, преступившим закон. Особый интерес вызывают качественно новые подходы к решению задач борьбы с преступностью в рамках исправительных учреждений. В основе альтернативных программ лежит идея, состоящая в том, что преступление порождено обществом, социальной средой, сформировавшей нарушителя. Преступники становятся таковыми из-за жизненных невзгод, и только особо опасных преступников следует заключать в тюрьму — изолировать от общества. В связи с этим в Швеции, стране с высоким уровнем жизни, совершенно иная тен-

денция борьбы с преступностью: в большинстве случаев мера наказания за совершенное преступление — это не заключение под стражу, а взимание штрафов и probation, т.е. надзор за условно осужденными. Существуют также специальные медицинские учреждения, которые оказывают психологическую помощь нарушителям закона и построены так называемые 'промышленные тюрьмы', где заключённые работают в цехах и мастерских.

UNIT 5. REHABILITATION

BRAINSTORM

The word REHABILITATION has the following meanings in legal Russian:

- 1) восстановление в правах, реабилитация
rehabilitation of offender — реабилитация (восстановление в правах) преступника
- 2) реабилитация личности преступника (приспособление его к условиям общежития)
rehabilitation — исправительная реабилитация, исправление преступника

Comment on the meanings of this concept.

TASK 1. Match the following English expressions with their Russian equivalents:

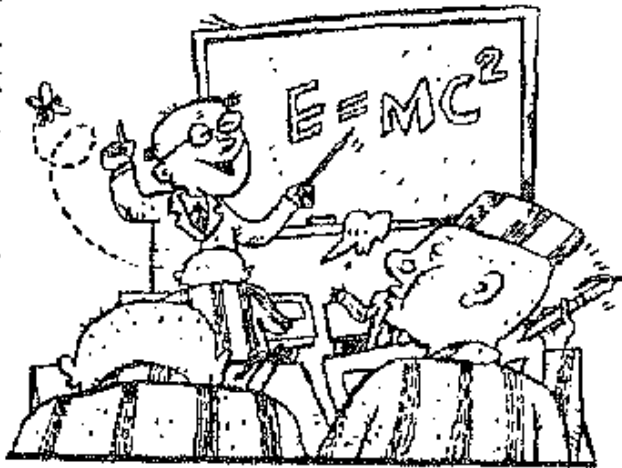
- | | |
|----------------------------------|--|
| 1) certificate of rehabilitation | a) юридическая реабилитация, восстановление в правах |
| 2) legal rehabilitation | b) психиатрическая реабилитация |
| 3) psychiatric rehabilitation | c) социальная реабилитация (восстановление личности в смысле приспособления её к условиям общежития) |
| 4) rehabilitation agency | d) профессиональная реабилитация |
| 5) rehabilitation centre | e) орган по вопросам социальной реабилитации отбывших наказание преступников |
| 6) rehabilitation facility | f) центр социальной реабилитации (лиц, освободившихся из заключения) |
| 7) social rehabilitation | g) справка о реабилитации |
| 8) vocational rehabilitation | h) исправительное заведение |

TASK 2. Read the text and translate the words and expressions given in bold type in writing :

Preparation for Release

The Prison Services in England and Wales and in Scotland have a duty to prepare prisoners for release. **Planning for safe release** begins at the start of an offender's sentence and ties in with all **training, education and work** experience provided. It is directed at **equipping prisoners to fit back into society and to cope with life** without re-offending.

Full time education of 15 hours a week is compulsory for **young offenders** below school leaving age. For older offenders it is voluntary. Some prisoners study for public examinations, including those of the Open University. Physical education is voluntary for **adult offenders**, but compulsory for young offenders. Practically all prisons have physical education facilities. Inmates sometimes compete against teams in local community.



Prison Industries aim to give work and experience which will assist prisoners when released. At the same time it reduces the cost of the prison system. The main industries are: clothing and textile manufacture, engineering, woodwork, farming, etc.

Pre-release Programmes

Pre-release programmes enable selected **long-term prisoners** to spend their last six months before release in certain **hostels attached to prisons**, to help them **re-adapt to society**. Hostellers work in the outside community and return to the hostel each evening. Weekend leave allows hostellers to renew ties with their families. All this is designed to help the inmates make the transition from prison to community. In Northern Ireland prisoners serving fixed sentences may have short periods of leave near the end of their sentences and at Christmas. Life-sentence prisoners are given a nine-month pre-release programme, which includes employment outside the prison.

Innovative Programmes

Attempts to aid the prisoner's return to society have led to the development of several **innovative programmes**. Furloughs provide home visits of 48—72 hours for a prisoner nearing his release date; they are intended to aid in restoring family ties and in job

seeking. The **work release programme** permits inmates to test their **work skills** and earn money outside the institution for the major part of the day.

Aftercare

Professional social work support is given to offenders following their release to help adjust on their return to society. All young offenders and all adult offenders sentenced to 12 months imprisonment and over are **supervised on release by the probation service** — or, in the case of certain young offenders, by local authority social services departments. Aftercare programmes are designed to protect public safety by monitoring inmates reintegration into the community while making sure they receive needed treatment and services. Existing aftercare programmes are effective in reducing juvenile recidivism.

TASK 3. Answer the following questions:

1. What are the main trends in preparing prisoners for release?
2. What is the aim of pre-release programmes?
3. What innovative programmes are established to aid the prisoner's return to society?
4. What are aftercare programmes designed for?

TASK 4. Read the article below and comment on the statements given in bold type:

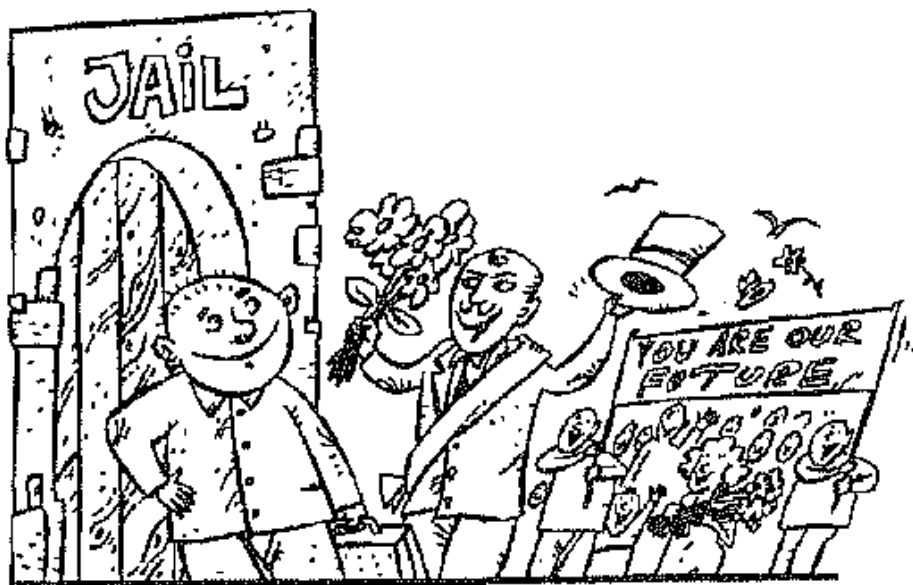
Prisoners Prior to Release

In the past local prisons were used as pre-release centres, and indeed some of them still retain hostels for that purpose. Being near the court in which offenders are sentenced, they are also near the community into which short-term prisoners will be released. **Therefore it would seem sensible that as many of these prisoners as possible should serve their sentences as near to that community as possible**, and that long-term prisoners should be returned there for the last part of their sentence, so that the community, including the prisoner's family, can be included in work done with them prior to release, as envisaged in Lord Woolf's vision of community prisons. Bearing in mind how many prisoners come from inner-city areas, adjacent to large local prisons, it is believed that **hostels are a development, or a return to former practice, that could be examined with advantage.**

TASK 5. Render the following passage into English paying special attention to the words and expressions in bold type.

В современном мире широко дискутируется вопрос о правах заключенных. Причем речь идет не о базовых правах для этой категории людей, а о праве на вполне цивилизованную жизнь в условиях заключения. Например, в Великобритании при многих тюрьмах построены гимнастические залы, открыты библиотеки. Осужденные в английских тюрьмах занимаются физическим трудом, обучаются определенным видам ремесел, например, пошиву одежды, строительству зданий, столярному ремеслу, работе в прачечной, сельскохозяйственному труду, садоводству.

Осужденные в Великобритании могут повысить свой образовательный уровень. Так, для несовершеннолетних правонарушителей, еще не окончивших школу, 15 часов занятий в неделю обязательны. Совершеннолетние преступники могут получать образование на добровольной основе. Заключенным даже дается возможность подготовиться к экзаменам в Открытый Университет (заочная система образования).



Цель этих программ — помочь осужденному найти работу, когда он будет отпущен на свободу. Подобное отношение к человеку, преступившему закон, очень важно в свете реабилитации личности преступника (что означает приспособление его к условиям жизни в обществе среди законопослушных граждан).

Одна из причин существования рецидивизма заключается в том, что, выйдя на свободу, человек сталкивается с враждебным отношением общества. Приобретение навыков, которые пригодятся человеку, отбывшему тюремное заключение, при выходе на свободу снижает вероятность того, что он снова встанет на преступный путь.

TASK 6. Read the ex-convict's letter. What message does he want to get across?

An Ex-Prisoner's Testimony

My reason for testifying publicly about areas of my life where the scars have still not healed is that I would like to help in the search for more satisfactory and more caring responses to the problems of delinquency.

I come from what is euphemistically known as a working-class background, in other words from the underclass. I was one of seven children, and we were so poor that none of us was able to stay on at school beyond the minimum leaving age. In January 1993 I was arrested, with some of my childhood buddies, for a hold-up committed with a dummy weapon.

Prison came as a brutal shock. The appalling physical conditions made me feel I had stepped back into an age of barbarity. The grim universe within the prison walls not only seemed out of touch with the outside world but to be embedded in a punitive mentality bordering on bestiality. I felt utterly isolated from the prison officers and my fellow inmates. I also felt cut off from myself, and this was not the least of the dangers I was up against. I soon learned what life in the jungle is all about. If you want to survive you can't afford to trust another living soul.

You start by withdrawing into a shell. Then, if you don't crack up, you get tougher, carefully concealing your slightest weaknesses. You have to think twice about every move you make. A misplaced word or glance could lead to all sorts of trouble. The pressure was so intense that whatever vague feelings of remorse I might have had gave way to a strong sense of injustice. When you're always on your guard you suffer physical and psychological harm that is impossible to measure. After serving four-and-a-half years of a six-year sentence, I came out broken and bent on revenge.

Reintegration is a term that should be added to the list of empty, meaningless words. Mysteriously, everyone I contacted with a view to a job shied away as if they had been tipped off about me. I wondered for a long time whether life was worth living but loving support from my relatives helped me get back on my feet.

Whatever some people may think, it's never too late to start again. But what a waste! Looking back, I can't help thinking it could have been avoided.

TASK 7. Explain the meaning of the following words and expressions:

- dummy weapon
- the underclass
- to be bent on revenge
- to be on one's guard
- to be out of touch with smb./smth.
- to commit a hold-up
- to contact smb. with a view to a job
- to get tough
- to shy away from smb.
- to tip off about smb.

TASK 8. Answer the following questions:

1. What prompted the young man's slide into a life of crime?
2. Why did prison come as a brutal shock?
3. Why did the young man feel cut off from himself in prison?
4. How did the employers know that the man was an ex-convict?

TASK 9. Read the letter and answer the question: Would you help the ex-convict and why?

The Inmate's Letter

Dear NEEDED Friend,

My name is Leonard Singleton. Very soon I will be released from prison. I have no family support, no friends, no money, and no home to return to. At the time of my release, I will be given \$25 and a bus ticket and then released into the streets, homeless and alone. I was previously released under the same conditions, which resulted in my resorting to crime to provide housing, clothing, and food for myself.

Just as you are sick and tired of the crime, the criminals and being victimized, please believe me, SO AM I. I am desperately tired of robbing, stealing and victimizing people. I never wanted to be a criminal. I made a very serious mistake by getting involved with the wrong crowd, doing the wrong things. I lost my family, freedom, and integrity. I am ashamed of myself for disgracing, embarrassing, and hurting my family and innocent victims.

My pain and shame for the crimes I formerly committed, goes beyond remorse and a plea for forgiveness. I cannot change the past, but I do ask for forgiveness and an opportunity to live a better life.

I am asking you to help me with a fresh, new start. I need your help for construction tools and equipment, housing, clothing, food, utilities, household items, etc. With this help, I can put a roof over my head. I can focus on and acquire employment, and begin building a decent life. PLEASE HELP ME. PLEASE. I have no one else to turn to.

If you try to understand my situation and need for your help, please address a donation, check, or money order.

Liberty Savings Bank
330 West National Road
Englewood, Ohio 45322-1496

I don't know what else to write to persuade you to help me. I do pray, God will touch your heart, to let you know I am sincere and worthy of your generous support.

Thank you for reading my message, and thank you for giving me a second chance.

Sincerely,
Leonard Singleton

TASK 10. Study the letters of two convicts together (Task 6 and Task 9). Compare the conclusions they arrived at on release. How did the community react to their attempts to fit back into society?

DEBATE

Reintegration: A Real Process or a Meaningless Word?

Prepare your arguments for or against the statements below. Use the active vocabulary from the Unit.

Divide into two groups — pro and con, and conduct a debate. Appoint the 'Chair' of the debate who will give the floor to the speakers of both teams.

- **Society is not ready to accept ex-prisoners. They will always be objects of suspicion in the community.**
- **Society helps prisoners make the transition from prison to the community.**
- **It's never too late to start again.**

READER

PART I. FAMOUS LEGAL DOCUMENTS THROUGHOUT HISTORY (EXTRACTS)

Hammurabi's Code of Laws (1758 B.C.)

Here is what the inscription on the sacred pillar says:

...Hammurabi, the protecting king am I. The great gods have called me... I am here to reign so that the strong might not injure the weak, in order to protect the widows and orphans, to bespeak justice in the land, to settle all disputes, and heal all injuries, set up these my precious words, written upon my memorial stone, before the image of me, as king of righteousness.

My words are well considered; there is no wisdom like unto mine. Let my name be ever repeated; let the oppressed, who has a case at law, come and stand before this my image as king of righteousness; let him read the inscription, and understand my precious words: the inscription will explain his case to him; he will find out what is just, and his heart will be glad, so that he will say: "Hammurabi is a ruler, who is as a father to his subjects, who holds the words of Marduk in reverence, who has bestowed benefits for ever and ever on his subjects, and has established order in the land."

2. If any one brings an accusation against a man, and the accused goes to the river and leaps into the river, if he sinks in the river his accuser shall take possession of his house. But if the river proves that the accused is not guilty, and he escapes unhurt, then he who had brought the accusation shall be put to death, while he who leaped into the river shall take possession of the house that had belonged to his accuser. [...]

5. If a judge trying a case, reaches a decision, and presents his judgment in writing; if later error shall appear in his decision, and it be through his own fault, then he shall pay twelve times the fine set by him in the case, and he shall be publicly removed from the judge's bench, and never again shall he sit there to render judgement.

6. If any one steals the property of a temple or of the court, he shall be put to death, and also the one who receives the stolen thing from him shall be put to death. [...]

16. If any one receives into his house a runaway male or female slave, and does not bring it out at the public proclamation, the master of the house shall be put to death. [...]

21. If any one breaks a hole into a house (break in to steal), he shall be put to death before that hole and be buried.

22. If any one is committing a robbery and is caught, then he shall be put to death. [...]

25. If fire breaks out in a house, and some one who comes to put it out casts his eye upon the property of the owner of the house, and takes the property of the master of the house, he shall be thrown into that self-same fire. [...]

109. If conspirators meet in the house of a tavern-keeper, and these conspirators are not captured and delivered to the court, the tavern-keeper shall be put to death.

112. If any one be on a journey and entrusts silver, gold, precious stones, or any movable property to another, and wishes to recover it from him; if the latter does not bring all of the property to the appointed place, but appropriate it to his own use, then shall this man, who did not bring the property to hand it over, be convicted, and he shall pay fivefold for all that had been entrusted to him. [...]

117. If any one fails to meet a claim for debt, and sells himself, his wife, his son, and daughter for money or gives them away to forced labor, they shall work for three years in the house of the man who bought them, or the proprietor, and in the fourth year they shall be set free. [...]

122. If any one gives another silver, gold, or anything else to keep, he shall show everything to some witness, draw up a contract, and then hand it over for safe keeping. [...]

125. If any one places his property with another for safe keeping, and there, either through thieves or robbers, his property and the property of the other man be lost, the owner of the house, through whose neglect the loss took place, shall compensate the owner for all that was given to him in charge. But the owner of the house shall try to follow up and recover his property, and take it away from the thief. [...]

129. If a man's wife is surprised with another man, both shall be tied and thrown into the water, but the husband may pardon his wife. [...]

145. If a man takes a wife, and she bears him no children, and he intends to take another wife, if he takes this second wife, and brings her into the house, this second wife shall not be allowed equality with his wife. [...]

148. If a man takes a wife, and she be seized by disease, if he then desires to take a second wife he shall not put away his wife, who has been attacked by disease, but he shall keep her in the house which he has built and support her so long as she lives. [...]

165. If a man gives to one of his sons whom he prefers a field, garden, and house and if later the father dies, and the brothers divide the estate, then they shall first give him the present of his father, and he shall accept it; and the rest of the paternal property shall they divide. [...]

175. If a State slave or the slave of a freed man marries the daughter of a free man, and children are born, the master of the slave shall have no right to enslave the children of the free. [...]

185. If a man adopts a child as his son, and rears him, this grown son cannot be demanded back again. [...]

192. If a son of a paramour or a prostitute says to his adoptive father or mother: "You are not my father, or my mother," his tongue shall be cut off. [...]

195. If a son strikes his father, his hands shall be hewn off.

196. If a man puts out the eye of another man, his eye shall be put out.

197. If he breaks another man's bone, his bone shall be broken.

198. If he puts out the eye of a freed man, or breaks the bone of a freed man, he shall pay one gold mina.

199. If he puts out the eye of a man's slave, or breaks the bone of a man's slave, he shall pay one-half of its value.

200. If a man knocks out the teeth of his equal, his teeth shall be knocked out. [...]

202. If any one strikes the body of a man higher in rank than he, he shall receive sixty blows with an ox-whip in public. [...]

205. If the slave of a freed man strikes the body of a freed man, his ear shall be cut off. [...]

229. If a builder builds a house for some one, and does not construct it properly, and the house which he built falls in and kills its owner, then that builder shall be put to death. [...]

282. If a slave says to his master: "You are not my master," if they convict him his master shall cut off his ear.

The Laws of William the Conqueror (1066—1087)

Here is set down what William, king of the English, established in consultation with his magnates after the conquest of England:

1. First that above all things he wishes one God to be revered throughout his whole realm, one faith in Christ to be kept ever inviolate, and peace and security to be preserved between English and Normans.

2. We decree also that every freeman shall affirm by oath and compact that he will be loyal to king William both within and outside England, that he will preserve with him his lands and honor with all fidelity and defend him against his enemies.

3. I will, moreover, that all the men I have brought with me, or who have come after me, shall be protected by my peace and shall dwell in quiet. And if any one of them shall be slain, let the lord of his murderer seize him within five days, if he can; but if he cannot, let him pay me 46 marks of silver so long as his substance avails [...]

5. We forbid also that any live cattle shall be bought or sold for money except within cities, and this shall be done before three faithful witnesses [...]

6. It was decreed there that if a Frenchman shall charge an Englishman with perjury or murder or theft or homicide, the Englishman may defend himself, as he shall prefer, either by the ordeal of hot iron or by wager of battle. But if the Englishman be unfirm, let him find another who will take his place. If one of them shall be vanquished, he shall pay a fine of 40 shillings to the king. If an Englishman shall charge a Frenchman and be unwilling to prove his accusation either by ordeal or by wager of battle, the Frenchman shall acquit himself by a valid oath.

7. All shall have and hold the law of the king Edward in respect of their lands and all their possessions, with the addition of those decrees I have ordained for the welfare of the English people. [...]

9. I prohibit the sale of any man by another outside the country on pain of a fine to be paid in full to me.

10. I also forbid that anyone shall be slain or hanged for any fault, but let his eyes be put out and let him be castrated. And this command shall not be violated under pain of a fine in full to me.

The Magna Carta (1215)

John, by the grace of God King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Count of Anjou, to his archbishops, bishops, abbots, earls, barons, justices, foresters, sheriffs, stewards, servants, and to all his officials and loyal subjects, Greeting.

KNOW THAT BEFORE GOD, for the health of our soul and those of our ancestors and heirs, to the honour of God, the exaltation of the holy Church, and the better ordering of our kingdom, at the

advice of our reverend fathers Stephen, archbishop of Canterbury, primate of all England, and cardinal of the holy Roman Church, Henry archbishop of Dublin, William bishop of London, [...] and other loyal subjects:

(1) FIRST, THAT WE HAVE GRANTED TO GOD, and by this present charter have confirmed for us and our heirs in perpetuity, that the English Church shall be free, and shall have its rights undiminished, and its liberties unimpaired. That we wish this so to be observed, appears from the fact that of our own free will, before the outbreak of the present dispute between us and our barons, we granted and confirmed by charter the freedom of the Church's elections — a right reckoned to be of the greatest necessity and importance to it — and caused this to be confirmed by Pope Innocent III. This freedom we shall observe ourselves, and desire to be observed in good faith by our heirs in perpetuity.

TO ALL FREE MEN OF OUR KINGDOM we have also granted, for us and our heirs forever, all the liberties written out below, to have and to keep for them and their heirs, of us and our heirs:

(2) If any earl, baron, or other person that holds lands directly of the Crown, for military service, shall die, and at his death his heir shall be of full age and owe a 'relief', the heir shall have his inheritance on payment of the ancient scale of 'relief'. [...]

(3) But if the heir of such a person is under age and a ward, when he comes of age he shall have his inheritance without 'relief' or fine.

(4) The guardian of the land of an heir who is under age shall take from it only reasonable revenues, customary dues, and feudal services. He shall do this without destruction or damage to men or property. If we have given the guardianship of the land to a sheriff, or to any person answerable to us for the revenues, and he commits destruction or damage, we will exact compensation from him, and the land shall be entrusted to two worthy and prudent men of the same 'fee', who shall be answerable to us for the revenues, or to the person to whom we have assigned them. If we have given or sold to anyone the guardianship of such land, and he causes destruction or damage, he shall lose the guardianship of it, and it shall be handed over to two worthy and prudent men of the same 'fee', who shall be similarly answerable to us. [...]

(7) At her husband's death, a widow may have her marriage portion and inheritance at once and without trouble. She shall pay nothing for her dower, marriage portion, or any inheritance that she and her husband held jointly on the day of his death. She may

remain in her husband's house for forty days after his death, and within this period her dower shall be assigned to her.

(8) No widow shall be compelled to marry, so long as she wishes to remain without a husband. But she must give security that she will not marry without royal consent, if she holds her lands of the Crown, or without the consent of whatever other lord she may hold them of.

(9) Neither we nor our officials will seize any land or rent in payment of a debt, so long as the debtor has movable goods sufficient to discharge the debt. A debtor's sureties shall not be distrained upon so long as the debtor himself can discharge his debt. If, for lack of means, the debtor is unable to discharge his debt, his sureties shall be answerable for it. If they so desire, they may have the debtor's lands and rents until they have received satisfaction for the debt that they paid for him, unless the debtor can show that he has settled his obligations to them. [...]

(12) No 'scutage' or 'aid' may be levied in our kingdom without its general consent, unless it is for the ransom of our person, to make our eldest son a knight, and (once) to marry our eldest daughter. For these purposes only a reasonable 'aid' may be levied. 'Aids' from the city of London are to be treated similarly.

(13) The city of London shall enjoy all its ancient liberties and free customs, both by land and by water. We also will and grant that all other cities, boroughs, towns, and ports shall enjoy all their liberties and free customs.

(14) To obtain the general consent of the realm for the assessment of an 'aid' — except in the three cases specified above — or a 'scutage', we will cause the archbishops, bishops, abbots, earls, and greater barons to be summoned individually by letter. To those who hold lands directly of us we will cause a general summons to be issued, through the sheriffs and other officials, to come together on a fixed day (of which at least forty days notice shall be given) and at a fixed place. In all letters of summons, the cause of the summons will be stated. When a summons has been issued, the business appointed for the day shall go forward in accordance with the resolution of those present, even if not all those who were summoned have appeared. [...]

(17) Ordinary lawsuits shall not follow the royal court around, but shall be held in a fixed place.

(18) Inquests of *novel disseisin*, *mort d'ancestor*, and *darrein presentment* shall be taken only in their proper county court. We ourselves, or in our absence abroad our chief justice, will send two

justices to each county four times a year, and these justices, with four knights of the county elected by the county itself, shall hold the assizes in the county court, on the day and in the place where the court meets.

(19) If any assizes cannot be taken on the day of the county court, as many knights and freeholders shall afterwards remain behind, of those who have attended the court, as will suffice for the administration of justice, having regard to the volume of business to be done.

(20) For a trivial offence, a free man shall be fined only in proportion to the degree of his offence, and for a serious offence correspondingly, but not so heavily as to deprive him of his livelihood. In the same way, a merchant shall be spared his merchandise, and a husbandman the implements of his husbandry, if they fall upon the mercy of a royal court. None of these fines shall be imposed except by the assessment on oath of reputable men of the neighbourhood.

(21) Earls and barons shall be fined only by their equals, and in proportion to the gravity of their offence. [...]

(23) No town or person shall be forced to build bridges over rivers except those with an ancient obligation to do so.

(24) No sheriff, constable, coroners, or other royal officials are to hold lawsuits that should be held by the royal justices. [...]

(28) No constable or other royal official shall take corn or other movable goods from any man without immediate payment, unless the seller voluntarily offers postponement of this.

(29) No constable may compel a knight to pay money for castle-guard if the knight is willing to undertake the guard in person, or with reasonable excuse to supply some other fit man to do it. A knight taken or sent on military service shall be excused from castle-guard for the period of this service. [...]

(31) Neither we nor any royal official will take wood for our castle, or for any other purpose, without the consent of the owner.

(32) We will not keep the lands of people convicted of felony in our hand for longer than a year and a day, after which they shall be returned to the lords of the 'fees' concerned. [...]

(35) There shall be standard measures of wine, ale, and corn (the London quarter), throughout the kingdom. [...]

(38) In future no official shall place a man on trial upon his own unsupported statement, without producing credible witnesses to the truth of it.

(39) No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way, nor will we proceed with force against him, or send others to do so, except by the lawful judgement of his equals or by the law of the land.

(40) To no one will we sell, to no one deny or delay right or justice.

(41) All merchants may enter or leave England unharmed and without fear, and may stay or travel within it, by land or water, for purposes of trade, free from all illegal exactions, in accordance with ancient and lawful customs. This, however, does not apply in time of war to merchants from a country that is at war with us. Any such merchants found in our country at the outbreak of war shall be detained without injury to their persons or property, until we or our chief justice have discovered how our own merchants are being treated in the country at war with us. If our own merchants are safe they shall be safe too.

(42) In future it shall be lawful for any man to leave and return to our kingdom unharmed and without fear, by land or water, preserving his allegiance to us, except in time of war, for some short period, for the common benefit of the realm. People that have been imprisoned or outlawed in accordance with the law of the land, people from a country that is at war with us, and merchants — who shall be dealt with as stated above — are excepted from this provision. [...]

(45) We will appoint as justices, constables, sheriffs, or other officials, only men that know the law of the realm and are minded to keep it well. [...]

(52) To any man whom we have deprived or dispossessed of lands, castles, liberties, or rights, without the lawful judgement of his equals, we will at once restore these. In cases of dispute the matter shall be resolved by the judgement of the twenty-five barons referred to below in the clause for securing the peace. In cases, however, where a man was deprived or dispossessed of something without the lawful judgement of his equals by our father King Henry or our brother King Richard, and it remains in our hands or is held by others under our warranty, we shall have respite for the period commonly allowed to Crusaders, unless a lawsuit had been begun, or an enquiry had been made at our order, before we took the Cross as a Crusader. On our return from the Crusade, or if we abandon it, we will at once render justice in full. [...]

(54) No one shall be arrested or imprisoned on the appeal of a woman for the death of any person except her husband. [...]

(56) If we have deprived or dispossessed any Welshmen of lands, liberties, or anything else in England or in Wales, without the lawful judgement of their equals, these are at once to be returned to them. [...]

(57) In cases where a Welshman was deprived or dispossessed of anything, without the lawful judgement of his equals, by our father King Henry or our brother King Richard, and it remains in our hands or is held by others under our warranty, we shall have respite for the period commonly allowed to Crusaders, unless a lawsuit had been begun, or an enquiry had been made at our order, before we took the Cross as a Crusader. But on our return from the Crusade, or if we abandon it, we will at once do full justice according to the laws of Wales and the said regions. [...]

(60) All these customs and liberties that we have granted shall be observed in our kingdom in so far as concerns our own relations with our subjects. Let all men of our kingdom, whether clergy or laymen, observe them similarly in their relations with their own men.

(61) SINCE WE HAVE GRANTED ALL THESE THINGS for God, for the better ordering of our kingdom, and to allay the discord that has arisen between us and our barons, and since we desire that they shall be enjoyed in their entirety, with lasting strength, for ever, we give and grant to the barons the following security:

The barons shall elect twenty-five of their number to keep, and cause to be observed with all their might, the peace and liberties granted and confirmed to them by this charter.

If we, our chief justice, our officials, or any of our servants offend in any respect against any man, or transgress any of the articles of the peace or of this security, and the offence is made known to four of the said twenty-five barons, they shall come to us — or in our absence from the kingdom to the chief justice — to declare it and claim immediate redress. If we, or in our absence abroad the chief justice, make no redress within forty days, reckoning from the day on which the offence was declared to us or to him, the four barons shall refer the matter to the rest of the twenty-five barons, who may distrain upon and assail us in every way possible, with the support of the whole community of the land, by seizing our castles, lands, possessions, or anything else saving only our own person and those of the queen and our children, until they have secured such redress as they have determined upon.

Having secured the redress, they may then resume their normal obedience to us.

[...] If one of the twenty-five barons dies or leaves the country, or is prevented in any other way from discharging his duties, the rest of them shall choose another baron in his place, at their discretion, who shall be duly sworn in as they were.

In the event of disagreement among the twenty-five barons on any matter referred to them for decision, the verdict of the majority present shall have the same validity as a unanimous verdict of the whole twenty-five, whether these were all present or some of those summoned were unwilling or unable to appear.

The twenty-five barons shall swear to obey all the above articles faithfully, and shall cause them to be obeyed by others to the best of their power.

[...] (62) We have remitted and pardoned fully to all men any ill-will, hurt, or grudges that have arisen between us and our subjects, whether clergy or laymen, since the beginning of the dispute. We have in addition remitted fully, and for our own part have also pardoned, to all clergy and laymen any offences committed as a result of the said dispute between Easter in the sixteenth year of our reign (i.e. 1215) and the restoration of peace.

[...] (63) IT IS ACCORDINGLY OUR WISH AND COMMAND that the English Church shall be free, and that men in our kingdom shall have and keep all these liberties, rights, and concessions, well and peaceably in their fullness and entirety for them and their heirs, of us and our heirs, in all things and all places for ever.

Both we and the barons have sworn that all this shall be observed in good faith and without deceit. Witness the above mentioned people and many others.

Given by our hand in the meadow that is called Runnymede, between Windsor and Staines, on the fifteenth day of June in the seventeenth year of our reign (i.e. 1215: the new regnal year began on 28 May).

.The Petition of Right (1628)

To the King's most excellent majesty

HUMBLY shew unto our sovereign lord the King, the lords spiritual and temporal, and commons in parliament assembled, That whereas it is declared and enacted by a statute made in the time

of the reign of King Edward the First commonly called *Statutum de tallagio non concedendo*, That no tallage or aid shall be laid or levied by the King or his heirs in this realm, without the good will and assent of the archbishops, bishops, earls, barons, knights, burgesses, and other freemen of the commonalty of this realm; (2) and by authority of parliament holden in the five and twentieth year of the reign of King Edward the Third, it is declared and enacted, That from thenceforth no person should be compelled to make any loans to the King against his will, because such loans were against reason and the franchise of the land; (3) and by other laws of this realm it is provided, That none should be charged by any charge or imposition called a benevolence, nor by such like charge; (4) by which the statutes before mentioned, and other the good laws and statutes of this realm, your subjects have inherited this freedom, That they should not be compelled to contribute to any tax, tallage, aid or other like charge not set by common consent in parliament.

II. Yet nevertheless, of late divers commissions directed to sundry commissioners in several counties, with instructions, have issued; by means whereof your people have been in divers places assembled, and required to lend certain sums of money unto your Majesty, and many of them, upon their refusal so to do, have had an oath administered unto them not warrantable by the laws or statutes of this realm, and have been constrained to become bound to make appearance and give attendance before your privy council and in other places, and others of them have been therefore imprisoned, confined, and sundry other ways molested and disquieted; (2) and divers other charges have been laid and levied upon your people in several counties by lord lieutenants, deputy lieutenants, commissioners for musters, justices of peace and others, by command or direction from your Majesty, or your privy council, against the laws and free customs of the realm.

III. And where also by the statute called The Great Charter of the liberties of England, it is declared and enacted, That no freeman may be taken or imprisoned, or be diseased of his freehold or liberties, or his free customs, or be outlawed or exiled, or in manner destroyed, but by the lawful judgment of his peers, or by the law of the land.

IV. And in the eight and twentieth year of the reign of King Edward the Third, it was declared and enacted by authority of parliament, That no man of what estate or condition that he be, should be put out of his land or tenements, nor taken, nor

imprisoned, nor disherited, nor put to death without being brought to answer by due process of law:

V. Nevertheless against the tenor of the said statutes, and other the good laws and statutes of your realm to that end provided, divers of your subjects have of late been imprisoned without any cause shewed; (2) and when for their deliverance they were brought before your justices by your Majesty's writs of Habeas Corpus, there to undergo and receive as the court should order, and their keepers commanded to certify the causes of their detainer, no cause was certified, but that they were detained by your Majesty's special command, signified by the lords of your privy council, and yet were returned back to several prisons, without being charged with any thing to which they might make answer according to the law:

VI. And whereas of late great companies of soldiers and mariners have been dispersed into divers counties of the realm, and the inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourn, against the laws and customs of this realm, and to the great grievance and vexation of the people:

VII. And whereas also by authority of parliament, in the five and twentieth year of the reign of King Edward the Third, it is declared and enacted, That no man should be forejudged of life or limb against the form of the great charter and the law of the land; (2) and by the said great charter and other the laws and statutes of this your realm, no man ought to be adjudged to death but by the laws established in this your realm, either by the customs of the same realm, or by acts of parliament: (3) and whereas no offender of what kind soever is exempted from the proceedings to be used, and punishments to be inflicted by the laws and statutes of this your realm: nevertheless of late time divers commissions under your Majesty's great seal have issued forth, by which certain persons have been assigned and appointed commissioners with power and authority to proceed within the land, according to the justice of martial law, against such soldiers or mariners, or other dissolute persons joining with them, as should commit any murder, robbery, felony, mutiny or other outrage or misdemeanor whatsoever, and by such summary course and order as is agreeable to martial law, and as is used in armies in time of war, to proceed to the trial and condemnation of such offenders, and them to cause to be executed and put to death according to the law martial:

VIII. By pretext whereof some of your Majesty's subjects have been by some of the said commissioners put to death, when and

where, if by the laws and statutes of the land they had deserved death, by the same laws and statutes also they might, and by no other ought to have been judged and executed:

IX. And also sundry grievous offenders, by colour thereof claiming an exemption, have escaped the punishments due to them by the laws and statutes of this your realm, by reason that divers of your officers and ministers of justice have unjustly refused or forbore to proceed against such offenders according to the same laws and statutes, upon pretence that the said offenders were punishable only by martial law, and by authority of such commissions as aforesaid: (2) which commissions, and all other of like nature, are wholly and directly contrary to the said laws and statutes of this your realm:

X. They do therefore humbly pray your most excellent Majesty, That no man hereafter be compelled to make or yield any gift, loan, benevolence, tax, or such-like charge, without common consent by act of parliament; (2) and that none be called to make answer, or take such oath, or to give attendance, or be confined, or otherwise molested or disquieted concerning the same, or for refusal thereof; (3) and that no freeman, in any such manner as is before-mentioned, be imprisoned or detained; (4) and that your Majesty would be pleased to remove the said soldiers and banners, and that your people may not be so burdened in time to come; (5) and that the aforesaid commissions, for proceeding by martial law, may be revoked and annulled; and that hereafter no commissions of like nature may issue forth to any person or persons whatsoever to be executed as aforesaid, lest by colour of them any of your Majesty's subjects be destroyed, or put to death contrary to the laws and franchise of the land.

XI. All which they most humbly pray of your most excellent Majesty as their rights and liberties, according to the laws and statutes of this realm; and that your Majesty would also vouchsafe to declare, That the awards, doings and proceedings, to the prejudice of your people in any of the premises, shall not be drawn hereafter into consequence or example; (2) and that your Majesty would be also graciously pleased, for the further comfort and safety of your people, to declare your royal will and pleasure, That in the things aforesaid all your officers and ministers shall serve you according to the laws and statutes of this realm, as they tender the honour of your Majesty, and the prosperity of this kingdom. *Qua quidem petitione lecta & plenius intellecta per dictum dominum regem taliter est responsum in pleno parlamento, viz. Soit droit fait come est desire.*

The English Bill of Rights (1689)

An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown

Whereas the Lords Spiritual and Temporal and Commons assembled at Westminster, lawfully, fully and freely representing all the estates of the people of this realm, did upon the thirteenth day of February in the year of our Lord one thousand six hundred eighty-nine present unto their Majesties, then called and known by the names and style of William and Mary, prince and princess of Orange, being present in their proper persons, a certain declaration in writing made by the said Lords and Commons in the words following:

Whereas the late King James the Second, by the assistance of diverse evil counsellors, judges and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion and the laws and liberties of this kingdom;

By assuming and exercising a power of dispensing with and suspending of laws and the execution of laws without consent of Parliament;

By levying money for and to the use of the Crown by pretence of prerogative for other time and in other manner than the same was granted by Parliament;

By raising and keeping a standing army within this kingdom in time of peace without consent of Parliament, and quartering soldiers contrary to law;

By causing several good subjects being Protestants to be disarmed at the same time when papists were both armed and employed contrary to law;

By violating the freedom of election of members to serve in Parliament;

And whereas of late years partial corrupt and unqualified persons have been returned and served on juries in trials, and particularly diverse jurors in trials for high treason which were not freeholders;

And excessive bail hath been required of persons committed in criminal cases to elude the benefit of the laws made for the liberty of the subjects;

And excessive fines have been imposed; And illegal and cruel punishments inflicted;

All which are utterly and directly contrary to the known laws and statutes and freedom of this realm;

And whereas the said late King James the Second having abdicated the government and the throne being thereby vacant, his

Highness the prince of Orange (whom it hath pleased Almighty God to make the glorious instrument of delivering this kingdom from popery and arbitrary power) did (by the advice of the Lords Spiritual and Temporal and divers principal persons of the Commons) cause letters to be written to the Lords Spiritual and Temporal being Protestants, and other letters to the several counties, cities, universities, boroughs and cinque ports, for the choosing of such persons to represent them as were of right to be sent to Parliament, to meet and sit at Westminster upon the two and twentieth day of January in this year one thousand six hundred eighty and eight [old style date], in order to such an establishment as that their religion, laws and liberties might not again be in danger of being subverted, upon which letters elections having been accordingly made [...]

And thereupon the said Lords Spiritual and Temporal and Commons, pursuant to their respective letters and elections, being now assembled in a full and free representative of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done) for the vindicating and asserting their ancient rights and liberties declare:

That the pretended power of suspending the laws or the execution of laws by regal authority without consent of Parliament is illegal;

That levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time, or in other manner than the same is or shall be granted, is illegal;

That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal;

That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law;

That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law;

That election of members of Parliament ought to be free;

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament;

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;

And that for redress of all grievances, and for the amending, strengthening and preserving of the laws, Parliaments ought to be held frequently.

And they do claim, demand and insist upon all and singular the premises as their undoubted rights and liberties, and that no declarations, judgments, doings or proceedings to the prejudice of the people in any of the said premises ought in any wise to be drawn hereafter into consequence or example; to which demand of their rights they are particularly encouraged by the declaration of his Highness the prince of Orange as being the only means for obtaining a full redress and remedy therein. Having therefore an entire confidence that his said Highness the prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights which they have here asserted, and from all other attempts upon their religion, rights and liberties, the said Lords Spiritual and Temporal and Commons assembled at Westminster do resolve that William and Mary, prince and princess of Orange, be and be declared king and queen of England, France and Ireland and the dominions thereunto belonging, to hold the crown and royal dignity of the said kingdoms and dominions to them, the said prince and princess, during their lives and the life of the survivor to them, and that the sole and full exercise of the regal power be only in and executed by the said prince of Orange in the names of the said prince and princess during their joint lives, and after their deceases the said crown and royal dignity of the same kingdoms and dominions to be to the heirs of the body of the said princess, and for default of such issue to the Princess Anne of Denmark and the heirs of her body, and for default of such issue to the heirs of the body of the said prince of Orange. And the Lords Spiritual and Temporal and Commons do pray the said prince and princess to accept the same accordingly.

Upon which their said Majesties did accept the crown and royal dignity of the kingdoms of England, France and Ireland, and the dominions thereunto belonging, according to the resolution and desire of the said Lords and Commons contained in the said declaration.

And thereupon their Majesties were pleased that the said Lords Spiritual and Temporal and Commons, being the two Houses of Parliament, should continue to sit, and with their Majesties' royal concurrence make effectual provision for the settlement of the religion, laws and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted, to which the said Lords Spiritual and Temporal and Commons did agree, and proceed to act accordingly.

And the said Lords Spiritual and Temporal and Commons, seriously considering how it hath pleased Almighty God in his

marvellous providence and merciful goodness to this nation to provide and preserve their said Majesties' royal persons most happily to reign over us upon the throne of their ancestors, for which they render unto him from the bottom of their hearts their humblest thanks and praises, do truly, firmly, assuredly and in the sincerity of their hearts think, and do hereby recognize, acknowledge and declare, that King James the Second having abdicated the government, and their Majesties having accepted the crown and royal dignity as aforesaid, their said Majesties did become, were, are and of right ought to be by the laws of this realm our sovereign liege lord and lady, king and queen of England, France and Ireland and the dominions thereunto belonging, in and to whose princely persons the royal state, crown and dignity of the said realms with all honours, styles, titles, regalities, prerogatives, powers, jurisdictions and authorities to the same belonging and appertaining are most fully, rightfully and entirely invested and incorporated, united and annexed.

And for preventing all questions and divisions in this realm by reason of any pretended titles to the crown, and for preserving a certainty in the succession thereof, in and upon which the unity, peace, tranquility and safety of this nation doth under God wholly consist and depend, the said Lords Spiritual and Temporal and Commons do beseech their Majesties that it may be enacted, established and declared, that the crown and regal government of the said kingdoms and dominions, with all and singular the premises thereunto belonging and appertaining, shall be and continue to their said Majesties and the survivor of them during their lives and the life of the survivor of them, and that the entire, perfect and full exercise of the regal power and government be only in and executed by his Majesty in the names of both their Majesties during their joint lives; and after their deceases the said crown and premises shall be and remain to the heirs of the body of her Majesty, and for default of such issue to her Royal Highness the Princess Anne of Denmark and the heirs of the body of his said Majesty; and thereunto the said Lords Spiritual and Temporal and Commons do in the name of all the people aforesaid most humbly and faithfully submit themselves, their heirs and posterities for ever, and do faithfully promise that they will stand to, maintain and defend their said Majesties, and also the limitation and succession of the crown herein specified and contained, to the utmost of their powers with their lives and estates against all persons whatsoever that shall attempt anything to the contrary.

And whereas it hath been found by experience that it is inconsistent with the safety and welfare of this Protestant kingdom to be governed by a popish prince, or by any king or queen marrying a papist, the said Lords Spiritual and Temporal and Commons do further pray that it may be enacted, that all and every person and persons that is, are or shall be reconciled to or shall hold communion with the see or Church of Rome, or shall profess the popish religion, or shall marry a papist, shall be excluded and be for ever incapable to inherit, possess or enjoy the crown and government of this realm and Ireland and the dominions thereunto belonging or any part of the same, or to have, use or exercise any regal power, authority or jurisdiction within the same; and in all and every such case or cases the people of these realms shall be and are hereby absolved of their allegiance; and the said crown and government shall from time to time descend to and be enjoyed by such person or persons being Protestants as should have inherited and enjoyed the same in case the said person or persons so reconciled, holding communion or professing or marrying as aforesaid were naturally dead;

And that every king and queen of this realm who at any time hereafter shall come to and succeed in the imperial crown of this kingdom shall on the first day of the meeting of the first Parliament next after his or her coming to the crown, sitting in his or her throne in the House of Peers in the presence of the Lords and Commons therein assembled, or at his or her coronation before such person or persons who shall administer the coronation oath to him or her at the time of his or her taking the said oath (which shall first happen), make, subscribe and audibly repeat the declaration mentioned in the statute made in the thirtieth year of the reign of King Charles the Second entitled, "An Act for the more effectual preserving the king's person and government by disabling papists from sitting in either House of Parliament."

But if it shall happen that such king or queen upon his or her succession to the crown of this realm shall be under the age of twelve years, then every such king or queen shall make, subscribe and audibly repeat the same declaration at his or her coronation or the first day of the meeting of the first Parliament as aforesaid which shall first happen after such king or queen shall have attained the said age of twelve years. All which their Majesties are contented and pleased shall be declared, enacted and established by authority of this present Parliament, and shall stand, remain and be the law of this realm for ever; and the same are by their said Majesties, by and with the advice and consent of the Lords Spiritual

and Temporal and Commons in Parliament assembled and by the authority of the same, declared, enacted and established accordingly.

II. And be it further declared and enacted by the authority aforesaid, that from and after this present session of Parliament no dispensation by non obstante of or to any statute or any part thereof shall be allowed, but that the same shall be held void and of no effect, except a dispensation be allowed of in such statute, and except in such cases as shall be specially provided for by one or more bill or bills to be passed during this present session of Parliament.

III. Provided that no charter or grant or pardon granted before the three and twentieth day of October in the year of our Lord one thousand six hundred eighty-nine shall be any ways impeached or invalidated by this Act, but that the same shall be and remain of the same force and effect in law and no other than as if this Act had never been made.

The U.S. Declaration of Independence (1776)

The Unanimous Declaration of the Thirteen United States of America

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.—We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,—That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shown, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.

But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.—Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States.

To prove this, let Facts be submitted to a candid world.—He has refused his Assent to Laws, the most wholesome and necessary for the public good.—He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.—He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.—He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.—He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.—He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.—He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new Appropriations of Lands.—

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.—He has made judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.—He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.—He has kept among us, in times of peace, Standing Armies, without the Consent of our legislatures.—He has affected to render the *Military* independent of and superior to the Civil power.—He has combined with others

to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:—For quartering large bodies of armed troops among us:—For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:—For cutting off our Trade with all parts of the world:—For imposing Taxes on us without our Consent:—For depriving us in many cases, of the benefits of Trial by Jury:—For transporting us beyond Seas to be tried for pretended offences:—For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:—For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:—For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.—

He has abdicated Government here, by declaring us out of his Protection and waging War against us.—He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.—He is at this time transporting large Armies of foreign Mercenaries to complete the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.—He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.—He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions. In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and

magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind. Enemies in War, in Peace Friends.—

We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do.— And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honour.

The U.S. Bill of Rights (1791)

Amendment I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II. A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III. No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Amendment V. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

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

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

Amendment VIII. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

European Prison Rules (1990s)

1. The deprivation of liberty shall be effected in material and moral conditions which ensure respect for human dignity and are in conformity with these rules.

2. The rules shall be applied impartially. There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, birth, economic or other status. The religious beliefs and moral precepts of the group to which a prisoner belongs shall be respected.

3. The purposes of the treatment of persons in custody shall be such as to sustain their health and self-respect and, so far as the length of sentence permits, to develop their sense of responsibility and encourage those attitudes and skills that will assist them to return to society with the best chance of leading law-abiding and self-supporting lives after their release. [...]

8. In every place where persons are imprisoned a complete and secure record of the following information shall be kept concerning each prisoner received:

- (a) information concerning the identity of the prisoner;
- (b) the reasons for commitment and the authority therefore;
- (c) the day and hour of admission and release. [...]

11.1. In allocating prisoners to different institutions or regimes, due account shall be taken of their judicial and legal situation (untried or convicted prisoner, first offender or habitual offender, short sentence or long sentence), of the special requirements of their treatment, of their medical needs, their sex and age.

11.2. Males and females shall in principle be detained separately, although they may participate together in organised activities as part of an established treatment programme.

11.3. In principle, untried prisoners shall be detained separately from convicted prisoners unless they consent to being accommodated or involved together in organised activities beneficial to them.

11.4. Young prisoners shall be detained under conditions which as far as possible protect them from harmful influences and which take account of the needs peculiar to their age. [...]

14.1. Prisoners shall normally be lodged during the night in individual cells except in cases where it is considered that there are advantages in sharing accommodation with other prisoners.

15. The accommodation provided for prisoners, and in particular all sleeping accommodation, shall meet the requirements of health and hygiene, due regard being paid to climatic conditions and especially the cubic content of air, a reasonable amount of space, lighting, heating and ventilation. [...]

19. All parts of an institution shall be properly maintained and kept clean at all times. [...]

21. For reasons of health and in order that prisoners may maintain a good appearance and preserve their self-respect, facilities shall be provided for the proper care of the hair and beard, and men shall be enabled to shave regularly.

22.1. Prisoners who are not allowed to wear their own clothing shall be provided with an outfit of clothing suitable for the climate

and adequate to keep them in good health. Such clothing shall in no manner be degrading or humiliating.

26.1. At every institution there shall be available the services of at least one qualified general practitioner. The medical services should be organised in close relation with the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.

26.2. Sick prisoners who require specialist treatment shall be transferred to specialised institutions or to civil hospitals.

27. Prisoners may not be submitted to any experiments which may result in physical or moral injury.

28.1. Arrangements shall be made wherever practicable for children to be born in a hospital outside the institution. However, unless special arrangements are made, there shall in penal institutions be the necessary staff and accommodation for the confinement and postnatal care of pregnant women. If a child is born in prison, this fact shall not be mentioned in the birth certificate.

28.2. Where infants are allowed to remain in the institution with their mothers, special provision shall be made for a nursery staffed by qualified persons, where the infants shall be placed when they are not in the care of their mothers. [...]

33. Discipline and order shall be maintained in the interests of safe custody, ordered community life and the treatment objectives of the institution. [...]

36.1. No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same act.

36.2. Reports of misconduct shall be presented promptly to the competent authority who shall decide on them without undue delay.

36.3. No prisoner shall be punished unless informed of the alleged offence and given a proper opportunity of presenting a defence.

37. Collective punishments, corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishment shall be completely prohibited as punishments for disciplinary offences. [...]

39. The use of chains and irons shall be prohibited. Handcuffs, restraint-jackets and other body restraints shall never be applied as a punishment. They shall not be used except in the following circumstances:

(a) if necessary, as a precaution against escape during a transfer, provided that they shall be removed when the prisoner

appears before a judicial or administrative authority unless that authority decides otherwise;

(b) on medical grounds by direction and under the supervision of the medical officer;

(c) by order of the director; if other methods of control fail, in order to protect a prisoner from self-injury, injury to others or to prevent serious damage to property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority. [...]

41.1. Every prisoner shall on admission be provided with written information about the regulations governing the treatment of prisoners of the relevant category, the disciplinary requirements of the institution, the authorised methods of seeking information and making complaints, and all such other matters as are necessary to understand the rights and obligations of prisoners and to adapt to the life of the institution.

41.2. If a prisoner cannot understand the written information provided, this information shall be explained orally.

42.1. Every prisoner shall have the opportunity every day of making requests or complaints to the director of the institution or the officer authorised to act in that capacity.

42.2. A prisoner shall have the opportunity to talk to, or to make requests or complaints to, an inspector of prisons or to any other duly constituted authority entitled to visit the prison without the director or other members of the staff being present. However appeals against formal decisions may be restricted to the authorised procedures.

42.3. Every prisoner shall be allowed to make a request or complaint, under confidential cover to the central prison administration, the judicial authority or other proper authorities.

42.4. Every request or complaint addressed or referred to a prison authority shall be promptly dealt with and replied to by this authority without undue delay.

43.1. Prisoners shall be allowed to communicate with their families and, subject to the needs of treatment, security and good order, persons or representatives of outside organisations and to receive visits from these persons as often as possible.

44.1. Prisoners who are foreign nationals should be informed, without delay, of their right to request contact and be allowed reasonable facilities to communicate with the diplomatic or consular representative of the state to which they belong. The prison administration should co-operate fully with such representatives in

the interests of foreign nationals in prison who may have special needs.

45. Prisoners shall be allowed to keep themselves informed regularly of the news by reading newspapers, periodicals and other publications, by radio or television transmissions, by lectures or by any similar means as authorised or controlled by the administration.

46. So far as practicable, every prisoner shall be allowed to satisfy the needs of his religious, spiritual and moral life by attending the services or meetings provided in the institution and having in his possession any necessary books or literature. [...]

48.1. All money, valuables, clothing and other effects belonging to prisoners which under the regulations of the institution they are not allowed to retain shall on admission to the institution be placed in safe custody. An inventory thereof shall be signed by the prisoner. Steps shall be taken to keep them in good condition. If it has been found necessary to destroy any article, this shall be recorded and the prisoner informed.

48.2. On the release of the prisoner, all such articles and money shall be returned except insofar as they have been authorised withdrawals of money or the authorised sending of any such property out of the institution, or it has been found necessary on hygienic grounds to destroy any article. The prisoner shall sign a receipt for the articles and money returned. [...]

52. Prison staff shall be continually encouraged through training, consultative procedures and a positive management style to aspire to humane standards, higher efficiency and a committed approach to their duties.

53. The prison administration shall regard it as an important task continually to inform public opinion of the roles of the prison system and the work of the staff so as to encourage public understanding of the importance of their contribution to society. [...]

56. All members of the personnel shall be expected at all times so to conduct themselves and perform their duties as to influence the prisoners for good by their example and to command their respect.

57. So far as possible the personnel shall include a sufficient number of specialists such as psychiatrists, psychologists, social workers, teachers, trade, physical education and sports instructors. [...]

63.1. Staff of the institutions shall not use force against prisoners except in self-defence or in cases of attempted escape or active or passive physical resistance to an order based on law or regulations. Staff who have recourse to force must use no more

than is strictly necessary and must report the incident immediately to the director of the institution.

64. Imprisonment is by the deprivation of liberty a punishment in itself. The conditions of imprisonment and the prison regimes shall not, therefore, except as incidental to justifiable segregation or the maintenance of discipline, aggravate the suffering inherent in this. [...]

68. As soon as possible after admission and after a study of the personality of each prisoner with a sentence of a suitable length, a programme of treatment in a suitable institution shall be prepared in the light of the knowledge obtained about individual needs, capacities and dispositions, especially proximity to relatives. [...]

70.1. The preparation of prisoners for release should begin as soon as possible after reception in a penal institution. Thus, the treatment of prisoners should emphasise not their exclusion from the community but their continuing part in it. Community agencies and social workers should, therefore, be enlisted wherever possible to assist the staff of the institution in the task of social rehabilitation of the prisoners particularly maintaining and improving the relationships with their families, with other persons and with the social agencies. Steps should be taken to safeguard, to the maximum extent compatible with the law and the sentence, the rights relating to civil interests, social security rights and other social benefits of prisoners.

71.1. Prison work should be seen as a positive element in treatment, training and institutional management.

71.2. Prisoners under sentence may be required to work, subject to their physical and mental fitness as determined by the medical officer.

71.4. So far as possible the work provided shall be such as will maintain or increase the prisoner's ability to earn a normal living after release.

71.5. Vocational training in useful trades shall be provided for prisoners able to profit thereby and especially for young prisoners. [...]

77. A comprehensive education programme shall be arranged in every institution to provide opportunities for all prisoners to pursue at least some of their individual needs and aspirations. Such programmes should have as their objectives the improvement of the prospects for successful social resettlement, the morale and attitudes of prisoners and their self-respect.

78. Education should be regarded as a regime activity that attracts the same status and basic remuneration within the regime

as work, provided that it takes place in normal working hours and is part of an authorised individual treatment programme.

79. Special attention should be given by prison administrations to the education of young prisoners, those of foreign origin or with particular cultural or ethnic needs. [...]

82. Every institution shall have a library for the use of all categories of prisoners, adequately stocked with a wide range of both recreational and instructional books, and prisoners shall be encouraged to make full use of it. Wherever possible the prison library should be organised in co-operation with community library services. [...]

88. In the case of those prisoners with longer sentences, steps should be taken to ensure a gradual return to life in society. This aim may be achieved, in particular, by a pre-release regime organised in the same institution or in another appropriate institution, or by conditional release under some kind of supervision combined with effective social support. [...]

89.2. Steps must be taken to ensure that on release prisoners are provided, as necessary, with appropriate documents and identification papers, and assisted in finding suitable homes and work to go to. They should also be provided with immediate means of subsistence, be suitably and adequately clothed having regard to the climate and season, and have sufficient means to reach their destination.

89.3. The approved representatives of the social agencies or services should be afforded all necessary access to the institution and to prisoners with a view to making a full contribution to the preparation for release and after-care programme of the prisoner. [...]

92.1. Untried prisoners shall be allowed to inform their families of their detention immediately and given all reasonable facilities for communication with family and friends and persons with whom it is in their legitimate interest to enter into contact. [...]

100.1. Persons who are found to be insane should not be detained in prisons and arrangements shall be made to remove them to appropriate establishments for the mentally ill as soon as possible.

PART II. PHILOSOPHERS OF LAW

Sir Thomas More, 1478—1535

Sir Thomas More was an English statesman and writer, known for his religious stance against King Henry VIII that cost him his life. More was born in London and was educated at one of London's best schools. He later spent two years in the University of Oxford, mastering Latin and undergoing a thorough drilling in formal logic.

Among his important thoughts was that the reasons for crime were to be found in economic and social conditions. He believed that if people lived in a more just and humane society they would behave better. He also thought that punishment should be sensible and that people found guilty should be made to work for the good of the community. His views were far ahead of the time, so that it was only in later centuries that his book *Utopia* was really understood.

More's *Utopia* describes a pagan and communist city-state in which the institutions and policies are entirely governed by reason. The order and dignity of such a state provided a notable contrast with the unreasonable policy of Christian Europe, divided by self-interest and greed for power and riches, which More described in Book 1, written in England in 1516. Among the topics discussed by More in *Utopia* were penology, state-controlled education, religious pluralism, divorce, euthanasia, and women's rights. The resulting demonstration of his learning, invention, and wit established his reputation as one of the foremost Humanists. Soon translated into most European languages, *Utopia* became the ancestor of a new literary genre, the *Utopian* romance.

More's *History of King Richard III*, written in Latin and in English between about 1513 and 1518, is the first masterpiece of English historiography. Though never finished, it influenced succeeding historians. William Shakespeare is indebted to More for his portrait of the tyrant.

More attracted the attention of King Henry VIII. The King made More one of his favourites and often sought his company for philosophical conversations. More became Lord Chancellor in 1529; he was the first layman to hold the post. His fortunes changed, however, when he refused to support Henry's request for a divorce from Catherine of Aragon.

As a strict Roman Catholic he disapproved of Henry VIII's attempt to break away from the church in Rome and set up his own Church of England. For failing to accept Henry as the head of

the English church he was tried for treason in 1535 and beheaded at the Tower of London. He was made a saint by the Roman Catholic Church.

John Locke, 1632—1704

The ideas and writings of the seventeenth-century English philosopher John Locke deeply influenced the political outlook of the American colonists. Locke spelled out his political ideas in *Two Treatises on Civil Government*, first published in 1690. His writings were widely read and discussed in both Europe and America. Locke's ideas seemed to fit the American colonial experience. Colonial leaders such as Benjamin Franklin, Thomas Jefferson, and James Madison regarded these ideas as political truth. Locke's ideas became so influential that they have been called the "textbook of the American Revolution."

Locke reasoned that all people were born free, equal, and independent. They possessed natural rights to life, liberty, and property at the time they lived in a state of nature, before governments were formed. People contracted among themselves to form governments to protect their natural rights. Locke argued that if a government failed to protect these natural rights, the people could change that government. The people had not agreed to be governed by tyrants who threatened their rights but by rulers who defended their rights.

Locke's ideas were revolutionary in an age when monarchs still claimed they had God-given absolute powers. Locke denied that people were born with an obligation to obey their rulers. Rather, in his *Second Treatise on Civil Government*, Locke insisted that freedom of people under government is to have a standing rule to live by, common to every one of that society, and made by the legislative power vested in it.

Government, then, was legitimate only as long as people continued to consent to it. Both the Declaration of Independence and the Constitution, written nearly a century after Locke, reflected Locke's revolutionary ideas.

Charles-Louis de Secondat Montesquieu, 1689—1755

Montesquieu is a French political philosopher whose major work appeared under the title *The Spirit of Laws*. It consisted of two volumes, comprising 31 books in 1,086 pages. It is one of the

greatest works in the history of political theory and in the history of jurisprudence. Its author had acquainted himself with all previous schools of thought but identified himself with none.

Of the multiplicity of subjects treated by Montesquieu, none remained unadorned. His treatment of three was particularly memorable.

The first of these is his classification of governments. Abandoning the classical divisions of his predecessors into monarchy, aristocracy, and democracy, Montesquieu produced his own analysis and assigned to each form of government an animating principle: the republic, based on virtue; the monarchy, based on honour; and despotism, based on fear. His definitions show that this classification rests not on the location of political power but on the government's manner of conducting policy; it involves a historical and not a narrow descriptive approach.

The second of his most noted arguments is the theory of the separation of powers. Dividing political authority into the legislative, executive, and judicial powers, he asserted that, in the state that most effectively promotes liberty, these three powers must be confided to different individuals or bodies, acting independently. It at once became perhaps the most important piece of political writing of the 18th century. Though its accuracy has in more recent times been disputed, in its own century it was admired and held authoritative; it inspired the Declaration of the Rights of Man and the Constitution of the United States.

The third of Montesquieu's most celebrated doctrines is that of the political influence of climate. Basing himself on the experience of his travels, and on experiments, he stressed the effect of climate, primarily thinking of heat and cold, on the physical frame of the individual, and, as a consequence, on the intellectual outlook of society. According to Montesquieu, other factors (laws, religion, and maxims of government) are of a non-physical nature, and their influence, compared with that of climate, grows as civilization advances.

After the book was published, praise came to Montesquieu from the most varied headquarters. The Scottish philosopher David Hume wrote from London that the work would win the admiration of all the ages; an Italian friend spoke of reading it in an ecstasy of admiration; the Swiss scientist Charles Bonnet said that Montesquieu had discovered the laws of the intellectual world as Newton had those of the physical world. The philosophers of the Enlightenment accepted him as one of their own, as indeed he was. His fame was

now worldwide. But renown lay lightly on his shoulders. His affability and modesty are commented on by all who met him. He was a faithful friend, kind and helpful to young and unestablished men of letters, witty, though absent-minded, in society.

Voltaire, 1694—1778

Voltaire was the most influential figure of the French Enlightenment. Considered by his contemporaries as the greatest poet and dramatist of the century, he is now better known for his essays and tales. His precocious wit, his upbringing among a group of libertines, and his predilection for aristocratic circles were to mark his life, as his classical education by the Jesuits was to form his taste.

For writing some satirical verses, he spent a year imprisoned in the Bastille (1717—1718), after which he adopted the name Voltaire. Subsequently he quarrelled with a nobleman, was returned briefly to the Bastille in April 1726, then went into exile in England for three years. There he absorbed the lessons of British liberties, deism, and literature. Then, for safety, he moved (1759) to Ferney, just inside the French border, which remained his home until his triumphal return to Paris in February 1778.

Voltaire was pre-eminent in almost every genre. He catapulted to fame in 1718 with *Oedipus*. His historical works — *History of Charles XII*, *Age of Louis XIV*, *Essay on Manners* — are landmarks of historiography.

Most of all, however, Voltaire was, and remains, famous as a philosopher, a fighter for reform. His ideas were expressed in poems, tracts, pamphlets, and tales, which are still universally read and admired. His philosophical works include the *Treatise on Metaphysics* (1734), *The Disaster of Lisbon* (1756), and the influential *Philosophical Dictionary*, a witty compendium of his ideas.

Finally, Voltaire was the most prolific correspondent of the century. His thousands of letters portray his life and personality, reflect his wit and ideas, and describe his times.

Voltaire was the leader and chief organizer and propagandist of the reformist group called *Philosophers*. He strove for collaboration with the more radical of the encyclopaedists, such as Diderot, but in 1770 the two groups could not agree on the issue of atheism or on tactics. Although Voltaire is known principally as a reformer and teller of tales, he was one of the originators of modern historiography. Although his use of history for non-historical purposes — propaganda,

debunking, philosophical explanations — were justly criticised, he demanded authentic documentation and broke with tradition in his conception of history as the history of civilisation social, economic, and cultural, as well as political.

Jeremy Bentham, 1748—1832

The philosopher and jurist Jeremy Bentham was born in London on the 15th of February 1748. He proved to be something of a child prodigy: while still a toddler he was discovered sitting at his father's desk reading a multi-volume history of England, and he began to study Latin at the age of three. At twelve, he was sent to Queen's College, Oxford, by his father, a prosperous attorney, who decided that Jeremy would follow him into the law, feeling quite sure that his brilliant son would one day be Lord Chancellor of England.

Bentham, however, soon became disillusioned with the law, especially after hearing the lectures of the leading authority of the day, Sir William Blackstone. Instead of practicing the law, he decided to write about it, and he spent his life criticising the existing law and suggesting ways for its improvement. His father's death in 1792 left him financially independent, and for nearly forty years he lived quietly in Westminster, producing between ten and twenty sheets of manuscript a day, even when he was in his eighties. For those who have never read a line of Bentham, he will always be associated with the doctrine of Utilitarianism and his attempts to make the punishment more precisely fit the crime. This, however, was only his starting point for a radical critique of society, which aimed to test the usefulness of existing institutions, practices and beliefs against an objective evaluative standard. He was an outspoken advocate of law reform, a pugnacious critic of established political doctrines like natural law, and the first to produce a utilitarian justification for democracy. He also had much to say on subjects as diverse as prison reform, religion, poor relief and international law. A visionary far ahead of his time, he advocated universal suffrage.

By the 1820s Bentham had become a widely respected figure, both in Britain and in other parts of the world. His ideas were to influence greatly the reforms of public administration made during the nineteenth century, and his writings are still at the centre of academic debate, especially as regards social policy and legal positivism and welfare economics.

PART III. NOTORIOUS CRIMINALS

Cain

According to the Bible, he was the first murderer. The story is told in Genesis, Chapter Four. He was a tiller of the soil and his brother Abel was a shepherd. They were both sons of Adam and Eve. When the Lord accepted Abel's offerings and rejected those of his, he was very "wroth and his countenance fell". He fell upon his brother Abel and killed him. When the Lord asked him where his brother was, he asked the famous question "am I my brother's keeper?". For his crime, he was banished to be a wanderer over the earth, but to prevent him from being killed, God put a mark upon him to protect him. According to the Bible, he went to live in the land of Nod, east of Eden.

**Marcus Junius Brutus, 85—42 B.C.,
Gaius Longinus Cassius, d. 42 B.C.**

These two Roman generals were the leaders of conspiracy to murder Julius Caesar, the man who invaded Britain and was one of the greatest Roman generals. Both had distinguished careers, having been promised governorships by Caesar. One was even a personal friend of Caesar's but was convinced by the other that Caesar, who by then was dictator of Rome, was a tyrant who must be got rid of. On the Ides (15th) of March 44 B.C. Caesar was stabbed to death on the steps of the Capitol, the senate house of Rome, both men taking part in the murder. Unfortunately, the conspiracy then began to crumble and the two generals fled to Macedonia to raise an army. They were defeated at the battle of Philip by Caesar's nephew Octavian and Roman military hero Mark Anthony. After the battle one committed suicide, while the other ordered his servant to kill him.

Caligula, A.D. 12—41

This Roman Emperor will always be remembered for his great cruelty and love of bloodshed. On one occasion, at one of the famous games, at which the gladiators performed, he is said to have remarked that he wished that the Roman people had only one neck so that he could kill them all with one blow. There is little doubt this his extreme cruelty was due to madness, as he started his reign in a very reasonable way. However, after a strange illness, he began

to act as though insane and declared himself a god and even gave his horse a high public office. In the end he was murdered by a member of his own bodyguard as he left the games on 24th January A.D. 41.

Colonia Agrippina, A.D. 16—59

As Roman empress, married to the emperor Claudius, she is remembered mostly for having poisoned him in A.D. 54 in order for her son, Nero to take the throne. The sister of Caligula and a cruel and ambitious woman, she is said to have murdered her previous husband as well. In the end she met her death on the orders of Nero, who was tired of being ruled by his mother. The city of her birth on the Rhine was named Colonia Agrippinensis in her honour and is now called Cologne.

Guy Fawkes, 1570—1606

Guy Fawkes is the best known member of the gang which planned Gunpowder plot of 1605. The originators of the plot were Robert Catesby, Thomas Winter, Thomas Percy and John Wright. Fawkes was only brought in later by Catesby, who knew of his reputation for courage. All were Roman Catholics and their plan was to destroy James I and his Protestant parliament by blowing them up. Percy rented a house next to parliament and later the cellar below the House of Lords. There Fawkes hid thirty-six barrels of gunpowder, covering them with wood and coal. The plot was discovered when one of the conspirators sent a letter to Lord Monteagle in October 1605 asking him not to attend the opening of parliament on 5th November. Suspicions were aroused and on the night of 4th November Fawkes was arrested in the cellar. He had been given the task of lighting the fuse to set off the explosion. Tortured, he refused to give the names of his fellow conspirators until they had either been killed or captured. He was executed by hanging on 31st January 1606.

Captain William Kidd, 1645—1701

A privateer was a private person (a civilian not in the navy) who was given a commission to attack the King's enemies at sea and traditionally there was always a thin line dividing privateering from piracy. In 1695 William Kidd, a Scotsman who had emigrated to Boston, Massachusetts, was given a commission by William III

to arrest all pirates and also a commission to act as a privateer against the French. He fitted out the brig *Adventure* and in 1697 sailed to Madagascar, the lair of many pirates at that time. But instead of attacking the pirates, he joined forces with them and began capturing



merchant ships and plundering local trade. He deserted his ship and went to New York, offering treasure to the governor and claiming to be able to explain his actions. However, he was arrested and sent to England for trial where he was hanged in 1701. About 14,000 pounds of treasure was recovered from his ship and from a hiding place near Long Island, though there is still supposed to be a lot of Captain Kidd's treasure waiting to be found.

Alessandro Cagliostro, 1743—1795

Count Cagliostro's real name was Guiseppe Balsamo, and he became famous as a charlatan or confidence trickster, as we would call him today. As a young man he learned a little about chemistry and medicine and then left Sicily in 1769. After getting some knowledge of the supernatural, he appeared in Malta as the great Count Cagliostro, specialist in medicine, magic and all kinds of strange arts. He was soon fleecing the rich of Europe, selling them an elixir of youth and love potions. Finally he was condemned to death in Rome for setting up a secret society and died in prison at San Leone.

Billy the Kid (William Bonny), 1860—1881

Billy the Kid was a legend in the Wild West as a cattle rustler and murderer. Slim and fair, Billy was born in New York but soon moved to New Mexico. He was apprenticed to a blacksmith but found this boring, so he shot the smith and became a cowboy. At first he worked for John Chisholm, who was fighting a range war in the Pecos Valley. He quarrelled with Chisholm and joined a band of cattle rustlers, killing as many of Chisholm's men as he could in the process. Pat Garrett was elected sheriff to capture Billy the Kid. He did this, but Billy shot two deputies and escaped from his cell just before he was due to be hanged. He was caught by Garrett

two months and five murders later and shot dead in a gunfight. He was said to have shot twenty-one men, but in fact he probably only killed three.

Jack the Ripper

“Jack the Ripper” was a mysterious killer who terrorised the East End of London in the autumn of 1888. His victims, all women, were killed by having their throats cut, and in many cases the bodies were savagely mutilated as well. The number of victims is said to be between four and fourteen, though police authorities generally thought that only five murders were definitely the work of the Ripper. The Ripper was never caught, and his identity remains a mystery. All kinds of people have been suggested as possible Rippers, including the Duke of Clarence and even a barrister.

Roy Bean, d. 1903

In the days when the western part of the USA was known as Wild West law was upheld by very rough and ready men. ‘Judge’ Bean, as he called himself, was one of the most colourful of the lawmen. As a young man he had been a slaver, driven an ammunition truck in the war against Mexico, smuggled cotton and been tried. He became famous as Justice of the Peace in a town called Vinegarroon. Here, in a saloon called the Jersey Lilly — so named after the actress Lily Langtree of whom he was a fan — he held the court. His justice was as rough as the people he tried and he built up an enormous reputation, so that many tales were told about him. One is that he decided on one occasion that a man accused of murdering a Chinaman might call on his tough friends to make trouble for the judge. Looking through his law books he announced that he could not find anywhere that it said that you must not kill a Chinaman!

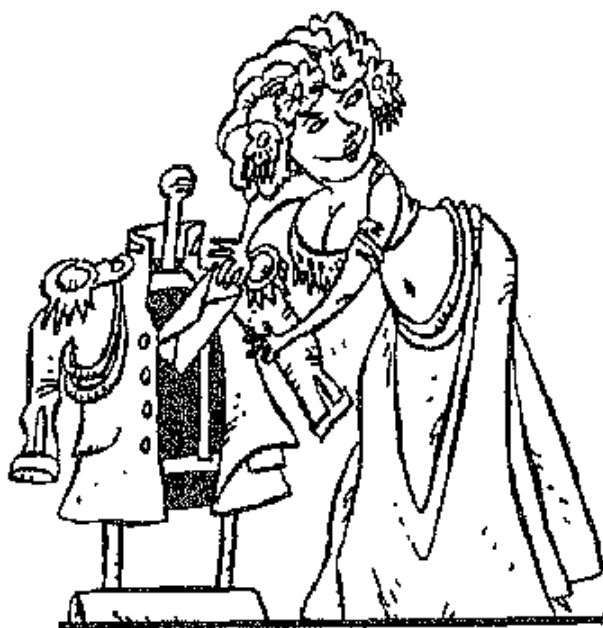
Butch Cassidy, 1866—1910 and the Sundance Kid, d. 1910

Butch Cassidy, whose real name was Robert Leroy Parker, was the leader of a gang of American outlaws called the Wild Bunch who operated mainly from a secure hideout in Wyoming Territory called Hole in the Wall. Other members of the gang were the Sundance Kid (real name Harry Longbaugh), Bill ‘News’ Carver, Ben Kilpatrick and Harvey Logan. The Wild Bunch rustled cattle,

held up banks and robbed trains, all with varied success. On one occasion they stole \$40,000 in notes that were so new that they had not been signed, and their clumsy attempts to forge the signatures failed miserably. Having made things too hot for themselves by robbing the Union Pacific railway rather too frequently, in 1902 Butch Cassidy and the Sundance Kid moved to South America accompanied by pretty schoolteacher Etta Place. This combination carried out a number of robberies, before the two outlaws were ambushed and killed in a gunfight with the Bolivian army in 1910. However, rumours persist that either one or both men returned to the USA and lived on peacefully to die of old age. The film of their life and death, *Butch Cassidy and the Sundance Kid*, starring Paul Newman and Robert Redford, managed to catch the flavour of criminal exploits almost perfectly.

Mata Hari (born Gertruda Margarete Zelle), 1876—1917

Mata Hari, who was executed by a firing squad in France in October 1917, is probably the most famous spy of all time. She is renowned for her beauty, her numerous military lovers, her provocative oriental dancing, and, above all, her espionage. Yet in fact, she was not oriental, or even a spy. Mata Hari was a stage name adopted by a plump middle-aged Dutch divorcee, named Mrs. Margaretha MacLeod, who had left her alcoholic



Scottish husband and opted to become a dancer in Europe. The evidence of her alleged espionage on behalf of the German Kaiser is based merely on her being mistaken for a well-known German agent Clara Benedix, by the British in November 1916. In that month Mrs. MacLeod was arrested in Falmouth, Cornwall, on board of the ship *Hollandia* while she was on her way to Holland. The police released her when they realised the mistake. Later she was arrested in France and charged with having been in contact with German intelligence officers in Madrid (though she had never even been

there). At her trial in Paris her lurid life-style was used to damning effect. It was only in 1963, when the secret files relating to her case were released, that the legend was reassessed. Most historians now think that, far from being a spy, Mata Hari was simply an innocent scapegoat — shot because the French government wanted to cover up its military ineptitude by fabricating an all-powerful ring of German agents.

Captain Alfred Dreyfus, 1859—1935

The name of Dreyfus is one of the most famous in the history of espionage. He was a French army officer of Jewish ancestry who in 1894 was sentenced to life imprisonment for selling military secrets to the Germans. The high command of the French army was strongly anti-Jewish and Dreyfus was a convenient scapegoat. His court martial was carried out as if he had already been found guilty. To serve his sentence he was sent to Devil's Island, the French prison colony off the coast of Guiana. In 1896 an army intelligence officer found proof that Dreyfus was innocent, but the army chief of staff refused to accept it. Support for Dreyfus grew and in 1898 the writer Emile Zola published a famous open letter, "J'accuse", calling for his case to be reopened. At last, the army brought Dreyfus back from Devil's Island and retried him in 1899. To the amazement of everyone, this second court martial again found him guilty. Such was the public fury that the President pardoned Dreyfus immediately, but it was not until 1906 that his name was fully cleared, and the real traitor exposed.

Lizzie Borden, 1860—1927

Lizzie Borden is known worldwide through a poem which was written about her. It goes:

Lizzie Borden took an axe
And gave her father forty whacks.
When she saw what she had done,
She gave her mother forty-one.

This cruel verse refers to the fact that Lizzie Borden was accused of having killed her father and stepmother by chopping them to pieces with an axe at their home in Fall River, Massachusetts, in 1892. She was tried for the two murders and acquitted, but the trial has become a legend, and many books have been written about it.

Dr. Hawley Harvey Crippen, 1882—1910

Crippen is famous as a murderer mainly because he was the first one to be caught by the use of wireless telegraphy. He was an American-born doctor who settled in London in 1900 with his wife Cora who had theatrical ambitions and used the stage name Belle Elmore. In 1910 Crippen's wife vanished in suspicious circumstances and when the house was searched her dismembered body was discovered buried in a cellar. She had been poisoned. Meanwhile Crippen had fled with his girlfriend Ethel Le Neve, who was disguised as a boy. They thought that they were safe once they boarded the liner *Montrose* for America, but the authorities used the newly invented wireless to pass on a warning to the ship's captain. Shortly afterwards 'Mr. Robinson' and his 'son' were recognised and Crippen and Le Neve were arrested in New York and returned to Britain. Largely due to Crippen's insistence that she knew nothing of the crime, Ethel Le Neve was freed, but the mild, inoffensive looking little man was hanged at Pentonville prison on 23rd November 1910.

Bonnie and Clyde

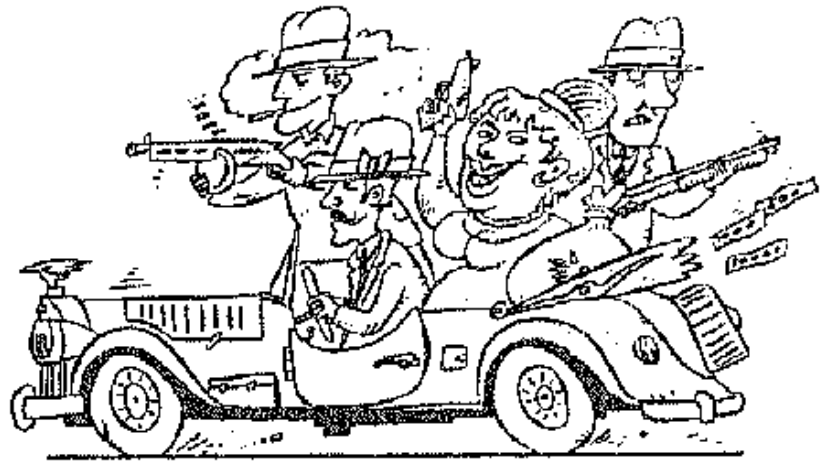
(Bonnie Parker and Clyde Barrow), d. 1934

In the days of the Depression in America after 1929, these two young people made a great name for themselves robbing stores and committing murders quite casually and often for the sheer fun of it. Bonnie Parker was a waitress when she met Clyde Barrow, and she ended up a legendary figure known for her love of red dresses, cigars and firearms. Working in the southern states of the USA they left behind a trail of destruction. On several occasions they were trapped by the police, but seemed to bear a charmed life and escaped even through a hail of bullets. On one occasion they held up a prison farm killing a guard and helping a friend to escape. Huge rewards were by then offered for their capture. Following a tip-off, the police finally ambushed Bonnie and Clyde at a crossroads and killed them in the gunfight that followed. In 1967 a film was made of their exploits, which resulted in the two becoming almost cult figures, and a pop song was written about them, which became a best-selling record.

'Ma' Barker, d. 1935

'Ma' Barker's gang was mostly composed of her own four sons, and she led them to criminal fame. She was never arrested, but

her sons often were. Ma would appear in court and protest their innocence or raise bail. By the time the gang was cleared up by the FBI it had been responsible for the deaths of four policemen, a civilian and one of their own number who talked too much. The Barkers hit the big time when they started kidnapping rich men for ransom, but this increased the pressure by police and the FBI on the gang and its members had



to split up. When Arthur Barker was captured, Ma's hideout in Florida was revealed. The FBI's G-men surrounded the house and called on Ma Barker and her son Fred to surrender. "To hell with all of you", she replied and opened fire. The FBI used tear gas, but the gunfight continued until both Ma Barker and her son were dead.

Bruno Hauptmann, d. 1936

Kidnapping, which means the taking of a person — sometimes a child — by force and asking the family, friends or even employers of the person for ransom in return for his or her release, has always been regarded as a serious crime. One of the best known kidnappings of modern times took place in America in March 1932, when the nineteen-months old son of American aviator Colonel Charles Lindbergh was taken from his New Jersey home while he was asleep in the nursery. Charles Lindbergh was the first man to fly the Atlantic non-stop single-handed in 1927 and a great American hero. A large sum of money — \$50,000 — was demanded by the kidnapper and this was eventually paid over by Lindbergh in April. However, the boy had already been murdered and his body buried under leaves and twigs in a wood only four miles from the Lindbergh home. As a result of the Lindbergh case the crime of kidnapping was made a Federal instead of just a State offence with the passing of the "Lindbergh Act" (Federal Kidnapping Act) in 1933. This allowed the FBI to become involved in the search for kidnappers and their victims, making an arrest so much more likely. The kidnapper of Lindbergh's child, Bruno Hauptmann, a carpenter from New York, was finally arrested in September 1934 after a massive search, and executed in 1936. The publicity which followed

the kidnapping was so great that the Lindberghs eventually left America to live in England and continued to do so until 1939.

Hans Van Meegeren, 1889—1947

Van Meegeren will go down in history as one of the greatest of all art forgers. His work fooled all the experts. Before the Second World War Van Meegeren was a struggling artist in Holland who gradually became embittered by the fact that his own painting was not appreciated. He therefore painted a number of works in the style of Vermeer, which were accepted as the real thing. The six 'Vermeers' he painted were sold for huge sums of money: five to Dutch museums and the sixth to Hermann Goering, the German Nazi leader, for 165,000 pounds during the war. When the war was over, the sale of the picture to Goering was traced to Van Meegeren, who was accused of collaborating with the Germans. To save himself, Van Meegeren confessed to having forged the painting, but had to paint another 'Vermeer' while the experts watched, before anyone would believe him. He was tried in 1947 on a charge of forgery and sentenced to one year in prison. Six weeks later he died, having finally achieved fame as a painter.

Alphonse Capone, 1899—1947

'Al' Capone is possibly the best-known of all American gangsters, though by no means the most important. His home ground was Chicago. He was brought into the rackets by Johnny Torrio and Torrio's uncle 'Big Jim' Colosimo. Capone seized his chance when Prohibition was declared in 1920, which made the manufacture and sale of alcohol illegal in America. He soon rose to control a large part of the illegal liquor market in Chicago and the Middle West. A fierce and vicious man, he was responsible for many gangland killings, including the 1929 St. Valentine's Day Massacre, in which seven rival "bootleggers" (men selling illicit liquor) were trapped by gunmen dressed as police and machine-gunned to death. He was imprisoned in 1931 on income tax charges, became a model prisoner and was released in 1939.

'Lucky' Luciano, 1897—1962

'Lucky' Luciano, so called because he led a charmed life and avoided assassination, was one of the most powerful leaders of the Mafia in the USA. Having risen to be a trusted lieutenant of Joe

Masseria ('Joe the Boss'), he had him killed in 1931. This was the first step Luciano was to make in getting rid of the old guard of the Mafia, to make way for younger men like himself. In the reorganisation that followed Luciano became *capo* or head of one of the five New York Mafia 'Families'. He became the most powerful



chieftain in the Mafia, and formed alliances with gangsters of other national groups such as the Jews and Irish-Americans. In 1936 he was sent to prison but paroled in 1945 because of his and the Mafia's secret work for the U.S. government during the Second World War. Afterwards he was deported to Italy, from where he ran the European end of the Mafia's drugs operation.

Frank Costello, 1891—1973

Known by American newspapers as 'the Prime Minister of Crime', Costello was born in Italy and came to America in 1896. Though not well educated, he had a very good brain, and rose steadily through the ranks of the Mafia until in 1936 he took over 'Lucky' Luciano's position as *capo di capore*, or head of all the Family heads. He avoided violence whenever possible, but was not afraid to use it where necessary. By 1943 he virtually owned New York, appointing city officials, judges and even mayors. He was jailed in 1954 on income tax charges and the resulting publicity made him less valuable to Meyer Lansky's National Crime Syndicate, and he lost much of his power. An attempt was made on his life in 1957, but he was then allowed to retire in peace.

George Blake, b. 1922

Born in Holland, he was a famous traitor and Russian spy. During the Second World War, he was a member of the Dutch resistance until he escaped to England, joined the Navy and changed his name to Blake. He joined the intelligence services and was captured in Korea while serving in the British Embassy in Seoul. Blake was released in 1953 but had been secretly converted to communism while a prisoner. He then served as an agent for MI6 and as a double agent for the Russians, first in Berlin and later in

Britain. In 1960 he was arrested and sentenced in 1961 to no less than forty-two years in prison. But in 1967, helped by a released fellow-prisoner, he made a daring escape from Wormwood Scrubs prison and was smuggled out to Moscow by the Russians.

Lee Harvey Oswald, 1940—1963

In 1963 the world was shaken by the news that President Kennedy had been assassinated in Dallas, Texas, while driving from airport. The man arrested for this terrible crime was Lee Harvey Oswald. After service in the U.S. Marine Corps, Oswald went to the Soviet Union for a time and married a Russian girl. On returning to the United States he was for a time involved with Cuban revolutionary elements. On 22nd November 1963 he is said to have taken a rifle into the Texas Book Depository in Dallas, where he worked, and shot President Kennedy and Governor Connally of Texas as they drove past. Connally survived, but the President died soon afterwards. Oswald tried to escape, shooting a policeman who tried to stop him. He was caught, but was later shot dead before he could be brought to trial by the night-club owner Jack Ruby, who had got into the police station. The Warren Commission, which investigated the assassination, stated that Oswald had acted alone, but many people do not agree, and there are still a great many questions concerning the killing left unanswered.

PART IV. FAMOUS DETECTIVES

Father Brown

One of the great figures of detective fiction is Father Brown, created by G.K.Chesterton (1874—1936) and largely based on his friend Father John O'Connor. Father Brown is a plump, moon-faced Roman Catholic priest from Essex, apparently vague and harmless, never separated from his large black umbrella and several brown paper parcels tied up with a string. In fact Father Brown is a master of detection as Chesterton showed in forty-nine stories published between 1911 and 1935. He finds himself involved, more or less by chance, in a crime, which he solves by using common sense and his vast knowledge of human nature. Father Brown appeared on film in 1954, with Alec Guinness in the title role, and later in a television series, starring Kenneth More.

Sherlock Holmes

The famous fictional detective of Victorian times was created by Sir Arthur Conan Doyle (1859—1930) who based the brilliant deductive method and personality of his character on Dr. Joseph Bell, under whom he had worked as a surgeon. Holmes with his incredible powers of deduction, his mastery of disguise and his scientific brilliance, first appeared in *The Strand Magazine* in 1882 in a story called *A Study in Scarlet* together with his faithful chronicler Dr. John Watson. Longer novels, collections of short stories continued to appear up until *The Case of Sherlock Holmes* (1927). But Conan Doyle had already been tired of his creation and had once tried to kill him off with his rival Professor Moriarty, but public pressure had secured his return. The stories remain hugely popular and have provided material for countless films and TV series. But the phrase "Elementary, my dear Watson" was never uttered by Holmes and is a later invention.

Ellery Queen

This was at the same time the name of a fictional detective and also the pen-name of the two authors, Frederick Dannay (1905—1971) and Manfred Lee (b. 1905). The books written by 'Ellery Queen' are about Ellery Queen, an American playboy writer of

detective stories, who keeps getting involved in mysteries himself. He first appeared in *The Roman Hat Mystery* in 1929, and in many later books. He was also the hero of several films made between 1935 and 1943, and Peter Lawford starred in a television series based on the books in 1971. Ellery Queen (the author) also founded a *Mystery Magazine*, which was a popular outlet for detective stories by other writers.

Hercules Poirot

The famous fictional detective, the Belgian Hercules Poirot, made his first appearance in 1920 in *The Mysterious Affair at Styles* written by the best selling novelist Agatha Christie (1891—1976), and he appeared in many of her stories after that. The heyday of Poirot's popularity was the period between the two World Wars, but he is undergoing a revival in films, especially *Murder on the Orient Express* and *Death on the Nile*. Plump, vain and dapper, Poirot has moustaches of which he is very proud and a weakness for exhorting people to use their 'little grey cells' (their brains).



Inspector Jules Maigret

Inspector Maigret was created by novelist Georges Simenon in 1931 and has become one of the most popular fictional policeman in the world. He is the central figure in more than 500 novels and short stories written by Simenon. He is a calm, thoughtful and very painstaking detective, who never makes any spectacular arrests and does most of his work by talking to people. Through the stories the reader can form a very vivid picture of the seamy side of French life. A television series, starring Rupert Davies as Maigret, was made by the BBC in the 1960s.

Perry Mason

The hard-hitting American defence lawyer Perry Mason was created by Erle Stanley Gardner (1889—1970). With his attractive

and clever secretary Della Street and his legman detective Paul Drake, Mason specialises in taking on clients accused of crimes and proving their innocence. His cases generally end in a dramatic courtroom scene in which Mason unmasks the true culprit. He first appeared in *The Case of the Velvet Claw* in 1933. In a popular television series of the 1960s, actor Raymond Burr played Perry Mason.

PART V. THE STUPIDEST CRIMINALS

1. Bank Robbers

1.1. Klaus Schmidt, 41, burst into a bank in Berlin, Germany, waved a pistol, and screamed, "Hand over the money!" The staff asked if he wanted a bag, to which he replied, "Damn right it's a



real gun!" Guessing Schmidt was deaf, the manager set off the alarm, saying later, "It was ridiculously loud, but he didn't seem to notice." After five minutes, punctuated by Schmidt's occasionally shouting, "I am a trained killer!" police arrived and arrested him. Schmidt then sued the bank, accusing them of exploiting his disability.

1.2. Five armed raiders burst into a bank in Baku, the capital of Azerbaijan. Their demands for money were foiled when the staff calmly opened up the safes to reveal rows of empty shelves. Unfortunately, robbers were let down by their ignorance of the republic's finances. No money had been delivered to any of the banks in Baku for the previous two months.

1.3. John Nashid from New York held up a bank in Bronx and got away with \$17,000. He then led the police on a five-mile car chase through back streets, throwing fistfuls of dollars out of the window in an attempt to hold up pursuit. To a certain extent it may have worked, as \$6,300 of his haul wasn't recovered; but it also left a trail for the 12 cop cars chasing him to follow. Eventually Nashid ran from his car, dived through the window of a nearby nursing home, and was finally captured near a garbage can at the rear of the building. He had entered the bank draped in a sheet with holes cut out for his eyes, and was immediately nicknamed 'Casper the Ghost' by police.

1.4. Scottish bank robber Derek Macfadden was caught because he was too law-abiding. Gun in hand, he held up a bank at Giffnock, near Glasgow, and then raced off in his getaway car with £4,000. Despite being pursued by police, he halted at a red traffic light, where he was promptly arrested.

1.5. A man arrived at a bank in East Hartford, Connecticut. He was wearing a blue bandanna across his face and brandishing a pistol as he yanked at the door, only to find it was locked. The bank had actually closed at 3:00. After staring at the door for a few seconds, the man ran off into a small black car. Staff still inside the bank called the police, but no arrest was made.

Perhaps even later in arriving was the gang who spent the night cutting their way into a Lloyds bank in Hampshire, England. They cut bars with a hydraulic saw, wrenched out a security grille, and punched a hole through a wall. The only problem was that the bank was closed down four years earlier, and the building was empty.

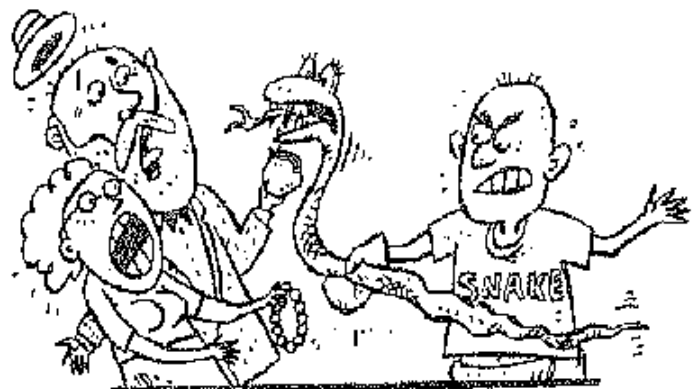
1.6. From Florence, Italy, is a tale in which the guards got it wrong: security men were all too eager to help a man with his foot in a cast as he hobbled into a bank on metal crutches. Ignoring the alarm from the metal detector at the bank's entrance, they guided the apparently disabled man to a cashier's register. There he dropped his crutches, pulled a gun, and grabbed \$40,000 before sprinting away.

1.7. Michael Norton stole two security cameras from the lobby of a bank. The cops were sure it was Norton, one of the neighbourhood characters, because the last pictures the cameras took showed him unscrewing them from the wall mountings. Detective Thomas Hickey set off to cruise the streets and eventually found Norton. "Hey", called Hickey. "Could you explain to me how come the bank has your picture?" "I didn't rob the bank," Norton protested. "I just took the camera." Oops...

2. Muggers

2.1. After he had been robbed of \$20 in Winnipeg, Canada, Roger Morse asked for his wallet back. The mugger agreed, handed over his own wallet by mistake, and fled — leaving Roger \$250 better off.

2.2. In Camden, New Jersey, Clarence Gland and Kin Williams were taking a late-night stroll when a car pulled up and two men got out. One of them produced a long black snake and shoved it toward Gland's face, and while the couple



stood rigid, his associate made off with cash, a personal stereo, and a wristwatch. A snake expert later identified the reptile from its description as a completely harmless rat snake. In other words, it was not loaded.

2.3. A gun-toting mugger made a bad mistake when he held up a man who was walking home through an alley in West Virginia. Finding his victim was carrying only \$13, he demanded a check for \$300. The man wrote out the check, and the thief was caught the next day when he tried to cash it. As the cops said afterward: "The crook wasn't very bright."

2.4. An Italian who turned to snatching handbags to finance his drug addiction came unstuck, when he robbed his own mother by mistake. The woman was walking along the street when her son, who didn't see her face until it was too late, sped past on a motorcycle and snatched her bag. Recognising him, his mother was so angry she reported him to the police.

2.5. Belgian police quickly solved two Brussels street robberies when they heard the victims' description of the culprit: he was wearing a bright-yellow jacket and had a cast on one leg. The man was caught within 15 minutes of his second robbery.

2.6. Purse snatcher Daniel Pauchin ended up in the hospital, when he tried to rob two women in a street in Nice, France. The victims were burly transvestites who beat him up and left him with broken ribs.

2.7. Mandy Hammond from Arnold, England, went out with two friends. As they waited for a taxi, a man walked up to them and demanded Mandy's lipstick and eyeshadow. The group thought he was joking, but he then pulled a gun, held it to her friend Paul Upton's head and announced, "Don't laugh. I've got a gun, and I'll shoot if you haven't got any lipstick." Lipstick was promptly produced, and the man strolled off. In the same month a gunman struck in Scarborough, England. Wearing a hood and dark glasses, he forced a pharmacist assistant, at gunpoint, to fill a bag with pimple cream. Police were said to be "puzzled".

3. Thieves

3.1. Edward Williams of Houston, Texas, was fined \$10,000 and put on 10 years' probation. He had formerly been a storeroom supervisor at Houston's Jefferson Davis Hospital, and he had been

convicted of stealing 79,680 rolls of toilet paper. No one knew for sure what he'd done with the purloined paper.

3.2. Car thief in Holloway, north of London, got away with something special. Tucked away in the trunk of his car was a box containing 120 plastic earholes. They were plastic molds made for the Royal National Throat, Nose and Ear Hospital, to allow hearing aids to be tailor-made for patients. One can only imagine the thief trying to sell them on the open market: "Ere, buddy — wanna buy some plastic ear'oles?"

3.3. The day after winning \$640,000 in Italy's national lottery, Flavio Maestrini was arrested for stealing \$400 from a shop. Appearing in court, he explained that he didn't enjoy spending money unless it was stolen.

3.4. A Russian man arrived at his country retreat near Arkhangelsk, Russia, on the White Sea and found the entire house stolen, complete with outhouses and fences, leaving just a vegetable patch.

3.5. Members of a British Rail cricket team turned up for the first match of the season at their field near Kidderminster, England. The pavilion had disappeared. How one steals an eight-room building without anyone noticing remains a mystery.

3.6. Alan Omonde appeared in court in Uganda on the charge of stealing an old man's big edible rat. Omonde was given 12 strokes of the cane for stealing John Onyait's smoked rat, while Onyait lamented that he'd been deprived of his favourite dish. Omonde was also ordered to hunt down and trap five more edible rats as a fine payable to his elderly victim.

4. Escape Artists

4.1. Two prisoners tried to escape from an appearance at a court in Watford, England. Forgetting that they were handcuffed together, they ran on either side of a lamppost. Having hurtled into one another, the stunned pair was grabbed by the guard and bundled into a waiting prison van.

4.2. Relatives bribed a prison guard to smuggle a bunch of bananas to an inmate at Pecs, Hungary. Unfortunately the guard ran into the prison commander, and apparently unaware that there might be anything wrong with them, offered him his choice of the fruit. Needless to say, the commander chose the wrong banana, bit into the metal file contained within, and had the guard up on charges.

4.3. A certain Mr. Jorgen appeared on a Danish TV quiz show and easily outclassed his opponents. He was just about to take off with nearly \$700 and a vacation for two in Marbella, Spain, when the producer took him aside: it seemed security wanted a word. Jorgen had been on the run for the previous 18 months, and his TV-addict prison officer had recognised him.

4.4. Double murderer David Graham was only too obliging when prison officers in Florida asked him to try to escape so they could test a new tracking dog. They even gave him a 30-minute start. Graham did his part perfectly, but the dog didn't. Local police were called in to join the search, but Graham was long gone. A much better sniffer dog was employed at a jail in Mexico City, Mexico. It found Darren Brown hiding in a laundry van — which probably saved Brown a great deal of disappointment, as the laundry van's immediate destination was another prison.

4.5. Three imprisoned robbers broke out of a new jail in Aix-en-Provence, France by climbing ladders left behind by workmen. The workers had been erecting wires intended to deter helicopter-aided escapes from the prison yard, but in preventing the high-tech breakouts, they seem to have forgotten all about the low-tech ones.

4.6. An unnamed man reportedly climbed the wall of Chelmsford jail, in Essex, England, from the outside. He was carrying a rope with which he intended to haul his brother out. The fellow lost his balance, fell into the jail, and was arrested as he staggered around the prison yard, dazed but unhurt.

5. Shop-Lifters

5.1. Steven Kemble was arrested in St. George, Utah, when he tried to flee after shoplifting a CD. After being briefly detained by a store clerk, he broke free, dashed out the door, and ran into a pillar in front of the shop, knocking himself unconscious.

5.2. Roy Philips Downfall was a colour fellow. Appearing in court on shoplifting charges, he wore a yellow parka, yellow shirt, yellow pants, and a yellow tie. It was a similar dress that drew him to the attention of the store detective at a supermarket in Oldham, England, where everything he was after had a yellow connection: jellies, mustard, cheese, three pairs of socks, and two pairs of underpants. He was given a one-month suspended sentence.

5.3. In Johannesburg, South Africa, a shoplifter with a passion for cheese was caught for the sixth time after stealing gouda and

cheddar. Cleopas Ntima told police he paid for his other groceries, but said 'voices' told him to take the cheese.

6. Robbers

6.1. Mr. Wazir Jiwi was the only clerk in a late night shop in Houston, Texas, when he found himself looking at two pistols. "You don't need two," he told the bandit. "Why don't you sell me one of them?" The gunman named his price at \$100; Jiwi handed over the cash and was given the gun. As he placed it under the counter, he pushed the button that locked the shop door. They then agreed on the price for the other gun. The outlaw grabbed the second bundle of cash, put his other pistol on the counter, and tried to leave. When he found he could not get out, Jiwi told him to bring the money back and he would let him go. And he did let him go, presumably guessing that anyone that stupid would get arrested soon enough anyway.

6.2. An armed man in Groiningen, northern Holland, handed a shopkeeper a note demanding money. The man behind the counter took one look and then wrote his own terse reply: "Bug off" (or the nearest Dutch equivalent). And the gunman did, too, fleeing empty-handed.

6.3. When John Gregory came to trial, the tale that came out was one of high farce rather than high drama. Gregory and an accomplice had attempted to rob a video-shop in Feltham, England, but unfortunately they were so dense, they thought the shop's typewriter was the cash register and ordered the manager, at gunpoint, to 'open it up'. Even after they'd spotted their mistake, they still managed to grab only five pounds before their shotgun went off accidentally, which scared them so much they fled, dropping the cash in the shop's doorway. The net return for the robbery was no money and 4 years' youth custody.

6.4. A robber armed with a sausage raided a shop in Graz, Austria, and escaped with 1,600 shillings. Storekeeper Rudy Buckmeister was hit over the head with the ten-pound sausage. "It felt like a baseball bat," he said.



6.5. Clive Bunyan burst into a store near Scarborough, England, brandishing a toy revolver and wearing a crash helmet and a mask. He got the shop clerk to hand over 250 pounds and fled outside to his motorcycle. However, he'd forgotten that written on his helmet in inch-high letters was "CLIVE BUNYAN — DRIVER". He was sentenced to 200 hours of community service.

7. Burglars

7.1. Having broken into a Hong Kong garment factory and found nothing worth stealing, burglar Yu Kin-Fong left a note saying: "Put some money here next time or I'll set fire to your factory. You make me do this for nothing. I can't even find 10 cents." He was tracked down and sentenced to 3 years.

7.2. Gloria Smile opened the door to find the reformed burglar in his twenties standing on her doorstep. Returning to the scene of his crimes in Westcliff, England, the young man said he had found God, apologized to her and handed her a shopping bag containing a silver coffeepot, creamer, and sugar bowl. Unfortunately' he'd gone to the wrong house; Ms. Smile hadn't been his victim.

7.3. Two burglars raiding the Browns family home in Coventry, England got a little help from four-year-old Russell Brown. He got up to investigate when he heard a noise at 3 a.m., but the strangers he found in the darkened living room whispered that they were friends of his mommy and daddy who had come to borrow the stereo, VCR, and TV, but didn't want to disturb them because it was so late. Russell was delighted to help, and held the back door open for his visitors as they left with their haul, before going back upstairs to bed. The men were later arrested and the property recovered.

7.4. Two 78-year-old burglars were caught red-handed in a house in San Paolo, Brazil, when the occupants of the house returned unexpectedly. The one inside was too deaf to hear the warning of his accomplice outside, and the lookout man was not fit enough to escape.

7.5. Three burglars who broke into a cottage found nothing inside, literally. It was a front, held up by scaffolding and used by BBC for filming a drama at Ewenny, Wales.

8. 'Miscellaneous' Crooks

8.1. In the Tasmanian town of Launceston, Don Desmond Davey was fined \$1,600 for quacking like a duck on his radio transmitter. He was convicted of broadcasting something that was not speech, and ordered to hand over his radio as well. Shortly before Barry Brownless of London was fined 1,600 pounds for barking at a police dog. He was found guilty of using threatening behavior.

8.2. A man was arrested in Bangkok, Thailand, charged with impersonating a police officer. Using a stolen uniform, he had spent two months posing as a traffic cop in order to extort money from motorists. He finally came unstuck when a senior officer passed by on an inspection tour and he saluted with the wrong hand.

8.3. Pickpocket Mario Palumbo thought he was going to have another good day at the races as he mingled with a 75,000-strong crowd in Monza, Italy. Unfortunately, his chosen victim turned out to be Pietro Fontana, who was not only a cop but the head of Milan's anti-pickpocket squad. Apparently known as the King of the Pickpockets, Palumbo was said to have remarked on his arrest: "When they hear of this in Naples, I will die of shame."

8.4. John Gilmer of Goole, England, was arrested for drunken driving but the police left him alone for a moment. Seizing his opportunity, he stole the car and drove off. He would probably have got away with it, driving along dark Yorkshire lanes, but for one thing: he had no idea how to turn off the patrol car's flashing blue light. The police simply followed the light and arrested him when he gave up and parked by a riverbank.

8.5. Unemployed David Morris, 21 from Beckenham in Kent, England, was passing the time before a date with his girlfriend when he wrote a note reading "I have a gun in my pocket and I'll shoot it off unless you hand over the money". He then went into three shops and passed the note over the counter. At the drugstore an assistant refused to accept the note because she thought it was an obscene suggestion. Next door in a hardware store a sales clerk shook his head and said he could not read English. Morris then went into a take-out restaurant, but the cashier couldn't read the note without his glasses. Morris asked for it back and hung around the street outside. Arrested soon afterward he told the police: "I've been a twit... I only pretended to have a gun." He was put on probation for two years.

9. Outrageous Lawsuits

9.1. A woman in Israel is suing a TV station and its weatherman for \$1,000 after he predicted a sunny day and it rained. The woman claims the forecast caused her to leave home lightly dressed. As a result, she caught the flu, missed 4 days of work, spent \$38 on medication and suffered stress.

9.2. A woman dropped some burglar bars on her foot. She claimed that her neighbour, who was helping her carry the bars, had caused the accident. The neighbour's insurance company offered to settle the dispute by paying her medical bills, but she refused. She wanted more and sued for damages, including "pain and suffering." The jury took only 17 minutes to unanimously decide that the woman was fully responsible for her own injuries. The innocent neighbour had to pay \$4,700 in defense costs. The two are no longer friends.

9.3. A jury awarded \$178,000 in damages to a woman who sued her former fiancé for breaking their seven-week engagement. The breakdown: \$93,000 for pain & suffering; \$60,000 for loss of income from her legal practice, and \$25,000 for psychiatric counseling expenses.

9.4. Inmates at a county jail sued for cruel and unusual living conditions: bunk beds, cells lacking a sink and toilet, and no way to exercise in winter. These criminals were awarded \$2 million dollars, paid by the taxpayers of Massachusetts. Each inmate who was a party to the suit got \$10 tax-free, for each day he was jailed. Their award included damages plus 12 per cent interest from the time the case was settled until the time they collected their windfall.

9.5. John Carter, a New Jersey man sued McDonald's for injuries he sustained in an auto accident with one of their customers. He claimed that the customer who hit him did so after spilling the contents of his chocolate shake (which he purchased from McDonald's) onto his lap while reaching over for his fries. He alleged that McDonald's sold their customer food knowing he would consume it while driving and without announcing or affixing a warning to the effect "don't eat and drive." The court concluded that McDonald's had no duty to warn customers of obvious things which they should expect to know, but refused McDonald's request for attorney's fees stating that the plaintiff's attorney was "creative, imaginative and he shouldn't be penalised for that." This case was

in the court system for three years, underwent appellate court review and cost McDonald's over \$10,000.

9.6. A woman was treated by a psychiatrist, became romantically involved with him, and subsequently married him. After more than five years of marriage they divorced, at which time the woman sued her ex-husband for psychiatric malpractice and negligence claiming that the romantic or sexual relationship between them started before the formal psychiatric treatment ended. She contended that her ex-husband had breached the standard of care as a psychiatrist by becoming romantically involved with her, and sought general, special and punitive damages.

9.7. A surfer recently sued another surfer for "taking his wave." The case was ultimately dismissed because they were unable to put a price on "pain and suffering" endured by watching someone ride the wave that was "intended for you."

9.8. A man sued a lemonade company for \$10,000 for false advertising. He claimed that he suffered physical and mental injury and emotional distress from the implicit promises in the advertisements. When he drank the beverage, success with women did not come true for him plus, he got sick. The Michigan Court of Appeals affirmed a lower-court decision dismissing the case.

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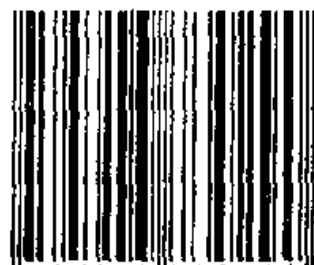
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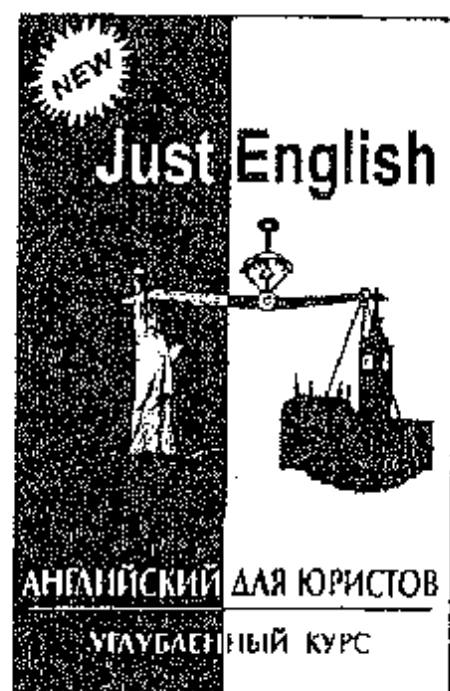
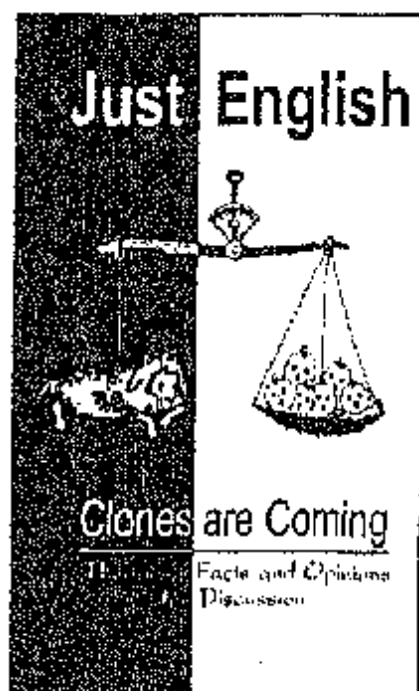
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