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Факультет социокультурных коммуникаций
Кафедра английского языка гуманитарных факультетов

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«28» июня 2023 г.

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Модуль «Английский язык (профессиональная лексика)»

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1-24 01 02 «Правоведение»,
1-24 01 03 «Экономическое право»

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Иностранный язык. Модуль «Английский язык (профессиональная лексика)»: электронный учебно-методический комплекс для специальностей: 1-24 01 02 «Правоведение», 1-24 01 03 «Экономическое право» / БГУ, Фак. социокультурных коммуникаций, Каф. английского языка гуманитарных факультетов; сост.: А. А. Воскресенская [и др.]. – Минск : БГУ, 2023. – 152 с. : ил., табл. – Библиогр.: с. 127–128.

Электронный учебно-методический комплекс (ЭУМК) по учебной дисциплине «Иностранный язык (профессиональная лексика)» предназначен для студентов специальностей 1-24 01 02 «Правоведение», 1-24 01 03 «Экономическое право».

ЭУМК включает аннотированный перечень рекомендуемых учебных пособий по дисциплине, учебные материалы для проведения практических занятий, а также задания для самостоятельной работы, в том числе на образовательном портале БГУ. Представлены тематический словарь, вопросы для самоконтроля, образцы заданий для текущего и промежуточного контроля, методические рекомендации по организации самостоятельной работы.

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ПОЯСНИТЕЛЬНАЯ ЗАПИСКА

Изучение иностранных языков в высших учебных заведениях носит профессионально ориентированный и коммуникативный характер.

Электронный учебно-методический комплекс (ЭУМК) «Иностранный язык (профессиональная лексика)» предназначен для обучения английскому языку студентов 2 курса юридического факультета. Комплекс разработан в соответствии со стандартами и учебными планами специальностей 1-24 01 02 «Правоведение» и 1-24 01 03 «Экономическое право», а также учебной программой «Иностранный язык (профессиональная лексика)» № УД-11350.

Представленный ЭУМК соответствует концепции интеграции университетского научного знания на всех методологических уровнях: общенаучном, межпредметном, внутрипредметном и дидактическом уровнях. На уровне общенаучного знания актуальным для представленного ЭУМК являются идеи понимания личности как высшей самооценности исторического прогресса и положения о развитии ее творческого начала. Межпредметный уровень характеризуется междисциплинарными связями между структурными элементами учебного материала иностранного языка и профильными юридическими дисциплинами. Внутрипредметный уровень интеграции составляют концептуальные положения гуманистического, личностно ориентированного, компетентностного и коммуникативного подходов, а также идеи эвристической дидактики. На дидактическом уровне предпринята попытка имплементации новых форм обучения (смешанные, гибридные, дистанционные и их комбинации) и режимов доставки образовательного контента (синхронный, асинхронный, очный, дистанционный и т.д.).

Основной целью ЭУМК является создание комплексного учебно-методического обеспечения подготовки специалистов юридического профиля в процессе обучения английскому языку.

В процессе работы с данным ЭУМК решаются следующие *учебные задачи*:

- овладение основными составляющими иноязычной коммуникативной компетенции в единстве лингвистической (языковой и речевой), социокультурной, компенсаторной, учебно-познавательной компетенций;
- взаимосвязанное обучение всем видам речевой деятельности (говорение, чтение, аудирование, письмо) в рамках определенного программой предметно-тематического содержания общения;
- овладение современными социальными и информационными технологиями, включая технологии языкового самообразования;
- реализация познавательной, развивающей, воспитательной функций языка, позволяющих расширить мировоззренческий кругозор, сформировать ценностные ориентации, развить критическое мышление и навыки рефлексии.

Согласно Методическим рекомендациям по оформлению учебно-методического комплекса (УМК) и ЭУМК, их целевой установке определены структура и содержание данного ЭУМК. Он состоит из пояснительной записки, теоретического, практического разделов, а также раздела контроля, вспомога-

тельного раздела и приложений.

Теоретический раздел включает описание учебно-методического комплекса, а также развернутую аннотацию основных учебных пособий, рекомендуемых при изучении учебной дисциплины «Иностранный язык (профессиональная лексика)». Они включают в себя:

- 1) учебно-методическое пособие для студентов-правоведов (*English for Law Students*) (гриф УМО);
- 2) учебно-методическое пособие для студентов-правоведов (*English for Law Studies*) (гриф УМО);
- 3) учебно-методическое пособие по проведению дебатов на правовые темы (*Legal Debating*) (гриф УМО);
- 4) учебно-методическое пособие для чтения (*Crime Stories for Law students*) (гриф УМО);
- 5) практикум для самостоятельной работы (*English for Law. Student's Resource and Activity Manual*);
- 6) практикум для самостоятельной работы (*English for Lawyers. Supplementary Material for Guided Self-Study*);
- 7) сборник итоговых тестов для студентов юридических специальностей (*English for Law Students: Achievement Tests*);
- 8) краткий англо-русский словарь юридических терминов;
- 9) электронный сопровождающий курс (*English for Law Students – 2*) (*Акт о внедрении №2.4/109 от 30.04.2020*);
- 10) электронный сопровождающий курс (*English Grammar*) (*Акт о внедрении №2.4/244 от 06.10.2020*);
- 11) учебно-методическое пособие «Практическая грамматика английского языка» (гриф УМО);
- 12) учебник «Грамматика английского языка» (гриф МО).

Перечисленные компоненты ЭУМК представляют собой комплекс дидактических разработок печатного и электронного форматов, объединенных единым предметно-тематическим контентом и логикой построения. Они варьируются по своим дидактическим функциям, образовательным задачам и предполагаемым формам обучения, что значительно расширяет образовательный потенциал ЭУМК.

Практический раздел включает полный комплект дидактических материалов для изучения дисциплины «Иностранный язык (профессиональная лексика)» в формате *смешанного обучения (blended learning)*. Отбор содержания учебного материала осуществляется на основании следующих признаков:

- ориентации на компетентностно формирующий результат, т. е. нормативно заданный уровень профессиональной иноязычной коммуникативной компетенции;
- лингводидактических особенностей изучения иностранного языка, представляющих собой единство не только языковых, речевых, процессуальных и предметно-тематических компонентов, но и способов организации учебной деятельности;

– профессионально-ориентированного отбора материала, ограничения его объема рамками достаточного и необходимого для достижения целей и задач обучения.

Практический блок предлагаемого ЭУМК состоит из 4 крупных разделов: 1) *Criminal Law*; 2) *Civil Law*; 3) *Civil and Criminal Procedure*; 4) *Punishment*, отражающих основные виды и характеристики отраслей права в профессиональной деятельности будущих юристов. Дидактический материал диверсифицирован в зависимости от организационных форм обучения (аудиторная, внеаудиторная, самостоятельная, дистанционная) и отличается по своей функциональной направленности. Все модули имеют унифицированную структуру: 1) *Lead-in* (постановка целей и введение в тему); 2) *Reading and Vocabulary Focus* (тематические тексты для чтения, лексические упражнения и задания); 3) *Speaking* (говорение); 4) *Viewing and Speaking* (аудио и видеоматериалы с выходом в продуктивное иноязычное общение); 5) *Lookback* (обобщение и повторение пройденного материала, рефлексия результатов учебно-познавательной деятельности, оценка и самооценка знаний, подготовка к итоговой аттестации).

Рубрика *Lead-in* является базисной и предназначена для введения в тематический дискурс и активизации речемыслительной деятельности путем постановки общих вопросов из области фоновых знаний либо обобщения личного опыта.

Рубрика *Reading and Vocabulary Focus* содержит профессионально-ориентированные учебные материалы (Text A + комплекс упражнений и заданий; Text B + комплекс упражнений и заданий; Text C + комплекс упражнений и заданий), расположенные по принципу нарастания сложности и расширения полученных знаний. Акцентируется внимание на рецептивно-продуктивных упражнениях (*Vocabulary Focus*), направленных на имитацию, подстановку и дифференциацию лексических единиц. Лексические навыки формируются путем семантизации лексических единиц с выходом в продуктивное иноязычное общение.

Рубрика *Speaking* предлагает широкий выбор творческих заданий (*group workshop; case study; debates; research presentations*), направленных на решение профессиональных коммуникативных задач. Весьма интересным представляется ракурс тематики проблемных коммуникативных заданий, интегрирующий не только знания и достижения глобализирующего мира, но учитывающий в том числе реалии нашей страны, особенности профессиональной деятельности будущих специалистов. Предполагается, что важность овладения тематикой различных блоков состоит не только в ее познавательном и прагматическом аспектах, но и в полной мере оказывает развивающее и воспитательное воздействие на субъектов образовательного процесса.

Рубрика *Viewing and Speaking* (аудио и видеоматериалы) включает комплекс тематических упражнений для совершенствования навыков и развития умений аудирования. Продуктивность усвоения обеспечивается широким спектром заданий, выполняемых на образовательной платформе LMS Moodle. В контексте смешанного обучения (*blended learning*) происходит интеграция обу-

чения различным видам речевой деятельности и способов учебной деятельности, что позволяет эффективно формировать необходимые компетенции.

Рубрика *Lookback* представляет собой обобщение и повторение пройденного материала, упражнения на рефлексии и оценку результатов учебно-познавательной деятельности, а также содержит задания для подготовки к итоговой аттестации. Данная рубрика реализует наиболее важные функции контроля в обучении иностранному языку как с позиции студента – мотивационно-стимулирующую, коррекционную, развивающую и обучающую, так и с позиции преподавателя – диагностическую, коррекционную, оценочно-воспитательную и организующую.

Раздел контроля знаний содержит материалы для различных видов контроля, который организован в устном, письменном и комбинированном формате с использованием различных диагностических средств педагогического контроля и самоконтроля: знаниевых, компетентностных, рефлексивных (лексико-грамматические контрольные работы, коллоквиумы и *пр.*).

Вспомогательный раздел включает информацию о структуре учебной дисциплины «Иностранный язык (профессиональная лексика)», содержании учебного материала, учебно-методическую карту дисциплины, перечень основной и дополнительной литературы, карту электронных образовательных ресурсов, терминологический словарь. Методические рекомендации по организации самостоятельной работы студентов содержат подробные инструкции для эффективного овладения методами и приемами самостоятельной учебно-познавательной и исследовательской деятельности.

Приложения содержат образцы заданий на рефлексии и самоконтроль, отражающих субъективное восприятие и оценку индивидуальных достижений студентов в процессе овладения профессиональной иноязычной коммуникативной компетенцией на всех этапах обучения; методические рекомендации по использованию современных информационных и социальных технологий (*mind maps/word clouds*), рекомендации по организации и выполнению творческих коммуникативных и эвристических заданий (*role play; case study, research presentation*).

1. ТЕОРЕТИЧЕСКИЙ РАЗДЕЛ

При изучении профессионально ориентированного английского языка студентам юридического факультета БГУ в рамках дисциплины «Иностранный язык (профессиональная лексика)» рекомендуется использовать следующие учебно-методические пособия и практикумы: (1) учебно-методическое пособие для студентов-правоведов, (2) электронные курсы на платформе Moodle БГУ (<https://eduenglish.bsu.by>), (3) пособие для углубленного изучения юридической лексики, (4) практикумы для самостоятельной работы, (5) сборник итоговых тестов, (6) учебно-методическое пособие по проведению дебатов, (7) учебно-методическое пособие по домашнему чтению, (8) терминологический словарь.

Цель учебно-методического пособия «English for Law Students»¹ – обучение профессиональному иноязычному общению. Содержание пособия согласовано с профилирующими кафедрами и коррелирует с содержанием специальных дисциплин, что обеспечивает эффективную адаптацию будущего специалиста к многогранной профессиональной деятельности в условиях межкультурного общения.

Аутентичный материал пособия, предлагаемая система упражнений способствуют формированию языковой, речевой, социокультурной, учебно-познавательной компетенций. Основным методическим принципом, положенным в основу создания пособия, является взаимосвязанное обучение всем видам речевой деятельности (чтению, аудированию, говорению, письму).

Пособие состоит из 8 тематических разделов, структурированных схожим образом. Каждый раздел представляет собой самостоятельный лингвометодический комплекс, включающий аутентичные тексты и аудио- (видео) материалы по единой тематике, предназначенные для обучения различным видам восприятия информации, формированию и совершенствованию лексических навыков, а также развитию умений подготовленной и неподготовленной монологической и диалогической речи.

Усвоение специальной лексики, представленной в текстах и аудио (видео) материалах, обеспечивает целостная система упражнений, направленных на формирование, закрепление и совершенствование лексических навыков, а также развитие умений использовать изучаемые лексические единицы в различных ситуациях профессионального общения.

Каждый тематический раздел включает творческие задания, целью которых является создание условий для обеспечения личностных приращений студентов на основе достигнутых предметных результатов, в частности развития поисковых и исследовательских умений, эвристических компетенций, умений самостоятельной работы студентов. Предлагаемые задания на создание презентаций, решение конкретных профессиональных ситуаций (кейсов), проведение дебатов, ролевых игр, круглых столов, дискуссий способствуют развитию гиб-

¹ English for Law Students: учеб.-метод. пособие для вузов / О. И. Васючкова [и др.] ; под ред. О. И. Васючковой. – Минск: БГУ, 2011. – Режим доступа: <http://elib.bsu.by/handle/123456789/27606> – Дата доступа: 21.05.2023.

ких навыков студентов: критического мышления, творческого отношения к своей деятельности, умения самостоятельно решать проблемы, предлагая разнообразные пути, умения работать в команде, вести переговоры, управлять своими эмоциями и временем.

Неотъемлемой частью учебно-методического обеспечения дисциплины в формате смешанного обучения являются электронные курсы – «English for Law Students-2»² и «English Grammar»³, размещенные на платформе образовательного портала БГУ. Данные курсы включают методически разнообразные учебные материалы, направленные на активное взаимодействие студентов с текстовым и видео материалом в режиме самостоятельной работы, а также предлагающие интерактивные задания для индивидуальной и групповой работы студентов в синхронном и асинхронном режиме.

Тематика разделов виртуальных курсов обусловлена содержанием учебной программы и учебно-методического пособия «English for Law Students». Модули снабжены программными элементами и ресурсами, которые можно классифицировать как учебно-программные, учебно-теоретические, учебно-практические, учебно-методические, средства диагностики и контроля знаний и умений, справочные и наглядные. Система поддерживает широкий спектр интерактивных режимов обучения: тестирование, выполнение заданий, участие в виртуальных форумах, чатах и видеоконференциях, создание Вики, глоссариев.

Задачи дифференциации и индивидуализации в рамках данного учебно-методического комплекса решаются в учебно-методическом пособии «English for Law Studies»⁴, предназначенном для углубленного изучения юридической лексики студентами с продвинутым уровнем владения английским языком. Пособие состоит из восьми тематических разделов: Investigation Activities, Prosecution Service, Trial, Lawyer's Activities, Advocacy Claim Issues, Notary Activities, Administrative Law, International Law, European Law, расширяющих тематическое поле базового пособия. Аутентичный материал и система заданий ориентированы на мотивацию студентов задавать вопросы, отыскивать причинно-следственные связи, выражать свое мнение. Предлагаемые виды учебной активности способствуют проявлению творческих качеств личности (фантазия, гибкость мышления, умение аналитически мыслить, стремление к развитию и самопознанию и др.).

Практикумы для самостоятельной работы «Student's Resource and Activity Manual»⁵ и «Supplementary Material for Guided Self-Study»⁶ дополняют темы ба-

²English for Law Students (part 2) : электронный курс [Электронный ресурс]. – Режим доступа: <https://eduenglish.bsu.by/enrol/index.php?id=7> – Дата доступа: 15.05.2023.

³English Grammar: электронный курс [Электронный ресурс]. – Режим доступа: <https://eduenglish.bsu.by/course/view.php?id=4> – Дата доступа: 15.05.2023.

⁴English for Law Studies : учеб-метод. пособие для вузов / А. Г. Клокова, З. В. Полиенко, К. Р. Христова. – Минск: БГУ, 2021. – Режим доступа: <https://elib.bsu.by/handle/123456789/270338> – Дата доступа: 21.05.2023.

⁵ English for Law. Student's Resource and Activity Manual: практикум / авт.-сост. А. И. Долгорукова [и др.]. Минск: БГУ, 2005. – Режим доступа: <http://elib.bsu.by/handle/123456789/194896> – Дата доступа: 15.05.2023.

зового учебника. Каждый раздел включает две рубрики: Reading Material, Grammar Focus. Reading Material содержит тексты с заданиями, которые ориентированы на формирование умений извлекать основную информацию из текста, составлять аннотацию или реферат. Задания Grammar Focus направлены на отработку наиболее типичных грамматических явлений, часто встречающихся в текстах. В заданиях этой рубрики содержатся методические рекомендации и инструкции по работе над тем или иным явлением.

В сборник итоговых тестов «Achievement Tests»⁷ включены тесты ко всем разделам учебно-методического пособия «English for Law Students». Предложенные в пособии тесты направлены на проверку приобретенных студентами знаний по лексике, грамматике, а также по отдельным видам речевой деятельности – аудированию, чтению, говорению, письму.

Данные тесты отражают современные методические приемы оценки знаний студентов и включают тесты множественного выбора, различные подстановочные, трансформационные техники, а также традиционные задания на перевод, раскрытие скобок и т. п.

Тесты могут быть использованы для организации самостоятельной контролируемой работы студентов на этапах текущего и промежуточного контроля знаний.

Цель учебно-методического пособия «Дебаты на правовые темы»⁸ – развитие речевых умений будущих юристов с помощью учебных дебатов на актуальные правовые темы современного общества, в ходе которых необходимо аргументированно отстаивать свою точку зрения, что способствует моделированию реальных ситуаций делового общения.

Пособие по домашнему чтению «Детективные рассказы для студентов-правоведов»⁹ предназначено для самостоятельной работы студентов с последующим обсуждением в аудитории. Особенностью пособия является разработанная уровневая система заданий на понимание содержания, развитие навыков говорения и письменной речи. В заданиях анализируются причины совершенного преступления, рассматриваются психологические портреты героев. Для лучшего понимания текстов даны комментарии, поясняющие языковые, лингвострановедческие, исторические и культурные реалии описываемой эпохи.

⁶ English for Lawyers. Supplementary Material for Guided Self-Study: практикум / сост. Л. Н. Рогова [и др.]. Минск: БГУ, 2008. – Режим доступа: <http://elib.bsu.by/handle/123456789/4052> – Дата доступа: 15.05.2023.

⁷ English for Law Students: Achievement Tests / сост. О. И. Васючкова [и др.]. Минск: БГУ, 2010. – Режим доступа: <http://elib.bsu.by/handle/123456789/14678> – Дата доступа: 21.05.2023.

⁸ Дебаты на правовые темы [Электронный ресурс]: учеб-метод. пособие / сост.: З. В. Полиенко [и др.]; под ред. О. И. Васючковой. Минск: БГУ, 2016. – Режим доступа: <http://elib.bsu.by/handle/123456789/158282> – Дата доступа: 15.05.2023.

⁹ Детективные рассказы для студентов-правоведов [Электронный ресурс]: учеб-метод. пособие / сост. З. В. Полиенко [и др.]; под ред. О. И. Васючковой. Минск: БГУ, 2019. – Режим доступа: <http://elib.bsu.by/handle/123456789/218709> – Дата доступа: 21.05.2023.

Важной частью ЭУМК является также «Краткий англо-русский словарь юридический терминов»¹⁰. Данное справочное издание является базовым терминологическим ресурсом, позволяющим быстро справиться с возникающими у студентов языковыми сложностями. Лексические единицы, включенные в данное издание, соответствуют тематическому содержанию всех основных пособий, поэтому словарь является эффективным помощником студентам в течение всего курса обучения.

Совершенствование грамматических навыков осуществляется на базе учебных пособий: «Грамматика английского языка»¹¹ и «Практическая грамматика английского языка»¹². Пособия представляют систематизированный курс грамматики английского языка, включающий теоретический справочник по основным темам английской грамматики, практическую часть, ориентированную на развитие речевых навыков и умений. Основным принципом является движение от простого к сложному, от формирования понятия о грамматическом явлении к его отработке в наиболее типичных ситуациях общения.

¹⁰Краткий англо-русский словарь юридических терминов / О. И. Васючкова [и др.]; под общ. ред. О. И. Васючковой. Минск: БГУ, 2004. – Режим доступа: <http://elib.bsu.by/handle/123456789/14674> – Дата доступа: 21.05.2023.

¹¹ Хведченя Л. В. Грамматика английского языка. – Минск, 2017.

¹² Практическая грамматика английского языка: учеб-метод. пособие / Л. В. Хведченя [и др.]; под ред. Л. В. Хведчени. – Минск: БГУ, 2012. – Режим доступа: <http://elib.bsu.by/handle/123456789/96359> – Дата доступа: 15.05.2023.

2. ПРАКТИЧЕСКИЙ РАЗДЕЛ

Unit 1. Criminal Law

Learning outcomes

You should be able to

- define the term ‘criminal law’; talk about different concepts of criminal law (actus reus and mens rea);
- explain main purpose of the Criminal Law;
- define the term ‘crime’; talk about different classes of criminal offences and criminals;
- analyze causes of crimes and juvenile delinquency;
- discuss how crimes can be prevented.



Lead-in

- Which definitions of the term ‘criminal law’ can you think of?
- Which spheres of human life does criminal law relate to?
- Why do people choose to follow the law instead of breaking the law?

Text A. The Nature of Criminal Law

➔ Before reading

A Write down the words you associate with Criminal Law and explain your choice.

B Match English and Russian equivalents.

- | | |
|----------------------------|--|
| 1) retribution | a) нападавший |
| 2) to expiate /'ekspieit/ | b) обвинить |
| 3) guilt | c) сдерживание |
| 4) to impose punishment | d) объективная сторона преступления |
| 5) to accuse of | e) тонкий |
| 6) conviction | f) справедливый |
| 7) prevention | g) возмездие, кара, расплата |
| 8) deterrence /dɪ'terəns/ | h) признание подсудимого виновным, судимость |
| 9) fair | i) субъективная сторона преступления |
| 10) an excuse | j) предотвращение, профилактика |
| 11) to bring an indictment | k) назначить наказание |
| 12) subtle | l) искупить |
| 13) actus reus | m) оправдание |
| 14) mens rea | n) предъявлять обвинение |
| 15) assailant | o) вина |

Reading

A Read the text and decide if the following statements are true or false. Correct the false statements.

1. Crimes involve “the state” because they involve some “harm to society” and not just harm to certain individuals.
2. Punishment is imposed in proportion to the guilt of the accused.
3. The purpose of Criminal law is general prevention, including both the deterrence of possible offenders and the stabilization and strengthening of social norms.
4. Definitions of what is to be regarded as criminal vary considerably from society to society and from time to time.
5. The phrase “ignorance of the law is no excuse” means that every individual gets to decide what is harmful.
6. The parties involved cannot agree among themselves to forget a particular incident if the authorities decide to prosecute, because a crime is an act that the legislature has defined as socially harmful.
7. It must be shown that the accused has committed an act or omission which is criminal in nature and that he intended to commit an offence.
8. The judge must prove *mens rea* and *actus reus* beyond reasonable doubt.

Criminal law is the most ancient branch of the law. Many wise observers have tried to define and explain it. The traditional approach to Criminal law has been that a crime is an act that is morally wrong. The purpose of criminal sanctions was to make the offender give retribution for harm done and expiate his moral guilt; punishment was to be meted out in proportion to the guilt of the accused. In modern times more rationalistic and pragmatic views have predominated. A crime is considered to be an act or omission that is against the law and punishable upon conviction. Unlike civil actions, where plaintiffs seek compensation or other remedies for themselves, crimes involve “the state”. This is because crimes involve some “harm to society” and not just harm to certain individuals. But “harm to society” is not always evident in the act itself.

Writers of the Enlightenment considered the main purpose of Criminal law to be the prevention of crime. With the development of the social sciences, there arose new concepts, such as those of the protection of the public and the reform of the offender. Since that time there has been renewed interest in the concept of general prevention, including both the deterrence of possible offenders and the stabilization and strengthening of social norms.

Crimes are generally defined by legislatures, in statutes; the statutes describe in general terms the nature of the conduct they wish to criminalize. For government punishment to be fair, citizens must have clear notice of what is criminally prohibited. What is considered a crime will vary from society to society and from time to time. Public opinion is not set for all time and legislation reflects changing habits and norms. Moreover, new forms of potentially criminal activity arise, and the courts respond to those too. Thus, definitions of what is to be regarded as criminal can change quite radically over years. Attitudes about appropriate punishment for crimes will also vary considerably from nation to nation.

It is often said that ignorance of the law is no excuse. But there are far too many criminal laws for anyone to know them all. Also, because most people do not actually read statutes, the question of “criminal intent” comes up right away: if you don’t know that the legislature has made driving without a seat belt fastened a misdemeanor, you cannot have intended to harm society. You might even argue that there is no harm to anyone but yourself! The usual answer is that the phrase “ignorance of the law is no excuse” means that society (through its elected representatives) gets to decide what is harmful to society, not you.

Because a crime is an act that the legislature has defined as socially harmful, the parties involved cannot agree among themselves to forget a particular incident, such as a barroom brawl, if the authorities decide to prosecute. This is one of the critical distinctions between criminal and civil law. An assault is both a crime and a tort. The person who was assaulted may choose to forgive his assailant and not to sue him for damages. But he cannot stop the prosecutor from bringing an indictment against the assailant.

Two essential concepts in the operation of the Criminal law are those of *actus reus* and *mens rea*. *Actus reus* means the guilty action or approximately the physical element of crime and *mens rea* – guilty mind or the mental element. In other words it must be shown that the accused has committed an act or omission which is criminal in nature. Secondly, it must be shown that he intended to commit an offence. Someone who has a burning desire to kill a rival in business or romance and who may actually intend to murder but does not act on his desire has not committed a crime. He may have a “guilty mind” but he is guilty of no crime. A person who is forced to commit a crime at gun-point is not guilty of a crime, because although there was an act defined as criminal there was no criminal intent. A conviction cannot be secured unless it is shown that both factors were present. It is for the prosecution to prove *mens rea* and *actus reus* beyond reasonable doubt.

So, the explanations of criminal law often include many complex and subtle distinctions. A traditional criminal law course would include a lot of discussions on criminal intent, the nature of criminal versus civil responsibility, and the constitutional rights granted to the accused.

B Read the text again to answer the following questions.

1. What is the traditional approach to Criminal law?
2. What is a crime?
3. What was the purpose of criminal sanctions?
4. Why do crimes involve the state?
5. What is the main purpose of Criminal law?
6. Why do definitions of what is to be regarded as criminal change quite radically over years?
7. What does the phrase “ignorance of the law is no excuse” mean?
8. Why cannot the person who was assaulted stop the prosecutor from bringing an indictment against the assailant?

9. Why are *actus reus* and *mens rea* essential concepts in the operation of the Criminal law?
10. What does a traditional criminal law course include?

 **Vocabulary Focus**

A Suggest English equivalents of the following word-combinations. Then use five of them in your own sentences.

Отрасль права; искупить свою моральную вину; вред обществу; предотвращение преступности; защита общественности; перевоспитание преступника; соответствующее наказание; преступное намерение; предъявлять обвинение; виновное действие; виновный умысел; вне всяких сомнений; подавать иск; общественно опасный.

B Fill in the correct words from the list below to make collocations from the text.

**harm prevention protection guilty punishment
law indictment crime retribution criminal**

- | | |
|----------------------------|--------------------------|
| 1. _____ to society; | 6. bring an _____; |
| 2. _____ of crime; | 7. commit a _____; |
| 3. _____ of the public; | 8. give _____; |
| 4. appropriate _____; | 9. _____ responsibility; |
| 5. ignorance of the _____; | 10. _____ mind. |

C Complete the sentences with the appropriate form of the words given in the right column.

No one could be tried twice for the same _____ .	offend
He's a _____ who makes a fortune smuggling drugs.	crime
Most activities that were _____ didn't break the law.	harm
During the hearing the _____ called one witness, a United Nations official.	prosecute
The person who appears to be _____ on the basis of the evidence gathered in the case is called for questioning.	respond
The _____ was found innocent.	accuse
They went to jail because they were _____ .	guilt
The most important form of _____ in criminal cases is a witness statement.	evident
You can't impose _____ on the son for the sins of the father.	punish
Many European intellectuals argue that capital punishment does not have a _____ effect on criminals.	deter

D Fill in the correct prepositions, then choose any five items and make sentences.

- 1) to impose punishment _____ criminals;
- 2) to be punishable _____ conviction;

- 3) to be harmful _____ society;
- 4) to bring an indictment _____ the criminal;
- 5) to commit a crime _____ gunpoint;
- 6) to respond _____ new forms of crime;
- 7) to sue somebody _____ damages;
- 8) to stop somebody _____ doing something;
- 9) to be criminal _____ nature;
- 10) to be guilty _____ a crime.

E Match the words with their definitions.

- | | |
|-----------------------|---|
| 1) a crime | a) the action of stopping something from happening or arising; |
| 2) omission | b) the mental element of a person's intention to commit a crime; |
| 3) guilty action | c) to examine evidence in a court of law and decide whether somebody is innocent or guilty; |
| 4) criminal behaviour | d) the act of proving that a person is guilty of a crime in a court of law; |
| 5) conviction | e) an illegal act or omission for which someone can be punished by the government; |
| 6) criminal law | f) something neglected or left undone; |
| 7) try | g) any act, activity or event that is banned by society and punishable by law; |
| 8) guilty mind | h) the body of law that defines offences, regulates the apprehension, charging, and trial of suspected persons, and fixes penalties and modes of treatment applicable to convicted offenders; |
| 9) indictment | i) the wrongful deed that comprises the physical component of a crime; |
| 10) prevention | j) a formal written statement framed by a prosecuting authority. |

F Express the following ideas in one word. The number in brackets corresponds to the number of paragraph where the word was used in the text.

- 1) a feeling of worry or unhappiness that you have because you have done something wrong, such as causing harm to another person (1)
- 2) a penalty inflicted on an offender through judicial procedure (1)
- 3) the act of proving that a person is guilty of a crime in a court of law (1)
- 4) clear to the vision or understanding (1)
- 5) the reason why something is done or used; the aim or intention of smth (2)
- 6) to improve (smb or smth) by removing or correcting faults, problems, etc. (2)
- 7) to forbid by authority (3)
- 8) something offered as justification or as grounds for being pardoned (4)
- 9) causing or tending to cause damage; injurious (5)

10) one charged with an offence (1)

(Words for reference: an accused, conviction, evident, excuse, guilt, harmful, to prohibit, punishment, purpose, to reform)

G Complete the text with the words and phrases from the box.

convicted illegal justifiable negligence offence omission protection punishment recognizes trial

Criminal law is the body of law that defines criminal a) _____, regulates the apprehension, charging, and trial of suspected persons, and fixes b) _____ for c) _____ offenders. Criminal law defines acts as d) _____. In other words, however immoral or unjust an act may be, it is not a crime unless the law says it is one. A crime is usually defined as a voluntary act or e) _____, together with a given state of mind. The state of mind involves purpose, awareness, recklessness, or f) _____.

The law of most countries g) _____ that the use of force might be h) _____ in self-defense, defense of other persons, i) _____ of property, and enforcement of the law.

Criminal law also deals with the preparation of charges and with trial procedures. It is also concerned with post-conviction procedures, such as calling for a new j) _____ and challenging a conviction, either in the court where it was declared or in appeal to a higher court.

Speaking

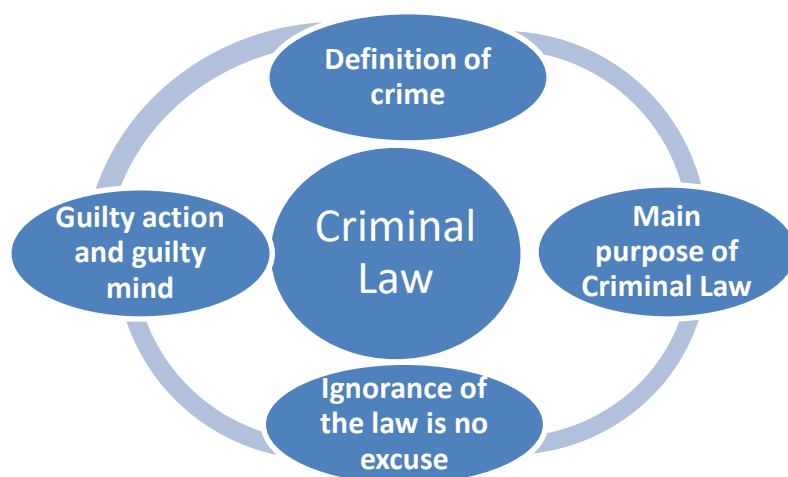
A Arrange a 'Think-Pair-Share' activity to discuss criminal law issues. **Tip:** first read the quotes, make sure you understand them; then pair with another person and discuss your ideas; next – share it with the larger group.

The source of every Crime is some defect of the Understanding; or some error in Reasoning; or some sudden force of the Passions. (Thomas Hobbes, English philosopher)
A crime is born in the gap between the morality of society and that of the individual. (Håkan Nesser, a Swedish author and teacher who has written a number of successful novels, mostly but not only crime fiction.)

When a man is denied the right to live the life he believes in, he has no choice but to become an outlaw. (Nelson Mandela, the first President of South Africa (1994-1999)).

What do you think would not one tiny crime be wiped out by thousands of good deeds? (Fyodor Dostoevsky, a Russian novelist, short story writer, essayist and journalist).

B Have a look at this chart. Make a list of key words and phrases that could help you speak on each part of the topic.



C In groups, compare your list of key words and phrases with those of your partners. Add up the words that you have missed.

D Comment on the following statement, 'It is not a crime merely to think guilty thoughts. If it were, we would need larger prisons and most of us would be in them. Guilty thoughts must be linked to an act.' Which basic concepts are the grounds for the statement above? Do you agree with this statement?

Text B. Classification of crimes

Think about and take notes of the crimes which you have heard about during the past 24 hours. In pairs compare your examples and identify what they are against: a person or property. Which are more common?

➔ Before reading

A Write down the words you associate with crime and explain your choice. Example: Punishment. If you do something against the law you are punished.

B Match English and Russian equivalents.

- | | |
|---------------------|--|
| 1) an omission | a) правонарушение |
| 2) an offence | b) общественно опасный, вредный |
| 3) a legitimate act | c) представлять заявление о признании/непризнании вины |
| 4) harmful | d) преступления, преследуемые по обвинительному акту |
| 5) to commit an act | e) рассматривать, разбирать |
| 6) to submit a plea | f) совершить деяние |
| 7) to adjudicate | g) приговор |

- | | |
|------------------------|--|
| 8) indictable offences | h) преступления, преследуемые в порядке упрощенного судопроизводства |
| 9) summary offences | i) бездействие, упущение |
| 10) to try | j) вынести решение |
| 11) a sentence | k) законное/правомерное действие |

C Drawing on the words you have just learnt decide on 3 things the text speaks about. Read and check if your guesses are correct.

Reading

A Read the text and decide if the following statements are true or false. Correct the false statements.

1. A criminal offence is an act or an omission punishable by law because it is harmful to an individual, individuals, a community, a society or the state.
2. Many legally-defined crimes in some countries are considered to be legitimate acts in others because of different ways of thinking about crime and other harmful acts.
3. Every violation of law is considered a crime.
4. Dishonesty offences include perjury, or giving false evidence under oath, and perverting the course of justice.
5. Summary offences are more serious and must be tried by a judge and jury in a Crown Court.
6. The main factor in deciding which court will deal with an either way offence is the likely sentence the defendant will face if found guilty.
7. A person charged with an either way offence must first appear before a Crown Court where they will be asked to submit their plea.
8. Many indictable only offences carry a maximum sentence of life imprisonment.

A criminal offence is an act or an omission that is forbidden by a state as it is harmful to an individual, individuals, a community, a society or the state, and is therefore punishable by law. Some criminal offences are prohibited worldwide, such as theft, rape, and murder, while others depend on the criminal law of the country in which the act is committed. Different ways of thinking about crime and other harmful acts have always varied historically, across societies, and amongst different social groups. Many legally-defined crimes are considered to be legitimate acts in other contexts. Trying to get to the bottom of how and why certain activities are defined as crime while others are not is one of the tasks that criminologists undertake.

For an act to be deemed a crime, it must usually be considered that there was intention to commit a crime. Punishments for criminal offences vary widely depending on the perceived severity of the offence, where it was committed, the number of victims (if any), how the accused plead in court, and many other considerations. While all crimes, by definition, violate a law, not every act which violates the law is considered a crime. Private law breaches – such as a breach of contract – is not automatically punishable by law, but civil procedures can be brought and enforced by an aggrieved party.

There is a wide range of criminal offences. They include offences of violence such as murder, manslaughter and infanticide, sexual offences and non-sexual assaults, battery, wounding and grievous bodily harm. Dishonesty offences include fraud and theft and offences against property include arson and criminal damage. There are crimes against justice, such as perjury, or giving false evidence under oath, and obstruction of justice. Road traffic offences include speeding, drink driving, careless or dangerous driving. There are offences which effect the secrets of the state or international in character: piracy and hijacking, treason, terrorism.

In the USA crimes are ranked as greater violations of public order (felony) or as lesser violations (misdemeanor). Typically, nonviolent crimes such as petty theft, vandalism, and public intoxication are considered misdemeanors, while more serious offenses like rape, murder, and armed robbery are usually felonies.

Criminal offences are dealt with by the courts according to the category they fall into. The main differences between the categories are the sentence period, the type of court and the authority (or decision maker). So, there are three categories of criminal offence in the UK law: indictable offences, summary offences or either way offences.

Indictable offences are more serious and must be tried by a judge and jury in a Crown Court. They include murder, rape, manslaughter, robbery, possession of a firearm, causing death by dangerous driving. As this is the most serious category of offence, the maximum sentences are long. Many indictable offences carry a maximum sentence of life imprisonment.

Summary offences are the least serious type of criminal offences which can be tried by magistrates, in the Magistrates Court. Some examples of summary offences are low level motoring offences, minor criminal damage, common assault, being drunk and disorderly, taking a motor vehicle without consent. A summary offence normally carries a maximum sentence of 6 months' imprisonment or a £5,000 fine. Cases in the Magistrates' Court are usually heard either by a District Judge sitting alone, or by a bench of three Magistrates.

In addition, an offence 'triable either way' means that the accused has the choice of a hearing before a Magistrates court or a trial at a Crown Court with a jury. The range of offences within this category is very wide in terms of the level of seriousness. Some examples include theft, fraud, assault, possession and supply of controlled drugs, possession of an offensive weapon, dangerous driving, certain sexual offences such as possession of indecent images, various regulatory offences.

The main factor in deciding which court will deal with an either way offence is the likely sentence the defendant will face if found guilty. The maximum sentence for an either-way offence dealt with by the Magistrate's Court is 12 months. If the case is referred to the Crown Court the maximum penalty is whatever the maximum for that offence is by law. A person charged with an either way offence must first appear before a Magistrates' Court where they will be asked to submit their plea. The Magistrates' Court will hear the facts of the case and decide where the case should be allocated for trial or sentence. Using the example of theft, it has a maximum penalty of 6 months' imprisonment if dealt with in the Magistrates' Court or a maximum of 7 years' imprisonment if dealt with in the Crown Court.

The legal standard of proof to convict in a criminal case either before a Magistrate's court or a Crown court is 'beyond reasonable doubt'.

B Read the text again to answer the following questions.

1. What is a criminal offence?
2. Why have ways of thinking about crime and other harmful acts always varied?
3. What do punishments for criminal offences depend on?
4. What criminal offences are distinguished in the UK?
5. How are crimes ranked?
6. What categories of criminal offence are there in the UK law? Give examples for each category.
7. Who must indictable offences be tried by?
8. What maximum sentence does a summary offence usually carry?
9. What is the main factor in deciding which court will deal with an either way offence?
10. What is the legal standard of proof to convict in a criminal offence?

Vocabulary Focus

A Suggest English equivalents of the following word-combinations. Then use five of them in your own sentences.

Уголовное преступление; бездействие; запрещать; законный; признавать себя; потерпевшая сторона; насильственные преступления; правонарушения; связанные с обманом; преступления; преследуемые по обвинительному акту; преступления; преследуемые в порядке упрощенного судопроизводства; пожизненное тюремное заключение; вне всякого обоснованного сомнения; быть обвиненным в; судебное разбирательство.

B Fill in the correct words from the list below to make collocations from the text.

<i>harmful to commit public order the level legally-defined to plead offences found to undertake a law sentence to submit</i>

- | | |
|----------------------|------------------------------|
| 1) a _____ act; | 7) violations of _____; |
| 2) a _____ crime; | 8) indictable _____; |
| 3) _____ the tasks; | 9) to carry a maximum _____; |
| 4) _____ a crime; | 10) _____ of seriousness; |
| 5) _____ in court; | 11) to be _____ guilty; |
| 6) to violate _____; | 12) _____ one's plea. |

C Complete the sentences with the appropriate form of the words given in the right column.

She had committed a number of minor _____ before robbing the bank.	offend crime
Most _____ make enough money from crime to live on.	

At the end of the five-day _____, he was found guilty and sent to prison.
 The police were there to prevent any possible _____.
 This _____ of doing harm seems to be universally recognized.
 But it was what came next that caused prosecutors to bring charges, according to the _____.
 _____ offences, such as theft, are by far the most frequent type of crime.
 That means they'll be making their own inquiry into what happened and then there will be _____.

try
 violate
 prohibit
 indict
 honest
 hear

D Fill in the correct prepositions, then choose any five items and make sentences.

- | | |
|---|--|
| 1) to be harmful ___ somebody; | 6) a trial ___ a jury; |
| 2) depend ___ the criminal law; | 7) to refer the case ___ the Crown Court; |
| 3) offences ___ property; | 8) to be charged ___ an either way of fence; |
| 4) to be adjudicated ___ ___ rules of criminal procedure; | 9) to appear ___ a Magistrates' Court; |
| 5) to fall ___ different categories; | 10) to deal ___ an indictable offence. |

E Match the words with their definitions.

- | | |
|------------------|---|
| 1) Arson | a) is taking a person away by force and keeping him as a prisoner, usually in order to demand money for his safe return. |
| 2) Assault | b) is the serious crime of stealing large amounts of money from a bank, a shop or a vehicle, often using force or threats of violence. |
| 3) Blackmail | c) is the crime of copying things such as banknotes, letters, official documents, etc. in order to deceive people. |
| 4) Burglary | d) is killing a person by accident or negligence. |
| 5) Embezzlement | e) is forcing someone to have sex with you. |
| 6) Forgery | f) is when someone deliberately sets fire to someone else's property to damage it or to injure people. |
| 7) Fraud | g) is taking control of an airplane, train, etc. by force, usually in order to make political demands. |
| 8) Hijacking | h) is killing a person deliberately. |
| 9) Kidnapping | i) is demanding money or favours from someone by threatening to reveal a secret about him which, if made public, could cause the person embarrassment and harm. |
| 10) Libel | j) is deliberately taking goods from a shop without paying for them. |
| 11) Manslaughter | k) is stealing money that is placed in your care, often over a period of time. |
| 12) Murder | l) is the crime of getting money from someone by tricking or deceiving him. |

- 13) Rape m) are offences committed for financial gain and can include a broad range of crimes from certain types of theft and fraud to corruption and organized crime.
- 14) Robbery n) is printing or publishing something which is untrue and damages another person's reputation in some way.
- 15) Shoplifting o) is when someone breaks into a building with the intention of stealing, hurting someone or committing unlawful damage.
- 16) Sexual harassment p) negative behaviours that one person exhibits over another within families or relationships.
- 17) White-collar crimes q) is any kind of unwanted behaviour of a sexual nature that makes you feel humiliated or intimidated, or that creates a hostile environment.
- 18) Domestic abuse r) is the crime of physically attacking someone.

F Match each word in the box to a suitable definition.

**assassination bribery and corruption drug trafficking hit and run
looting misconduct mugging perjury pickpocketing pilfering
slander smuggling terrorism treason trespassing vandalism**

- 1) is bad or improper behaviour by a person in a position of authority or trust, such as a doctor, dentist, police officer, etc.
- 2) is stealing things from people's pockets or handbags, usually in crowds or in public places.
- 3) is saying something untrue about someone with the intention of damaging his or her reputation.
- 4) is deliberately damaging public buildings and other public property, usually just for the fun of it.
- 5) is offering money or gifts to someone in a position of authority, e.g. a government official, in order to persuade him to help you in some way.
- 6) is the crime of lying in court while giving evidence, when you have promised to tell the truth.
- 7) is the crime of taking things or people illegally into or out of the country.
- 8) is murdering a public figure such as a king, a president, etc.
- 9) is entering privately owned land or property without the permission of the owner.
- 10) is attacking someone, usually in a public place, in order to rob him or her.
- 11) is trading in illegal drugs such as heroin, cannabis, cocaine, LSD, etc.
- 12) is the crime of betraying your own country by helping its enemies.
- 13) is stealing small amounts of goods or things of little value, often over a long period of time.
- 14) is a car accident in which the guilty driver does not stop to help.
- 15) is the use of violence such as murder and bombing in order to obtain political demands or to influence a government.
- 16) is stealing from shops, buildings, etc. left unprotected after a violent event or a long period of time.

G Fill in the missing crimes in the sentences below.

1. The chief cashier admitted taking £30,000 of the firm's money during the previous three years and was found guilty of _____.
2. She sued the newspaper for _____ when it printed a story about her in which it claimed she had once been arrested for taking drugs.
3. The supermarket decided to install closed-circuit television in order to combat the problem of _____.
4. This is the sixth fire in the area in the past month. The police suspect _____.
5. He pleaded not guilty to murder but guilty to _____ saying that the gun had gone off and killed his wife by accident.
6. There have been so many cases of _____ in the street recently that the police are advising residents to install alarms and to notify neighbours when they go out.
7. The customs officer found nearly £20,000 worth of cut diamonds hidden in the man's guitar case. He was arrested and charged with _____.
8. Pop stars and famous people often employ bodyguards for themselves and members of their families as they are constantly worried about _____.
9. Most people know about the _____ of President Kennedy in Dallas in November 1963.
10. It looked like a real £20 note but on closer examination you could see that it was a very clever _____.

H Read some accounts of the crimes. Which person mentioned below commits which crime?

armed robbery burglary fraud hijacking murder theft illegal parking mugging shoplifting manslaughter

1. Dave Short stole a laptop from his boss's office.
2. Mr Stone leaves his van at a bus stop near two yellow lines in a busy street.
3. Paul Jones was driving his car when suddenly it went out of control, mounted the pavement and killed an old man.
4. Harry Lee holds a gun in front of a clerk in a bank and demands ten thousand pounds.
5. Anne Murphy walked round the large department store, made sure no one could see and put two watches into her handbag.
6. Vincent Small took out a gun and told the pilot to fly to Cuba.
7. When the lift stopped, Ted and Lenny suddenly hit the old woman next to them. Then they knocked her to the ground and ran off with her handbag.
8. Ron Handley climbs through one of the windows of Mr and Mrs Payne's flat and runs away with Mrs Payne's jewellery.
9. Ron Sykes picked up a gun and shot the guard many times in the head.
10. Alan Hill pretended he was starting a business and persuaded a few people to lend him money. However, he spent the money on a holiday.

I Complete the text with the words and phrases from the box.

abusive an offence distress forbidden intimidation imposes punishment victims witnesses
--

What's the difference between crime and anti-social behaviour?

Anti-social behaviour is not something that exists as a) _____ in its own right. It is defined as behaviour which causes or is likely to cause harassment alarm and/or b) _____ to others. It is about a continuous, longstanding process whereby c) _____ are repeatedly subjected to d) _____ behaviour from individuals who typically are known to them. It includes behaviour such as noise nuisance and other environmental crime, and verbal abuse and e) _____.

The court f) _____ an anti-social behaviour when it believes that the behaviour will not otherwise cease. Crime is doing something g) _____ by law. That could mean theft, assault, fraud, selling drugs. Typically, it is a one off event in which victims and h) _____ do not know the perpetrator (преступник). Crime is a serious matter because society finds even one incident to be worthy of i) _____. Anti-social behaviour is serious, even when individual events may not be noteworthy in isolation, because of the devastating effect that the process, the repetition and the context can have on victims, witnesses and communities.

J Read the following newspaper headlines and decide what crime has been committed. Discuss in pairs.

1. PENSIONER ATTACKED AND ROBBED IN BROAD DAYLIGHT
2. THREE INJURED IN BANK HOLD UP
3. CHILD RUN OVER BY DRUNK DRIVER
4. YOUTH DESTROY TOWN HALL
5. TEENS BEATEN UP AT ROCK CONCERT
6. 28 CARS STOLEN OVER WEEKEND

Speaking

A Read the text and answer the question. Which does more serious harm to society: street crimes or white-collar crimes? Give your reasons.

White-collar crime, as distinguished from “street crime,” refers generally to fraud-related acts carried out in a nonviolent way, usually connected with business. Armed bank robbery is not a white-collar crime, but embezzlement by a teller or bank officer is. Many white-collar crimes are included within the statutory definitions of embezzlement and false pretenses. Most are violations of state law. Depending on how they are carried out, many of these same crimes are also violations of federal law.

Any act of fraud in which the United States postal system is used or which involves interstate phone calls or Internet connections is a violation of federal law. Likewise, many different acts around the buying and selling of securities can *run afoul* (нарушить закон) of federal securities laws. Other white-collar crimes include

tax fraud; price fixing; violations of food, drug, and environmental laws; corporate bribery of foreign companies; and – the newest form – computer fraud.

B *Why are various crimes so difficult to define precisely?*

C *Hungry Harold goes by the home of Juanita Martinez. Juanita has just finished baking a cherry pie and sets it in the open windowsill to cool. Harold smells the pie from the sidewalk. It is twilight; while still light, the sun has officially set. Harold reaches into the window frame and removes the pie. Technically, has Harold committed burglary? What are the issues here based on the definition of burglary?*

Text C. Degrees of Participation

Before reading

A *Write down the words you associate with participation in crime and explain your choice.*

Example: A criminal. A person, who commits a crime is called a criminal.

B *Match English and Russian equivalents.*

- | | |
|-------------------------|--------------------------------|
| 1) to obstruct justice | a) отвлечь охрану |
| 2) to be a lookout | b) ответственность |
| 3) to distract security | c) исполнитель преступления |
| 4) to flee the scene | d) пособник |
| 5) to abet | e) препятствие правосудию |
| 6) leniently | f) бежать с места преступления |
| 7) an accessory to smth | g) спровоцировать |
| 8) to instigate | h) снисходительно |
| 9) liability | i) подстрекать |
| 10) a perpetrator | j) стоять на страже |

C *Drawing on the words you have just learnt decide on 3 things the text speaks about. Read and check if your guesses are correct.*

Reading

A *Read the text and decide if the following statements are true or false. Correct the false statements.*

1. The liability of all persons involved in the commission of a crime depend on the type of participation.
2. Only one person can be the perpetrator in the crime.
3. A principal in the second degree is one who intentionally aids or abets the principal in the first degree, without being present when the crime occurs.

4. Accessories before the fact might help the principal flee the scene, distract security or law enforcement, or provide the principal with the tools to commit the crime.
5. An accessory after the fact is punishable for receiving, concealing, or comforting a criminal so as to obstruct the criminal's apprehension or to otherwise obstruct justice.
6. Accessories before the fact are treated more leniently than principles.

The common law created a sophisticated system for determining the liability of all persons involved in the commission of a crime. When, where, and how the various parties could be prosecuted and the use of evidence at trial depend on the type of participation.

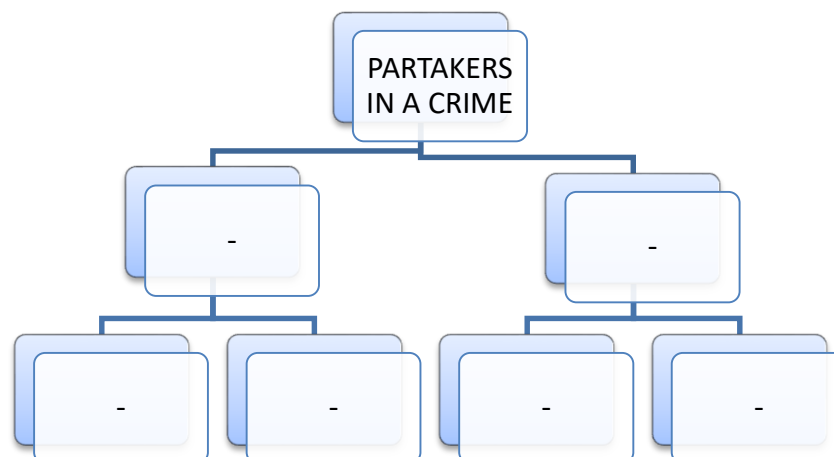
The common-law tradition distinguishes four degrees of participation in crime. The person who commits the crime is the principal or the perpetrator. A principal in the first degree is the person who actually did the criminal act or was guilty of criminal omission, either with his own hand or through an innocent agent, e.g. a child. A principal in the second degree is one who intentionally aids or abets the principal in the first degree, being present when the crime occurs.

A person who instigates, encourages, or counsels the principal without being present during the crime is called an accessory before the fact. They might help the principal flee the scene, they might help distract security or law enforcement, or they might provide the principal with the tools to commit the crime. Some examples of accessories before the fact include getaway drivers, lookouts, and people who use their position as employees to help someone else commit a crime against their employer.

The fourth and last degree of participation is that of accessory after the fact, who is punishable for receiving, concealing, or comforting one whom that person knows to have committed a crime so as to obstruct the criminal's apprehension or to otherwise obstruct justice. Whether an accessory assists the principal before or after the crime can make a huge difference in the penalties that they face.

An accessory before the fact may be treated in the same way as the principal. By contrast, an accessory after the fact may be treated more leniently. Even if the principal is never caught and convicted, an accessory can be convicted of the crime.

D Fill in the following chart and comment on it.



E Match the criminals and wrongdoers 1-16 to the correct definitions a-p.

- | | |
|--------------------------|--|
| 1. An accomplice | a) attacks people in the street and steals their money or other possessions. |
| 2. An assassin | b) takes goods from shops without paying for them. |
| 3. A burglar | c) deliberately damages public property, often because he is bored or enjoys doing it. |
| 4. A charlatan | d) murders someone important, such as a king or a president. |
| 5. A criminal | e) leads others to do wrong or to make trouble. |
| 6. A forger | f) is someone who steals (usually without violence). |
| 7. An impostor | g) helps another person to commit a crime. |
| 8. A juvenile delinquent | h) deceives others by pretending to have special skills or knowledge, especially about medicine. |
| 9. A mugger | i) steals from banks, shops, etc., usually planning them in advance in great detail. |
| 10. A poacher | j) makes copies of money, letters, documents, etc. in order to deceive people. |
| 11. A ringleader | k) betrays his or her country. |
| 12. A robber | l) deceives people by pretending to be someone else. |
| 13. A shoplifter | m) breaks into houses, shops, etc. in order to steal things. |
| 14. A thief | n) is a young person who has broken the law. |
| 15. A traitor | o) catches or shoots animals, fish or birds on private land without permission. |
| 16. A vandal | p) is someone who is guilty of a crime (or several crimes). |

Text D. Juvenile delinquency

Before reading

A Write down any words or images you associate with 'juvenile delinquency'. Try to focus on its causes and ways to prevent it. In groups, compare your list of key words and phrases with those of your partners.

Reading

B Read the text and match the headings with the paragraphs. There is one extra heading you do not need to use.

- A. Who does what.
- B. Juvenile delinquency and criminal responsibility of minors.
- C. Causes of delinquent behaviour.
- D. The twin role of the probation officer.
- E. Ways to prevent delinquency.
- F. Boot camps.
- G. The most commonly used method of handling delinquents.

1. Juvenile delinquency is criminal behavior carried out by a juvenile. In England and Wales the age of criminal responsibility is set at 10. Young offenders aged

10 to 17 (i.e. up to their 18th birthday) are classed as juvenile offenders. Between the ages of 18 and 20 (i.e. up to their 21st birthday) they are classed as young offenders. Delinquency implies conduct that does not conform to the legal or moral standards of society.

2. In Western countries, delinquent behaviour is most common in the 14- to 15-year-old age group. At age 14, most delinquent conduct involves minor theft. By age 16 or 17, more violent and dangerous acts, including assault and the use of a weapon, become prevalent. Most delinquents do not continue this behaviour into their adult life, for, as the circumstances of their lives change and they get a job, marry, or simply mature out of their turbulent adolescence, their conduct usually falls in line with societal standards. Although the evidence is ambiguous, most delinquents adjust to a noncriminal life, yet the proportion of delinquents who become criminals is higher than that of nondelinquents. In the United States, boys make up 80 percent of the delinquent population, and this rate is similar throughout Europe and Japan.

3. Schools are often the forum in which delinquent behaviour originates. Most delinquents perform poorly in school and are unhappy in the school environment. Many delinquents are dropouts who leave school at an early age but have no job opportunities. Juvenile gangs often perform delinquent acts, not solely out of frustration with society but also out of a need to attain status within their group. A gang can provide the rewards a juvenile cannot get from his school or other institution.

4. Efforts have been made to identify potential delinquents at an early age in order to provide preventive treatment. Such predictions of delinquency generally depend not only on the child's behaviour in school but also on the quality of the child's home life. There are many elements that delinquents share in their home lives. Their parents are frequently heavy drinkers who are involved in crime themselves and are unable to provide emotional or financial support for their children. Discipline is inconsistent and often relies on physical force. Most attempts to detect future delinquents have failed, however. Indeed, it has been found that the stigma of being identified as a potential delinquent often causes the child to commit delinquent acts.

5. It is the responsibility of the state to deal with delinquent offenders. Probation, the most commonly used method of handling delinquents, is an arrangement whereby the delinquent is given a suspended sentence and in return must live by a prescribed set of rules under the supervision of a probation officer. It is most frequently granted to first offenders and delinquents charged with minor offences. Probation requires the delinquent to lead a moderate, productive lifestyle, with financial responsibilities. If these requirements are not met, the delinquent may be placed in an institution. Sometimes he can be placed in the foster care of a stable family, as a final method of keeping a juvenile out of an institution.

The treatment of delinquents on probation and in institutions ranges from a strict disciplinarian method to a more psychological approach, centring on psychoanalysis and group therapy. The probation officer must attempt to combine authority and compassion in the twin role of enforcer and social worker. This makes the role of the probation officer extremely difficult, while the responsibilities are great. Despite the problems of the probation system, studies have indicated that probation is effective in a majority of all cases.

B Read the text again to answer the following questions.

1. What is juvenile delinquency?
2. What are more common offences for juveniles aged 14? 16?
3. Why do most delinquents not continue wrongful behaviour into their adult life?
4. Why do juvenile gangs often perform delinquent acts?
5. How do most delinquents perform in school?
6. Why is it important to identify potential delinquents at an early age?
7. What are the most commonly used methods of handling delinquents?
8. Why is the role of the probation officer extremely difficult though important?

 **Vocabulary Focus**

A Suggest English equivalents of the following word-combinations. Then use five of them in your own sentences.

Преступность несовершеннолетних; уголовная ответственность; несовершеннолетний правонарушитель; молодой преступник; соответствовать правовым или моральным нормам общества; мелкая кража; соответствовать общественным стандартам; разочарование; профилактика; испытательный срок; обвиненный в мелком преступлении; приемная семья.

B Fill in the correct words from the list below to make collocations from the text.

delinquency
to mature
foster care

to conform
society
delinquents

criminal
delinquent
officer

- 1) juvenile _____;
- 2) _____ responsibility;
- 3) _____ to standards;
- 4) _____ conduct;
- 5) _____ out of turbulent adolescence;
- 6) frustration with _____;
- 7) to detect future _____;
- 8) to be placed in the _____;
- 9) a probation _____.

C Complete the sentences with the appropriate form of the words given in the right column.

Correctional research has shown that young offenders have different _____ and programming needs than adult offenders.	treat
The principle of criminal _____ of minors resides in the notion that a minor does not have a entirely formed personality and should be entitled to a favorable system.	respond
The _____ may prove that it was not his fault.	offence
_____ theory states that the child's social and cultural environments	mature

play an important role in their development.

Meetings with ex-criminals have a _____ effect.

Juvenile delinquency refers to antisocial and criminal _____ committed by persons under the age of 18.

prevent
behave

D Match the words with their definitions.

- | | |
|----------------|---|
| 1) delinquency | a) a young person who is not yet an adult; |
| 2) a juvenile | b) a deep chronic sense or state of insecurity and dissatisfaction arising from unresolved problems or unfulfilled needs; |
| 3) to mature | c) undertaken to forestall anticipated hostile action; |
| 4) frustration | d) the state or a period of being subject to probation; |
| 5) preventive | e) a reason for an action or condition; |
| 6) probation | f) the action or manner of dealing with something (such as a topic) often in a specified way; |
| 7) treatment | g) to become fully developed or ripe; |
| 8) a cause | h) minor crime, especially that committed by young people. |

➔ Speaking

A Arrange a 'Think-Pair-Share' activity to discuss criminal law issues. Tip: first read the statements, think if you agree or disagree with them; then pair with another person and discuss the statements; next – share your opinion with the larger group.

- Juveniles continue to commit crimes once labelled “a criminal”.
- Weak relations with families lead to increased chances of becoming a wrongdoer.

Viewing & Speaking

➔ Before watching

A Before you watch, make sure you know the following words and word combinations.

A bond, a deviant act, to stray, do constructive activity, long-term goals, to maintain accountability, prophecy.

B Answer the following questions:

What are main causes of juvenile delinquency?

Are the causes of juvenile delinquency you have come up with universal all over the world?

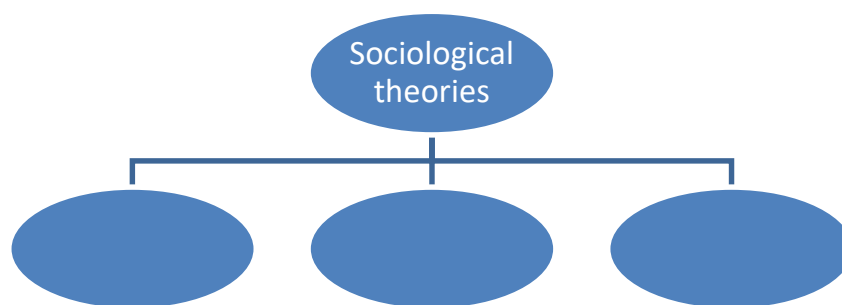
Are there any that are peculiar to the Belarusian community?

➔ While watching

*A Watch the video **Causes of Juvenile Delinquency** (<https://eduenglish.bsu.by/mod/page/view.php?id=1418>) and compare your ideas with the ones presented in the video.*



B Watch the video again and complete the table with more detailed information. Be ready to discuss it.



C Match the words with their definitions.

- | | |
|-------------------------------|---|
| 1) attachment | a) the cost-benefit calculation that is done to determine the rewards or punishment that will come about from a certain action; |
| 2) commitment | b) the child's own beliefs and attitudes towards certain behaviours; |
| 3) involvement | c) the social interaction between those close to the child; |
| 4) belief | d) mimicking behavior that was observed; |
| 5) differential association | e) the bond that is created between a child and others in society; |
| 6) definitions | f) a desire to achieve the goals of society; |
| 7) differential reinforcement | g) the activity levels of the child; |
| 8) imitation | h) the child's core values. |

➔ After watching

A Think-Pair-Share. **Tip:** first think about your own ideas; then pair with another person and discuss and compare your ideas; next – share them with the larger group.

Why is it important to study the causes of juvenile delinquency?

What do policy recommendations relate to?

B Role play.

Idea. The number of juvenile delinquents is increasing. About 80% of chronic juvenile offenders later become chronic adult offenders. The participants of a round table are discussing all possible ways out of the situation.

Objective. Develop a complex plan of the solution to the problem.

Participants:

Chairman of the meeting. Explain the existing problem to the audience. Suggest all possible reasons for the situation that occurred. Give the floor to the participants of the meeting. Discuss the proposals. Note down the most efficient ones. At the end of the meeting read out the initiatives and thank the participants.

Member of the Education Ministry's working group. You suggest the idea that teachers, policemen and social workers should carry out "joint raids" to find persistent truants and explain in what way such actions can prevent juvenile delinquency.

Head of the police department. You support the point of view that only punishment (fines, restitution, detention and deprivation of liberty) may have an effect. Give your examples and try to convince the audience.

Psychologist. In your opinion, psychological factors lead to crimes such as tension, lack of affection, aggressiveness, frustration and the like. Suggest what should be done to eliminate such factors.

Juvenile inspector. You propose to develop a juvenile justice system so that children who commit crimes do not fall into the larger legal system, but go from juvenile police to juvenile judges to a juvenile corrections system where all officials are specially trained and not burdened by other cases. Name the advantages of such system.

The rest of the audience. Put the questions to the speakers. Express your agreement or disagreement with the speakers' views. (You may suggest your own ways out of the situation as well).

Estimating. Estimate the level of argumentation of your opponents, ranging from 1 to 10. Admit the most active participants and the most attractive arguments.

Lookback

A Make sure that you know legal terms you have studied in Unit 1.

Criminal law: accessory; accuse; adjudicate; assault; bring an indictment; conviction: crime; criminal; delinquency; deterrence; distract security; fair; flee the scene; forgery; fraud; frustration; guilt; hijacking; hit and run; incitement; indictable offences; indictment; juvenile; leniently; liability; libel; mature; impose; obstruct justice; offence; omission; perjury; prevention; punishment; retribution; sentence; summary offences; treatment; try; violate a law.

B Self-check list. Tick what you can do.

- Define Criminal Law, explain its purpose and basic concepts.
- Present the classification of crimes.
- Give classification of partakers in crime.
- Define juvenile delinquency and present ways to prevent it.

C Exam Prep. Speak on one of the following situations.

Situation 1

Your Belarusian friend is calling from the UK. He is accused of a road traffic offence and said that his case would be heard as a summary offence. He can't understand what it means. Explain to him the notion of a summary offence.

Situation 2

Your task for the seminar in Criminal Law is to speak about essential concepts in the

operation of the Criminal Law. Explain what they are and what role the prosecution plays in this question.

Situation 3

You are giving a lecture on the nature of crime in Criminal Law. Explain briefly what crime is. You have chosen the US media personality and former politician Jess Ventura's quote to explain your position on the nature of crime: 'A crime is a crime, regardless of what collar you wear.' Continue it choosing the direction you need.

Situation 4

You are preparing for the project on Juvenile Delinquency. Explain to your classmate working with you on one team your view of the plan for the presentation.

Situation 5

You are an acting judge who is talking to a group of juvenile delinquents (young criminals) to explain the legal understanding of the status of an accessory.

D Project. Develop a brief action plan for crime prevention for Belarus. Pick one of the following areas:

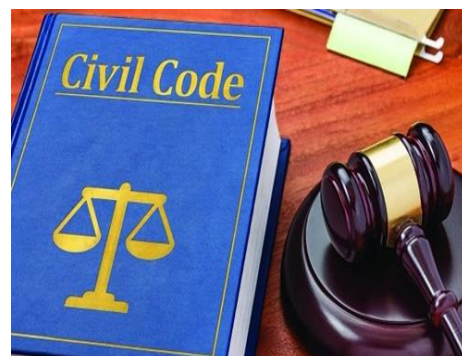
- ✓ business setting;
- ✓ schools, Universities;
- ✓ summer houses (dachas);
- ✓ general safety: public places, streets, parks, etc.;
- ✓ high-crime hot spots.

Unit 2. Civil Law

Learning outcomes

You should be able to

- give a definition to civil law;
- compare civil and criminal law;
- speak about three types of torts;
- describe what family law deals with;
- identify the essential elements of a contract;
- define different types of property.



Lead-in

- Which definitions of the term ‘civil law’ can you think of?
- Which spheres of human life does civil law relate to?
- What are some reasons why someone takes legal action against someone else?
- What are some reasons why courts award money to plaintiffs who win their cases?

Text A. Civil Law

➔ Before reading

A Write down the words you associate with civil law. Explain your choice.

Example: A fine. One of the widely used forms of penalties in civil law is a **fine**.

B Match English and Russian equivalents.

- | | |
|----------------------------------|--|
| 1) breach of contract | a) гражданско-правовой деликт |
| 2) annulment | b) оспариваемое право собственности |
| 3) to impose custodial sentences | c) небрежность, халатность |
| 4) a tort | d) строгая ответственность |
| 5) plaintiff | e) признание брака недействительным |
| 6) libel | f) вынести приговор в виде лишения свободы |
| 7) strict liability | g) семейная реликвия |
| 8) family heirloom | h) клевета в печати |
| 9) negligence | i) истец |
| 10) contested ownership | j) нарушение контракта |

➔ Reading

A While reading the text, fill in the comparison table.

	Civil law	Criminal law
victim		
parties		

who can bring the case to court		
possible outcomes		
standard of proof		
who has the burden of proof		
penalties		
examples		

1. Civil law is both a legal system and a branch of law. A legal system is a set of codes and procedures used to carry out laws. Civil law legal system built upon *Corpus Juris Civilis*, the Justinian Code originated in Rome in the sixth century. It is the most widely adopted legal system in the world. In this unit we will speak about civil law as a branch of law. Civil law is the part of a country's set of laws which is concerned with the private affairs of citizens, for example marriage and property ownership, rather than with crime.

a plaintiff
(AmE) = a

2. Civil law defines the rights and responsibilities of individuals, government entities and private or non-government organizations in their interactions with each other. The primary purpose of civil law is to resolve disputes and provide compensation for someone injured by someone else's acts or behavior. Libel, slander, and breach of contract are all civil matters. In contrast to criminal cases, which are prosecuted by the state, civil cases are initiated by a private party, referred to as the plaintiff in legal terms. Cases are usually decided by a judge, and any compensation can only be financial. A civil court judge does not have the power to impose custodial sentences. Prosecutors in civil cases do not need to prove their case "beyond reasonable doubt". Rather, "a preponderance of evidence" is enough to seal a civil conviction. Under the preponderance standard, the "burden of proof" is met when there is a greater than 50% chance that the claim is true.

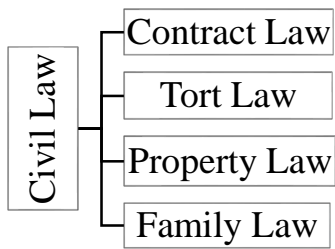
a preponderance of evidence (AmE) = balance of probabilities (BE)

3. Essentially, civil law is about conflict resolution, ensuring disputes between individuals do not escalate into a violent confrontation. It encourages cooperation between members of society, deterring exploitative behaviors, and unethical business practices. Without civil law, larger companies could exploit smaller firms by not paying for goods or services as promised. At the same time, a tenant would have no recourse if their former landlord simply refused to return a security deposit without an adequate explanation.

4. Libel cases play an essential part in maintaining the delicate balance between freedom of expression and individual rights. It encourages media outlets to report accurate information and allows individuals to challenge any stories they believe to be false.

5. Civil law cases are divided into four main categories, each covering a range of issues.

6. Contract law deals with agreements between two or more parties, each of which is obligated to hold up their portion of the agreement. For example, two parties enter into an agreement for the lease of an apartment.



The tenant has the right to use the apartment, and the landlord receives rent money as compensation. If one party violates any of the provisions of the contract, they have committed a civil wrong known as “breach of contract.” Generally speaking, contracts may be oral or written, however there are certain types of contracts that must be put in writing.

7. Tort law is a branch of civil law that is concerned with personal injury and civil wrongdoing. A tort is a civil wrong, done by one person or entity to another which results in injury or property damage, and frequently involves monetary compensation to the injured party. There are three categories of torts: negligence, intentional tort, and strict liability.

8. Property law is unique in that it focuses on people's legal relationship to objects. A property lawyer deals with a wide range of issues, like the transfer or purchase of land. They also help resolve issues of contested ownership. This might involve a dispute over who has the right to a family heirloom, or whether the old saying of "finders keepers" has any legal basis.

9. Family law is the branch of civil law that deals with marriage, divorce, annulment, child custody, adoption, birth, child support, and any other issues affecting families. This branch of civil law is unique in that there is not necessarily a person who committed a civil wrong. This is particularly true in states that have no-fault divorces. The family court gets involved with dividing up property and finances after a divorce, establishing child custody, child support, and spousal support among other things. Some newer areas that fall under the family law umbrella are same-sex marriage, surrogate or motherhood, in vitro fertilization, and palimony.

B *Decide if the following statements are true or false. Correct the false statements.*

1. Civil law is concerned with actions that are deemed threatening or harmful to the property, safety, and moral welfare of individuals or the state.
2. Civil cases are initiated by a private party, referred to as the plaintiff in legal terms.
3. Custodial sentences can be imposed by both a civil and a criminal court judge.
4. Prosecutors need to prove a civil case "beyond a reasonable doubt."
5. “Preponderance of Evidence” is the standard of proof used in most civil trials.
6. In civil law punishment almost always consists of a monetary award and never consists of imprisonment.
7. There are three main categories of tort law, including such suits as negligence, intentional harm, and strict liability.
8. The transfer and purchase of land are the issues of Contract law.
9. Domestic violence falls under the family law umbrella.

C *Read the text again to answer the following questions.*

1. What definition of civil law is given in the text?
2. Why is civil law important?
3. What are four main differences between civil and criminal law?

4. What is meant by "a preponderance of evidence"?
5. What is "breach of contract"?
6. What are three categories of torts?
7. In what way is family law unique?
8. What does property law deal with?

 **Vocabulary Focus**

A Suggest English equivalents of the following word-combinations. Then use five of them in your own sentences.

Назначить наказание в виде лишения свободы; перевес доказательств; вне всякого обоснованного сомнения; преднамеренный деликт; нарушение контракта; признание брака недействительным; аренда квартиры; суррогатное материнство; строгая ответственность; установить опеку над ребенком; оспариваемое право собственности; пострадавшая сторона; нарушить условия контракта; внести залог; заключить договор; алименты (содержание); арендодатель.

B Fill in the correct words from the list below to make collocations from the text.

to establish	to commit	ownership
strict	damage	to cover
monetary	to enter	deposit
breach	custodial	to prove

- | | |
|-------------------------------|-------------------------|
| 1) ____ of contract; | 7) property ____; |
| 2) to impose ____ sentences; | 8) ____ compensation; |
| 3) ____ a case; | 9) ____ liability; |
| 4) to return a security ____; | 10) contested ____; |
| 5) ____ a range of issues; | 11) ____ a civil wrong; |
| 6) ____ into an agreement; | 12) ____ child custody. |

C Complete the sentences with the appropriate form of the words given in the right column.

In addition, ____ of this Article constitutes an offence and is therefore prosecutable under Article 32 of the Act.	break
This offence is so serious that only a ____ sentence can be justified.	custody
The committee have passed a ____ that conditions be improved.	resolve
The State can demand compensation from the person responsible for the ____.	violate
If landlords break their obligations, tenants can apply for a court order for the work to be done and claim ____ compensation for any loss.	money
A driver's ____ has accounted for a bus accident.	neglect
He denies any ____ for the cost of the court case.	liable
Walter could face ____ for his role in the robbery.	prosecute

D Fill in the correct prepositions, then choose any five items and make sentences.

- | | |
|--|--|
| 1) to fall ___ the family law umbrella; | 7) in contrast ___ criminal cases; |
| 2) to get involved ___ dividing up property; | 8) to escalate ___ a violent confrontation; |
| 3) to deal ___ a wide range of issues; | 9) disputes ___ individuals; |
| 4) to be put ___ writing; | 10) to focus ___ people's legal relationship ___ objects; |
| 5) to enter ___ an agreement; | 11) to maintain the balance ___ freedom of expression and individual rights. |
| 6) to be concerned ___ private relations; | |

E Match the words with their definitions.

- | | |
|---------------|--|
| 1) negligence | a) a valuable object that has belonged to a family for several generations |
| 2) tort | b) a published false statement that is damaging to a person's reputation |
| 3) contract | c) breach of a duty of care which results in damage |
| 4) libel | d) a person who brings a case against another in a court of law |
| 5) plaintiff | e) a wrongful act or an infringement of a right (other than under contract) leading to legal liability |
| 6) heirloom | f) the protective care or guardianship of someone or something |
| 7) annulment | g) a written or spoken agreement that is intended to be enforceable by law |
| 8) custody | h) an official declaration that something is invalid, so that legally it is considered never to have existed |

F Express the following ideas in one word. The number in brackets corresponds to the number of paragraph where the word was used in the text.

1. The action or crime of making a false spoken statement damaging to a person's reputation. (2)
2. To charge someone with a crime and put them on trial. (2)
3. A common reference by lawyers to people involved in lawsuits, transactions, contracts. (6)
4. An official or legal process to end a marriage. (9)
5. The act of finding an answer or solution to a conflict, problem. (3)
6. Law dealing with compensation for injury. (7)
7. The legal concept of not using a level of care that prevents injuries. (7)
8. Compensation made by one member of an unmarried couple to the other after separation. (9)

G Complete the text with the words and phrases from the box.

individual convicted property the balance of probabilities disputes infringement imprisoned liable beyond reasonable doubt misconduct
--

Civil law is more concerned with cases between *a)* _____ people where one person commits *b)* an _____ which is harmful towards another person, their rights or their *c)* _____. Civil law also settles *d)* _____ between individuals and organizations.

If you are *e)* _____ of a civil offence, you are not likely to be *f)* _____, but most often will become *g)* _____ for compensation.

The standard of proof for civil law cases is *h)* “_____.” However, certain civil offences such as disciplinary proceedings for solicitor *i)* _____ can use the higher standard of *j)* “_____.” Examples of civil offences include: personal injury, breaches of contract, employment tribunals, negligence.

➔ Speaking



A Which branches of civil law did these people speak about? Choose one of the quotes and comment on it, explaining the role of the civil law branch the chosen quote concerns.

1. Until the contract is signed, nothing is real. *Glenn Danzig*
2. “Courtrooms can be exciting arenas where combating attorneys fight out issues of life and death, but there is nothing exciting about a courtroom where tired old loves go to die, or to be exhumed for delayed post-mortem.” *Helen Nielsen*
3. Reading is at the beginning of the [social] contract. *Alberto Manguel*
4. “Because rights are only claims against other people, and not claims on other people and their property, rights end when they infringe on the rights of others.” *Daniel Alexander Brackins*
5. “The well-known maxim that you must not, when you have the choice, elect to use your property so as to cause injury to your neighbour.” *Brett, M.R., Whalley v. Lancashire, &c. Rail. Co.*

B Arrange a ‘Think-Pair-Share’ activity to discuss civil law issues. **Tip:** first think about your response to the question; then pair with another person and discuss his/her response; next – share it with the larger group.

Which branch of civil law would you choose? Why?

Which branch is the most promising in Belarus?

Is there the same division in civil law in Belarus?

Text B. Tort Law in the USA

Before reading

A Read the following examples and decide in each case if it is a wrongdoing or not.

- ✓ A person punches another person and injures him.
- ✓ A city employee working on a manhole forgets to replace the cover and a pedestrian falls in and is injured.
- ✓ A surgeon forgets a medical tool in a patient's body while operating and stitches the patient up.
- ✓ A company makes its employees work in unsafe conditions that result in the death of a worker.
- ✓ A person destroys a rival's reputation by spreading vicious lies.

Can you think of any other examples of similar wrongdoings?

Reading

A Read the texts (1-5) and match these headings with the sections they belong to (A-E).

- A. Remedies
- B. Overview
- C. Definition
- D. Types of torts
- E. Elements to prove

1. A tort is an act or omission that gives rise to injury or harm to another and amounts to a civil wrong for which courts impose liability. The word tort itself has its roots in French and before that, in Latin, meaning “twisted”, or wrong. And that notion still applies to tort law – it involves a wrongful injury to someone.

2. The primary aims of tort law are to provide relief to injured parties for harms caused by others, to impose liability on parties responsible for the harm, and to deter others from committing harmful acts. Torts can shift the burden of loss from the injured party to the party who is at fault or better suited to bear the burden of the loss. Typically, a party seeking redress through tort law will ask for damages in the form of monetary compensation. Less common remedies include injunction and restitution.

The boundaries of tort law are defined by common law and state statutory law. Judges, in interpreting the language of statutes, have wide latitude in determining which actions qualify as legally cognizable wrongs, which defenses may override any given claim, and the appropriate measure of damages.

3. Torts fall into three general categories: intentional torts (*e.g.*, intentionally hitting a person); negligent torts (*e.g.*, causing an accident by failing to obey traffic rules); and strict liability torts (*e.g.*, liability for making and selling defective products). Intentional torts are wrongs that the defendant knew or should have known would result through his or her actions or omissions. Negligent torts occur when the defendant's actions were unreasonably unsafe. Negligence cases do not involve delib-

erate actions, but instead are when an individual or entity is careless and fails to provide a duty owed to another person. Unlike intentional and negligent torts, strict liability torts do not depend on the degree of care that the defendant used. Rather, in strict liability cases, courts focus on whether a particular result or harm manifested.

In a strict liability lawsuit, the defendant is liable for damages even if he or she was not negligent or at fault.

4. The law recognizes torts as civil wrongs and allows injured parties to recover for their losses. Injured parties may bring a suit to recover damages in the form of monetary compensation or for an injunction, which compels a party to cease an activity. In certain cases, courts will award punitive damages in addition to compensatory damages to deter further misconduct.

In the vast majority of tort cases, the court will award compensatory damages to an injured party that has successfully proven his or her case. Compensatory damages are typically equal to the monetary value of the injured party's loss of earnings, loss of future earning capacity, pain and suffering, and reasonable medical expenses. Thus, courts may award damages for incurred as well as expected losses.

When the court has an interest in deterring future misconduct, the court may award punitive damages in addition to compensatory damages. For example, in a case against a manufacturer for a defectively manufactured product, a court may award punitive damages to compel the manufacturer to ensure more careful production going forward.

In some cases, injured parties may bring a suit to obtain an injunction rather than monetary relief. The party seeking an injunction typically must prove that it would suffer considerable or irreparable harm without the court's intervention.

5. The 4 elements to every successful tort case must be proven by preponderance of evidence:

1. **Duty:** the defendant owed a duty of care to plaintiff, or injured person. The duty of care owed is determined by a reasonable person standard. A reasonable person would consider: (1) the burden of taking precautions; (2) the likelihood of harm; and (3) the seriousness of the harm that might be caused.
2. **Breach:** the defendant's conduct breached or violated that duty.
3. **Causation:** the defendant's conduct caused the plaintiff's harm.
 - a) Cause in fact: if the harm would not have occurred without the wrongful act, the act is the cause in fact.
 - b) Proximate cause: the harm caused must have been a foreseeable result of the act or acts.
4. **Damages:** the plaintiff suffered actual injuries or losses. The goal is to restore the plaintiff to his or her pre-injury position, to the extent that this can be achieved with money.

***B** Read the text and decide if the following statements are true or false. Correct the false statements.*

1. A tort is an act or omission that gives rise to injury or harm to another and amounts to a civil wrong for which courts impose liability.

2. The most common redress in tort law includes injunction and restitution.
3. The primary aims of tort law are to punish the wrongdoer and to deter others from committing harmful acts.
4. Negligence occurs when a person fails to reasonably exercise a duty of care, and harm or loss results to the other person.
5. Strict liability torts involve deliberate actions.
6. In the tort law, the court awards only compensatory damages to an injured party.
7. To win a tort case all elements must be proven beyond a reasonable doubt.

C Read the text again to answer the following questions.

What definition of a tort is given in the text?

What are the aims of tort law?

What are three general categories of torts?

What is the difference between them?

What damages can be awarded to an injured party?

What must be shown to prove that a tort was committed?

D Complete the following table. Decide what category each tort belongs to.

Assault; defective products; intentional infliction of emotional distress; animal attacks; abnormally dangerous activities; slip and fall accidents; fraud/deceit; medical malpractice; defamation; pedestrian accidents.

Intentional Torts	Negligence Torts	Strict Liability Torts

Vocabulary Focus

A Suggest English equivalents of the following word-combinations. Then use five of them in your own sentences.

Покрывать убытки; непоправимый ущерб; понесенные убытки; штрафные санкции; подать иск; возлагать ответственность; нести определенную обязанность; средство судебной защиты; умышленные действия; бездействие; принудить; прекратить деятельность; пострадавшая сторона.

B Fill in the correct words from the list below to make collocations from the text.

liability
to bear
to owe

suit
damages
to cease

to deter
expected
evidence

- | | |
|---------------------------|---------------------------------------|
| 1) preponderance of ____; | 6) ____ an activity; |
| 2) ____ losses; | 7) ____ a duty; |
| 3) to impose ____; | 8) ____ a burden of the loss; |
| 4) to bring ____; | 9) ____ from committing harmful acts. |
| 5) to recover ____; | |

C Complete the sentences with the appropriate form of the words given in the right column.

This ____ could have serious consequences for the vitality of a bill of rights.	omit
Though that civil suit settled for \$60,000, Hardin must pay an additional \$75,000 in ____.	restitute
She's concerned about the risk of ____ to her reputation.	injure
The federal government will take ____ action against the company that polluted the river.	punish
Jury awarded \$11.2 million in ____ damages.	compensate
Imprisonment, even for a short period, ruptures lives and the damage is often ____.	repair

D Match the words with their definitions.

1) omission	a) a court order requiring a person to do or cease doing a specific action;
2) liability	b) a legal action serving to cause restoration of a previous state;
3) damages	c) the legal means to recover a right or to prevent or obtain redress for a wrong;
4) claim	d) the state of being legally responsible for something;
5) suit	e) a failure to fulfil a moral or legal obligation;
6) injunction	f) a written request asking an organization to pay you an amount of money that you believe they owe you;
7) remedy	g) an action or process in a court for the recovery of a right or claim;
8) restitution	h) a sum of money claimed or awarded in compensation for a loss or an injury.

E Write a word that is similar in meaning to the part in italics.

- The attorney was able to prove that the company had *responsibility for an incident*. i _____ y
- The chemical company was given an official *order to stop* against dumping chemicals. i _____ n
- The company had to pay \$3,000 in compensation and \$10,000 in *fees meant as a punishment*. u _____ d _____
- The travel company forgot to book Gayle's hotel so she got \$500 *to make up for the wrongdoing*. c _____ s _____

- 5) A driver's *carelessness* has accounted for a bus accident.
 e _ _ g_ _ _ _ _
- 6) He was eventually convicted of a much lesser charge of causing injury to Mari-
 ah by *failing* to seek medical care for her, and sentenced to four years in prison.
 o_ _ _ _ _ _ _ n

F Complete the text with the words and phrases from the box.

precedent omission tort liability
responsible negligence duty injure

Tort law deals with civil wrongdoings *a)* _____ disputes usually come down to issues regarding duty of care, *b)* _____, and *c)* _____. In the UK, the first case to establish a legal duty of care was in 1932. It involved a woman who fell ill after swallowing a decomposed snail that had found its way into a bottle of the ginger beer. The bottle was opaque, so neither the woman nor the shopkeeper who sold the bottle could see what was inside. After careful consideration, legal experts decided the bottle manufacturer was ultimately *d)* _____. This introduced a new legal *e)* _____ in which UK manufacturers had *f)* a _____ to take reasonable care to avoid acts or *g)* _____ which could likely *h)* _____ others.

Speaking

A Arrange a 'Think-Pair-Share' activity to discuss tort law issues. Tip: first think about your response to the question; then pair with another person and discuss his/her response; next – share it with the larger group.

1. Jane is shopping in a supermarket. She turns suddenly to say hello to a neighbor, loses her balance and falls down, breaking her ankle.

Can Jane recover her medical bills, lost wages, and pain and suffering costs from the supermarket?

- A. Yes, because the supermarket is responsible for everything that happens in its aisles.
- B. No, because the supermarket didn't do or fail to do anything that resulted in Jane's fall.
- C. No, because the supermarket owed no duty of care to Jane.

2. Jane is shopping in the supermarket. She turns the corner of the aisle and slips on some milk that has been spilled on the floor by a customer. A customer had reported the spill to an employee five minutes earlier, but the manager had decided he needed all his staff on the checkout lines and hadn't gotten around to assigning anyone to clean it up before Jane fell.

Can Jane recover her medical bills, lost wages, and pain and suffering costs from the supermarket?

- A. Yes, because the supermarket owes a duty of care to its customers, and it breached that duty when its staff failed to remove a known hazard.
- B. No, because the supermarket can't be held responsible when its customers spill milk.

- C. Yes, because the supermarket is insured and the insurance company can afford to cover the loss better than the customer can.
3. Steve is walking down the street and bumps into Joe accidentally. Joe gives Steve a shove without saying a word. Steve is surprised but not injured.
Can Steve recover damages from Joe for battery?
- A. Yes, because Joe touched him in an offensive way, deliberately and without his consent.
B. No, because he wasn't hurt.
C. No, because Steve ran into Joe first.
4. A painter is carrying her painting to a gallery for appraisal. A driver jumps the curb in his car. The side view mirror rips the painting out of the artist's hand and into mud, destroying it.
Can the artist recover from the driver?
- A. No, because there is no way of knowing what the painting was worth before it was destroyed.
B. No, because the driver couldn't have known that the painting had any value.
C. Yes, because the driver's carelessness caused the painter to lose the value of her painting.
5. Hannah is driving down the street when a truck driving next to her starts moving into her lane. Hannah has no choice but to cross the centerline to avoid being hit by the truck. Her car sideswipes an oncoming car driven by Martha, causing damage to the doors of both cars; the truck drives on without stopping and can't be found.
Can Martha recover damages from Hannah?
- A. No, because Hannah did nothing either negligently or intentionally harmful to Martha's property.
B. Yes, because the truck drove off and Martha, who is totally innocent, can't be left without someone to pay her damages.
C. Yes, because Hannah should have let the truck hit her rather than enter another lane of traffic.

Text C. Family Law

Viewing & Speaking

Before watching

A Write down the words you associate with family law and explain your choice.

Example: Custody. When parents have separated or died, it is necessary to decide who gets custody of the child.

B Match English and Russian equivalents.

- | | |
|-------------------------|-----------------------------------|
| 1) annulment | a) опека над ребенком |
| 2) prenuptial agreement | b) совместное проживание |
| 3) adoption | c) дело об установлении отцовства |
| 4) marital property | d) брачный договор |

- | | |
|-------------------|---|
| 5) cohabitation | e) признание брака недействительным |
| 6) void | f) совместная супружеская собственность |
| 7) child custody | g) усыновление |
| 8) paternity suit | h) не имеющий юридической силы |

➔ While watching

A Watch the video (<https://eduenglish.bsu.by/mod/page/view.php?id=8731>) and complete the table with the missing information.



relationshipsrelationships
How are created?/ceremonial (license)/.....	- paternity - adoption
What are rights and duties?	property rights: ... and for debts property upon divorce or prenuptial agreement	- right to physical possession - right to earnings - right to consent to - right to treatment - duty to care, - - duty to support,
How are terminated?	- - - - - -[annulment]	suit to terminate The court order will make a parent a to the child.

B Watch the video and be ready to discuss the following questions.

1. What types of Family law relationships does David describe?
2. What is a common law marriage? Can you guess?
3. What is the difference between ‘void’ and ‘voidable’? Which examples of void marriage does David give? Under which circumstances can the marriage be considered voidable?
4. David says that paternity law heavily depends on presumptions? Which examples does he give? Are there any (similar) presumptions in the Belarusian Code?
5. What is meant by ‘a suit to establish paternity’ (can you think of the term in Russian)?
6. What is the overriding principle in the parental-child relationships? What is the Russian for ‘overriding principle’?
7. Which other matters fall under the family law umbrella?
8. What are the examples of orders enforced or modified by the court?
9. What is the Russian for ‘removal of minority’?

➔ After watching

Role Play



Situation: Family law practice is incredibly diverse. Study the following specialties of Family law (A-G), chose one of them, generalize information on this issue. Present the chosen specialty in class.

Role A – General course on family law

You teach the general survey course on family law. What issues do you cover? Why are they important for students? What skills do you teach?

Role B – children and divorce

You hold classes on children and divorce. What issues do you cover? Why are they important for students? What skills do you teach?

Role C – gender violence

You hold classes on gender violence. What issues do you cover? Why are they important for students? What skills do you teach?

Role D – elder law

You hold classes on elder law. What issues do you cover? Why are they important for students? What skills do you teach?

Role E – marital property and divorce litigation

You hold classes on marital property and divorce litigation. What issues do you cover? Why are they important for students? What skills do you teach?

Role F – reproductive justice

You hold classes on reproductive justice. What issues do you cover? Why are they important for students? What skills do you teach?

Role G – collaborative law

You hold classes on collaborative law. What issues do you cover? Why are they important for students? What skills do you teach?

Text D. Contract Law

➔ Before reading

Discuss these questions:

- ✓ Have you ever made any contracts?
- ✓ What do you think are the essentials of a valid contract?
- ✓ If one party is in breach of contract, what can the other party expect from a court decision?
- ✓ What are the examples of contractual relationships in everyday life?

➔ Reading

A Read the following text and explain the meaning of the requirements (a-f) for the creation of a contract.

One of the most important branches of civil law for which the state has to provide is known as contract. This branch of the law deals with the enforcement of legally binding agreements entered into between parties. A contract is defined as an agreement which the law will enforce.

In common law systems, the six key requirements for the creation of a contract are:

- a) offer and acceptance;
- b) intention to create legal relations;
- c) consideration;
- d) capacity;
- e) genuineness of consent;
- f) legality.

By 'offer and acceptance' the court requires to be satisfied that there was an offer made by one party, which was unconditionally accepted by the party to whom the offer was made. At the moment when the offer and acceptance meet, it is said "consensus ad idem". This means that the parties have reached an agreement.

An offer may be made orally, in writing or by conduct. An example of an offer made by conduct is where a customer in a supermarket chooses goods and hands them to the cashier, who then accepts the customer's offer to buy.

An offer may be made to a definite person (or group of persons) or to the whole world, i.e. generally. Where an offer is made to one person only, or a group of persons, only that person or that group may accept. Where an offer is made to the whole world, anyone may accept by complying with the terms of the offer.

The intention to create legal relations is fundamental to the whole concept of making a contract since unless the court is satisfied that both parties, whether expressly or impliedly, have agreed that the agreement between them shall have legal consequences, it will not recognize that agreement as a contract. The person who buys a loaf of bread, or takes a short bus ride, may not consciously realise that he, in each instance, is entering into a contract; although if he discovers a piece of string in the loaf, or if the bus driver through his carelessness has an accident in which the passenger is injured, then the person concerned will take a different view of the two agreements. The courts regard such agreements as having the implied consent of the parties that they shall have legal effect, and are thus contracts.

Consideration is the mutual promise to exchange things of value which the parties to a contract obtain under the terms of their agreement. It is the bargain which is made. The court will not examine the actual value in money terms which each party is to get, to see whether or not the exchange is reasonable. Instead it will ensure that each party got what it bargained for under the agreement. The court will not set itself up as an arbiter of value; it will limit itself to seeing that the agreed consideration passed between the parties. This is what is meant by saying that "consideration must be real, but need not be adequate". Another well-known term in this context is "caveat emptor" - let the purchaser beware. This term is applied because it is the purchaser of goods who makes the offer, and therefore he should take great care to ensure that he is getting the consideration he requires.

Special rules have been built up in contract to deal with the position of persons under 18 who are minors; persons who enter into contracts when drunk or suffering from mental illness; bankrupts, corporations and unincorporated associations. These rules are grouped under the heading of “capacity”, in the sense that the law makes provision for the ordinary adult of sound mind, and any party who does not fall within this definition is covered by special rules.

In some circumstances the court is faced with a plea by one party that, although he has made the contract, he did not genuinely give his consent when entering into it. This may be because he made a mistake of fundamental significance to the contract, or it can be that the other party, by misrepresentation about the subject-matter, persuaded him to make the contract. If the plea is made, the court inevitably is put on inquiry to see whether or not the contract was properly entered into. If it is found that the mistake or misrepresentation did affect the consent, the court may not allow the contract to stand.

Another factor which occasionally arises is the legality of the contract. Naturally the courts will not enforce agreements which in some substantial way infringe the law. Sometimes this occurs because Parliament specifically by legislation makes certain kinds of agreement unlawful, or it can happen because the judges decide that, as a matter of public policy, they will not give effect to certain kinds of agreement. A well-known class of contract falling within this latter category is a contract which is said to be “tainted with immorality”. If the contract is found to be unlawful the court will not enforce it.

B Read the text again to answer the following questions.

1. What definition of a contract is given in the text?
2. What are the essential elements of a contract?
3. What is meant by “offer and acceptance”?
4. When do parties reach an agreement?
5. How may the intention to create legal relation be expressed?
6. What is a consideration?
7. Can a person seek the assistance of a court merely because he has made a bad bargain?
8. What are certain exceptions to the general rule that any person may enter into a binding contract?
9. What is meant by “capacity”?
10. What is meant by “genuineness of consent”?
11. What contracts may be declared illegal?

Vocabulary Focus

A Suggest English equivalents of the following word-combinations. Then use five of them in your own sentences.

Юридические последствия; согласиться с условиями предложения; заключить договор; соглашения, которые нарушают закон; сделать запрос; заявления сторон; совершить сделку; обеспечить контракт правовой санкцией; оферта и

акцепт; обязательное для соблюдения соглашение; прямо или косвенно; подлинное согласие.

B Complete the sentences with the appropriate form of the words given in the right column.

<p>There are serious concerns about the _____ of the document. Any other use constitutes _____ and is punishable under the Intellectual Property. He anticipated their _____ of his offer. The media are _____ not to discriminate any candidature. A contract is an agreement _____ by law. Cost must also enter into _____. It is regrettable that no official _____ has been conducted to date. It is often said that a contract expressly or _____ prohibited by statute is void and unenforceable.</p>	<p>genuine infringe accept bind enforce consider inquire imply</p>
--	---

C Match the words with their definitions.

<p>1) inquiry 2) offer 3) bargain 4) plea 5) conduct 6) misrepresentation 7) consent 8) consequence</p>	<p>a) a false or misleading representation; b) a question you ask in order to get information; c) proposal to enter into a legal agreement; d) an allegation made by a party in support of a cause; e) an agreement between two people or groups in which each promises to do something in exchange for something else; f) permission for something to happen or agreement to do something; g) the manner in which a person behaves, especially in a particular place or situation; h) a result of a particular action or situation, often one that is bad or not convenient.</p>
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D Fill in the correct prepositions, then choose any five items and make sentences.

<p>1) to suffer _____ mental illness; 2) to comply _____ the terms of the offer; 3) to make an offer orally, _____ writing or _____ conduct; 4) to enter _____ a contract;</p>	<p>5) to take a different view _____ the agreement; 6) parties _____ a contract; 7) give effect _____ agreement; 8) to be put _____ inquiry.</p>
---	---

E Complete the text with the words and phrases from the box.

accepted contract court performed action obligations parties damages victim breach

In the normal way a contract will come to an end when both *a) _____* perform the obligations which they have *b) _____* under it. However, the courts recognize that sometimes the parties may need to be relieved of their *c) _____* as the result of some unforeseen development which radically alters the nature of the *d) _____*. This “frustration” of contract as it is called does not occur often, and when pleaded it is not easily accepted by *e) the _____*. The final matter which needs consideration is that where *f) an _____* is brought by one party against the other party to the contract alleging that there has been *g) a _____* of contract a claim is made for compensation, called *h) _____*. The general principle applied is that the award of damages should place *i) the _____* in the position he would have been in, had the contract been properly *j) _____* according to its terms.

➔ Speaking

A Study the following series of pictures. Describe them specifying each element of a legal contract through the example of a baseball glove. Use appropriate cliches and linkers (see Useful Language).

Useful Language

The picture depicts / shows

The picture is composed of (number) parts.

In this picture, the character is (V-ing).

The cartoonist uses ... to express ...

He wants to express (show) ...

What the painter wants to point out / focus on ... is ...

The issue raised is ...



B Consider a contract between the buyer and seller of an existing house. Discuss each of the six elements of a legal contract as they relate to this contract. Specifically, list each of the six elements and describe the terms of a home sales contract that would apply to each of the elements.

Text E. Property Law

Before reading

A Write down the words you associate with Property Law. Explain your choice.

*Example: Mortgage. People often take out a **mortgage** to buy a house or other property.*

Reading

A Read the texts (1-6) and match these headings with the sections they belong to (A-F).

- A. What is considered personal property?
- B. What is real property?
- C. Examples of real property
- D. What is property law?
- E. Difference between real property and real estate
- F. Estates in real property

1. Property law governs the various forms of ownership and tenancy in real property and personal property. It also provides the principles and rules by which disputes over property are to be resolved. Any item a person or company owns is considered property. Property is the foundation of real estate transactions. Property may be tangible or intangible, real or personal.

2. To understand the definition of real property, it's necessary to first understand the definition of a similar and closely related term: real estate. Real estate is defined as a piece of land as well as any permanent structures on that land, such as houses or other buildings. Anything that is grown on the land (such as crops or landscaping), as well as natural resources or features of the land (such as ponds, wells, or mineral deposits) are also considered to be real estate. In addition, certain fixtures within a house or other building (such as curtains, ceiling fans, and most large appliances like refrigerators) fall under the definition of real estate because they are attached to a permanent structure.

Real property includes real estate, as well as certain legal rights that pass with the ownership of that real estate.

3. Real estate refers strictly to the tangible, physical aspects of a piece of land and any permanent structures that are attached to that land. Real property encompasses real estate, but it is expanded to include a number intangible legal rights pertaining to the ownership of that real estate. This bundle of rights includes the following:

- The right of possession – The right to own and live on the property.

- The right of control – The right to make legal decisions about the property, including the decision to modify, destroy, or rent out the property to another person.
- The right of exclusion – The right to control access to the property and to decide who may enter the property.
- The right of enjoyment – The right to use the property for any (lawful) purpose.
- The right of disposition – The right to sell or transfer ownership of the property to another party.

4. The real estate portion of real property can be divided into two categories. The first category is freehold estates, which involve long-term or permanent ownership. You may buy a commercial space or inherit your parents' home. These are two examples of freehold estates.

The second category, non-freehold estates, are properties you may have short-term control or use of. You may rent an apartment or lease a business space for a limited number of years. In this case, you may use the property for a period of time, but do not have long-term ownership and control over the property. When the lease term is over, your right to use the property ends.

5. Say that you own a commercial space out of which you operate a business. This commercial space may include warehouses, offices, storage facilities, or other physical spaces. These buildings, as well as the land they occupy, are considered to be real property. Since you will own the space until you decide to sell it, it is considered a freehold estate.

Now imagine that you purchase a home and the acre of land it sits on. Both the acre of land and the home are considered real property. You can see the structures and measure the land to know exactly what is included in the real property. Because you own the land and the home long-term, these items are considered freehold estate. If you later decide to sell your home, anything attached to the home will be considered part of the real property. In some instances, for example, dressers and bookcases may be built into the home. Those items are included as part of the real property, as they are not typically removed when a home is sold, and cannot be removed without specifically identifying those items in a sales agreement.

Imagine instead that you rent a home for a few years. This is an example of a non-freehold estate, because you do not permanently own the home. Imagine also that you get permission to put a storage shed in the backyard. Although you purchase the materials and build the structure yourself, the storage shed is now permanently attached to the land and is considered part of the real property that it is built upon. When your lease of the home ends, you will no longer have use of the real property, nor will you own the shed.

6. Personal property is the collection of items you own that are not attached to land or otherwise fixed in a permanent location. Some examples of personal property include: home furnishings; cars; clothes; any other items that you can easily move.

B Read the text and decide if the following statements are true or false. Correct the false statements.

1. Property law refers only to real property, which is tangible.

2. The term real property is wider than real estate, as it includes not only real estate but certain legal rights that pass with the ownership of that real estate.
3. Real estate is defined as a piece of land as well as any permanent structures on that land, such as houses or other buildings.
4. Intangible legal rights pertaining to the ownership of real estate are not passed with the real property.
5. Freehold estates involve long-term possession of property while non-freehold estates, are properties you may have short-term control of.
6. If you decide to sell your home, anything attached to the home will be considered part of the real property.
7. Real property includes such tangible possessions as houses and cars.
8. Personal property is the collection of items you own that are attached to land or otherwise fixed in a permanent location.

C Read the text again to answer the following questions.

What does property law embrace?

Which term is wider: real estate or real property? Why?

Which intangible legal rights may pertain to real estate?

What is the difference between freehold and non-freehold estates?

What is the difference between tangible and intangible property?

What is considered personal property?

Vocabulary Focus

A Suggest English equivalents of the following word-combinations. Then use five of them in your own sentences.

Безусловное право собственности на недвижимость; право распоряжения; срок аренды; получить разрешение; материальное имущество; движимое имущество; недвижимое имущество; примыкать к дому; постоянное владение; полезные ископаемые; разрешать споры.

B Express the following ideas in one word. The number in brackets corresponds to the number of paragraph where the word was used in the text.

1. To acquire (something) by paying for it (5)
2. Lasting for a long time or for ever (4)
3. The act of not allowing someone to enter a place (3)
4. Impossible to touch, to describe exactly, or to give an exact value (1)
5. The process of selling something or formally giving it to someone (3)
6. To take something away from somewhere (5)
7. The legal right to own and use a building or piece of land for an unlimited time (4)
8. A legal agreement in which you pay money in order to use a building, piece of land for a period (4)

C Complete the sentences with the correct word.

1. We need t_____ evidence if we're going to take legal action.
2. P_____ property is defined as all possessions that don't fit the definition of real property, such as cars, clothes, and furniture.
3. Instead of selling the f_____, the Commissioners are selling a 200-year lease.
4. She is looking for a p_____ place to stay.
5. Real estate is defined as land at, above, and below the earth's surface, including all things permanently a_____ to it, whether natural or artificial.
6. The term r_____ p_____ refers to land and the rights related to that land.
7. We signed a three-year l_____ when we moved into the house.
8. Examples of i_____ property include bonds, shares, copyrights and patents.

D Complete the sentences with the appropriate form of the words given in the right column.

Official _____ has been granted for more building near the river.	permit resolve move lease dispose own possess tangible
Negotiators are working tirelessly for a swift _____ of this crisis.	
Please _____ your books from the counter.	
The airline ceased its operations and the aircraft was returned to the _____ on 13 March 2020.	
The company has large sums of money at its _____.	
Do you have any proof of _____ of this car?	
The _____ of large amounts of money does not ensure happiness.	
He pointed to some of the _____ benefits of the job, such as knowing that you are making a contribution to society.	

 **Speaking**

A Case Study



Read the Property Law Cases and in small groups solve each case. Decide which party is in breach and what remedy might be imposed.

1. Rights of light: Beaumont Business Centres Ltd v Floral Properties Ltd
 Floral carried out works to its property to increase the height of the building. Beaumont, a neighbouring tenant that used its property for serviced offices, suffered a reduction in light and applied to court for an injunction. Beaumont's building was already poorly lit and used artificial lighting, so Floral argued that it was not an actionable nuisance.

2. Quiet enjoyment and nuisance: Jafari v Tareem Ltd
 Jafari had a lease of a dental practice. The landlord redeveloped the remainder of the building, which involved noisy works and scaffolding outside the dental practice. However, as compensation for the disturbance, the landlord waived the rent for the

period of the works. Jafari claimed that the works irreparably damaged his business's profitability and withheld further rent.

3. Landlord's rights of entry: *Rees v Windsor-Clive*

The landlord owned a farm in Wales, which was let to a tenant on two tenancy agreements. One allowed the landlord to enter the farm "at all reasonable times for all reasonable purposes" and the other "for the purpose of inspecting the same ... or for any other purpose connected with his estate". The landlord planned to redevelop and sought access to undertake surveys on the farm, which the tenant objected to.

Find the appropriate solution to each case above and compare them with your decisions. Use appropriate cliches and linkers (see Useful language)

Useful Language

That's a good point ...

Ok, that's convincing ...

Sure, that is one way of looking at it ...

I totally agree

That is one way of looking at it, however ...

Not necessarily ...

I still have my doubts ...

That's out of question ...

A. The court held that the landlord had taken all reasonable steps to minimise disturbance to Jafari and offered compensation by way of the rent waiver, which made reasonable what might have otherwise been unreasonable.

B. The Court of Appeal held that a right to inspect should not cause any material disturbance or damage, but whether something is "material" is a matter of fact and degree and should be interpreted in context. The court also held that if the landlord's right to enter is for a particular purpose and the purpose is reasonable, it must enable the landlord to do what is reasonably necessary to achieve that purpose. However, if the action required or the time at which it is carried out is highly intrusive, then the purpose itself may not be a reasonable one.

C. The High Court held that the loss of light resulted in a loss of rental income that was more than *de minimis*. The court granted an injunction as this amounted to a substantial interference with the reasonable enjoyment of Beaumont's property.

B Read the job advertisement for an attorney. With a partner, act out the roles of ***Interviewer*** and ***Job Candidate***. Then, switch roles. Use appropriate cliches and linkers (see Useful language)

Civil Law Attorney

This medium-sized city law firm is seeking an attorney with civil law experience. Primary responsibility is handling tort law cases. Most cases involve clients suing for

monetary damages because of personal injuries. The attorney assists clients in filing for injunctions when needed. They will also be required to prove liability and establish the negligence of the defendants. Our clients generally require compensation for medical costs, loss of earnings and punitive damages.

The attorney may also be involved in other cases, including property and divorce cases.

Please send your resume to the address below:

Benson and Cutler Law Firm

1324 Brook Street, Suite 201*Reno, Nevada 89501

<p>Student A: You are an interviewer interviewing a candidate for a job. Ask Student B about:</p> <ul style="list-style-type: none"> • his/her experience in tort law • his/her experience in family law 	<p>Student B: You are a candidate at a job interview. Answer Student A's questions.</p>
---	--

Useful Language

- Do you have any experience with ...*
- At my last job I ...*
- What I can contribute to your company is ...*
- I see this job as an opportunity to increase ...*
- I look forward to improving my ...*
- I have ... years of experience in ...*
- I think the most valuable skill I have is ...*
- I earned my last promotion because ...*
- I think I'm the right choice for this job because ...*
- Thank you very much for your time! I'll be waiting for your call!*

Lookback

A Make sure that you know legal terms you have studied in Unit 2.

Civil law: a claimant; libel; slander; breach of contract; to impose custodial sentences; balance of probabilities; beyond a reasonable doubt; conflict resolution; landlord; tenant; enter into an agreement; a lease term; tort law; civil wrongdoing; the injured party; negligence; strict liability; intentional tort; family heirloom; annulment; child custody; palimony; lessee.

Tort law: omission; impose liability; to deter smb. from smth.; to seek redress; monetary compensation; remedy; injunction; restitution; deliberate actions; to owe a duty; to recover for the losses; to cease an activity; to award damages; to prove a case; to compel; to take precautions.

Family law: adoption; marital property; prenuptial agreements; cohabitation; parental kidnapping; gender violence; divorce; reproductive justice.

Contract law: legally binding agreement; to enforce an agreement; offer and acceptance; consideration; capacity; genuineness of consent; to comply with the terms; to make a contract; expressly or impliedly; bargain; to put on inquiry; to infringe the law.

Property law: real property; personal property; (in)angible property; real estate; the right of possession (exclusion, disposition); freehold estates; permanent ownership; to attach to land.

B Self-check list. Tick what you can do.

- Compare and contrast civil law and criminal law.
- Give a definition to civil law.
- Describe and illustrate three types of torts.
- Explain what must be proven in a tort case.
- Name spheres of family law and describe what they deal with.
- Give a definition to a contract.
- Identify the essential elements of a contract.
- Explain the difference between real estate and real property.
- Compare tangible and intangible property.
- Explain what freehold is.

C Exam Prep. Speak on one of the following situations.

Situation 1. You are to explain on what conditions a barroom brawl may be qualified as a crime or as a tort. What is the difference between civil and criminal law?

Situation 2. You have found a nail in a loaf of bread. What category does this tort belong to? What must be proven to win a tort case?

Situation 3. Your friend has found a vehicle he likes online and decides to purchase it. Explain to him why it is necessary to make a contract and what the six key requirements for the creation of a contract are.

Situation 4. You hold classes on marital property and divorce litigation. Speak about the advantages of prenuptial agreements. Why are people reluctant to enter into such agreements?

Situation 5. Your friend rents a house for a few years. He has already redecorated it and put a storage shed in the backyard. Explain to your friend what kind of estate it is, and what will happen to his improvements when the lease term is over.

D Project. Prepare a group project on one of the suggested topics.

Project ideas:

- ✓ Family law in Belarus
- ✓ Interesting Tort Cases
- ✓ Intangible Property Rights.

Unit 3. Civil and Criminal Procedure

Learning outcomes

You should be able

- to define the term ‘procedure’;
- to speak on the peculiarities of civil procedure in the USA, UK and Belarus;
- to discuss the peculiarities of criminal procedure in the USA, UK and Belarus;
- to analyze the alternative methods of dispute resolution;
- to define the principal features of proving the facts;
- - dwell on jury trial as an ancient and important feature of justice.



Lead-in

- Which definition of the term ‘procedure’ can you think of?
- What are the reasons that make people defend their rights in civil court and criminal courts?
- Have you or your family ever experienced the civil or criminal trial?
- Why is evidence important during a trial?
- What are some items that can be used as evidence in a trial?
- How can lawyers be sure that jurors will be fair?

Text A. Civil Procedure in England and Wales

➔ Before reading

*A Write down the words you associate with Civil Procedure and explain your choice. Example: Litigation. **Litigation** begins when someone decides they want to enforce or defend their legal rights.*

B Match English and Russian equivalents.

- | | |
|-------------------------|--|
| 1) a claim | a) ответчик; |
| 2) a claimant | b) претензия, исковое требование; |
| 3) a claim form | c) исковое заявление; |
| 4) a counterclaim | d) заочное решение суда в пользу истца; |
| 5) litigation | e) встречный иск; |
| 6) a defendant | f) исполнение судебного решения; |
| 7) a motion | g) гражданский процесс; рассмотрение спора в суде; |
| 8) a deposition | h) письменный опрос свидетеля противной стороной; |
| 9) interrogatories | i) ходатайство; |
| 10) a default judgement | j) свидетельское показание; |

- | | |
|----------------------------------|---|
| 11) pleadings | k) допрос, показание под присягой вне зала суда; |
| 12) testimony | l) истец; |
| 13) enforcement of the judgement | m) заявление оснований иска или защиты против иска / обвинения. |

Reading

A Read the text and decide if the following statements are true or false. Correct the false statements.

1. The law of civil procedure regulates the modes of apprehending, charging and trying suspected offenders.
2. The claim form must contain or accompanied by the particulars of the claim.
3. A pleading must contain the evidence by which the case will be proved.
4. When the pleading stage is concluded, the judge gives the decision.
5. The parties are encouraged to settle their disputes without the need for trial, through alternative dispute resolution procedures (ADR) such as mediation.
6. The most expensive and time-consuming stage of litigation is the case management phase.
7. Written witness statements are never served on the parties in advance of the trial.
8. If a party needs the opinion of an expert, the court's permission will be needed.
9. The trial starts with the judge's detailed inspection of documents relevant to the case at hand.
10. Only the losing party in a suit can appeal the decision in a higher court.

The term 'procedure' covers all the steps, necessary to turn a legal right into a satisfied judgement. It doesn't merely refer only to the trial. Civil procedure is the body of law that sets out the rules and standards that court follows when adjudicating lawsuits. Civil litigation in England and Wales is governed by the Civil Procedure Rules.

Civil lawsuits generally proceed through several stages.

Pleading stage

A claimant commences proceedings by issuing a claim form that must contain or be accompanied by the particulars of claim. The particulars of claim explain: the facts and matters that are said to give rise to the claim; the legal basis of the claim; the remedy the claimant seeks, usually monetary compensation. Some actions may be commenced by a petition, for example, a divorce or company liquidation. The documents have to be served on the defendant.

Normally, a defendant must respond to the claimant's allegations in writing within 14 days of service of the particulars. If the defendant feels that there has been a wrong committed by the claimant, a counterclaim will be filed along with the answer. If the defendant fails to complete and return to the court an acknowledgment of service or serve the defence, the claimant may obtain a default judgement.

Together, the particulars of claim made by the claimant, the defendant's answer (the defence) and the reply (the claimant's answer) are known as 'pleadings'. The object of pleadings is to define the area of contention between the parties. If a matter is not included into the pleading it can't be raised at the trial.

Case Management Conference (CMC)

The exchange of pleadings completed, the matter enters the case management phase. Parties are obliged to attempt to agree the timetable to trial which includes the dates when documentary evidence and witness statements will be exchanged, whether or not expert evidence is required and how long the trial is likely to take. The parties are also obliged to discuss electronic disclosure and attempt to agree how it should be approached. Case management also allows the court to try to encourage the parties to settle their disputes without the need for trial, through alternative dispute resolution procedures (ADR) such as mediation.

Disclosure of documents

This is the process by which each party provides copies of its documents to the other party. It is often the most expensive and time-consuming stage of litigation.

Witness statements

After the disclosure of documents, written witness statements are prepared setting out the evidence of the witnesses who have knowledge of the facts of the matter and on whose evidence the parties intend to rely at trial. These statements are served on the other parties in advance of the trial. Information is gathered formally through written questions (known as ‘interrogatories’). Another key method of obtaining information is to conduct depositions, in which witnesses are questioned under oath by the parties’ lawyers and the witnesses’ answers are recorded by a court reporter.

Expert evidence

If a party needs to rely on the opinion of an expert on a particular issue, the court's permission will be needed. An expert witness must be independent, with an overriding duty to the court rather than the instructing party, and the court can order the parties to share the evidence of an expert on a particular issue.

Trial

With the exception of civil fraud and defamation cases in the England there is no right to trial by jury – the trial will be determined by the judge alone. If the case will be tried before a jury, the parties will engage in ‘jury selection’ before the trial begins. In a jury trial, the job of the jury is to determine the facts and apply the law as described by the judge to those facts.

So, the bench trial consists of each party's advocate setting out their case and calling on the evidence of the witnesses and experts that they seek to rely on. These witnesses may be cross-examined by the opposing barrister. The trial will end with both parties’ barristers summing up the evidence and making submissions on the relevant law. The judge will make his decision based on the evidence and arguments put before him or her.

Appeal

Either party to a civil suit can appeal the decision to a higher court. A decision may be appealed only on the basis that it was either wrong or unjust. The Supreme Court is the final court of appeal.

Enforcement of the judgement

Once judgement has been obtained, the losing party, now referred to as the judgement debtor, should voluntarily pay any damages awarded under the judgement.

If payment is not made, there are a number of enforcement procedures available to the successful party to enforce payment in the English courts.

B Read the text again to answer the following questions.

1. What is the essence of the term 'procedure'?
2. What does the term 'civil procedure' embrace?
3. What is the civil procedure in England and Wales governed by?
4. How are the parties to a civil case called?
5. What are the peculiarities of the pleading stage?
6. Why is case management conference needed for resolving the case?
7. What is meant by 'disclosure of documents'?
8. What are the ways of obtaining the information from the witnesses?
9. Is expert evidence always required in resolving the dispute?
10. Can a party appeal the decision in a higher court?

C Choose the best alternative to finish the sentences.

- | | |
|--|--|
| 1. The term 'procedure' does not ... | a) it cannot be raised at the trial. |
| 2. The proceedings after the trial may also take time in the form of ... | b) with the claimant's barrister outlining the issues involved. |
| 3. To issue a claim form is ... | c) to conduct depositions. |
| 4. Case management allows the court to try to encourage the parties | d) the usual method of commencing an action. |
| 5. The object of pleadings is ... | e) to settle their disputes without the need for trial. |
| 6. If the matter is not included in the pleadings ... | f) appeals procedure and the enforcement of the judgement. |
| 7. One of the key methods of obtaining information is ... | g) to define the area of contention between the parties. |
| 8. Between the close of pleadings and trial ... | h) the enforcement of the judgement. |
| 9. The trial starts ... | i) merely refer to the trial itself. |
| 10. The final stage is ... | j) much preparatory work must be done by the parties' solicitors |

Vocabulary Focus

A Suggest English equivalents of the following word-combinations. Then use five of them in your own sentences.

Исполнение судебного решения; подавать исковое заявление; обмен аргументами (отношение к сути обвинения) сторонами защиты и обвинения; ходатайство; истец; ответчик; встречный иск; гражданский иск; проигравшая сторона; показания под присягой, данные во внесудебном порядке; изучение документов; заочное решение суда в пользу истца; возмещать ущерб; письменный опрос свидетеля противной стороной.

B 1) Find some verb + noun pairs used in the text.

- | | |
|----------------|----------------------------------|
| 1) to issue | a) some actions |
| 2) to obtain | b) electronic disclosure |
| 3) to commence | c) a claim form |
| 4) to respond | d) to the claimant's allegations |
| 5) to discuss | e) a default judgement |
| 6) to conduct | f) depositions |
| 7) to rely | g) a counterclaim |
| 8) to file | h) the decision |
| 9) to appeal | i) on the opinion of an expert |
| 10) to pay | j) damages |

2) Fill in the gaps using the verb + noun pairs above. In some sentences you will have to modify the verb.

- 1) Another key method of obtaining information is _____, in which witnesses are questioned under oath by the parties' lawyers.
- 2) _____ may be _____ by a petition, for example, a divorce or company liquidation.
- 3) A claimant commences proceedings by _____ that must contain or be accompanied by the particulars of claim.
- 4) Either party to a civil suit can _____ to a higher court.
- 5) If a party needs _____ on a particular issue, the court's permission will be needed.
- 6) If the defendant fails to acknowledge the complaint or serve the defence, the claimant may _____.
- 7) If the defendant feels that there has been a wrong committed by the claimant, _____ along with the answer.
- 8) Normally, a defendant must _____ in writing within 14 days of service of the particulars.
- 9) Once judgement has been obtained, the losing party, now referred to as the judgement debtor, should voluntarily _____ awarded under the judgement.
- 10) The parties are also obliged _____ and attempt to agree how it should be approached.

C Match the words with their definitions.

- | | |
|-----------------|--|
| 1) a defendant | a) a solemn declaration usually made orally; |
| 2) a claimant | b) the person who is being sued; |
| 3) pleadings | c) a claim made to rebut a previous claim; |
| 4) damages | d) the one who initially brings the suit and seeks a remedy in a court; |
| 5) testimony | e) statements of facts in writing drawn up and filed in court by each party to a case; |
| 6) evidence | f) physical or economic harm or loss; |
| 7) counterclaim | g) any form of proof legally presented at a trial through witnesses, records, documents, etc.; |

- 8) deposition h) a set of written questions which are put to a party in a case and which must be answered in order to clarify matters of fact;
- 9) interrogatories i) the process by which the claimant is required to inform the defendant of documents they hold relevant to the claim;
- 10) disclosure j) sworn testimony taken and recorded in an authorized place outside the courtroom according to the rules of the court.

D Fill in the correct preposition (if necessary), then choose any five items and make sentences.

- | | |
|--|--|
| <p>1) to refer _____ the trial;</p> <p>2) to issue _____ a claim form;</p> <p>3) to serve the document _____ the defendant;</p> <p>4) to respond _____ the claimant's allegations;</p> <p>5) to be accompanied _____ the particulars of the claim;</p> | <p>6) to rely _____ the opinion;</p> <p>7) to be engaged _____ jury selection;</p> <p>8) to appeal _____ the decision;</p> <p>9) to turn a legal right _____ a satisfied decision;</p> <p>10) to set _____ the evidence.</p> |
|--|--|

E Complete the sentences with the appropriate form of the words given in the right column.

- | | |
|--|--|
| <p>A civil case is a lawsuit that occurs between two or more parties when there is a _____ on a legal matter.</p> <p>Once a court issued the _____ of the claim, a claimant must personally give a copy on each named defendant within 6 months.</p> <p>The parties may be _____ to settle the dispute without trial.</p> <p>In a process called _____, the parties can exchange information about new evidence before going to court.</p> <p>If the defendant fails to complete and return to the court an acknowledgment of service or serve the defence, a default _____ can be applied.</p> <p>In almost every civil lawsuit, there will be a _____ and a _____ party.</p> <p>If the case is tried before a jury, the parties will engage in a jury _____.</p> | <p>agree</p> <p>state</p> <p>courage</p> <p>disclose</p> <p>judge</p> <p>win, lose</p> <p>select</p> |
|--|--|

F Insert the necessary word.

1. A party must d_ _ _l_ _e to the other party the documents it seeks to rely on.
2. When a j_ _ _ _ _ _t is obtained the unsuccessful party may make payment voluntarily.
3. C_ _e m_ _ _g_ _ _t also allows the court to try to encourage the parties to s_ _ _ _e their dispute without the need for trial.
4. If the judge decides that the c_ _ _ _ _ _t is entitled to damages he or she will have to decide the amount.
5. A decision may be a_ _ _ _ _ _d only on the basis that it was either wrong or u_ _j_ _ _t.

Viewing & Speaking

➔ Before watching

Can you recall the definitions of the following words and word combinations?

A claimant, a defendant, an expert witness, discovery, interrogations, deposition.

➔ While watching

While watching videos *The Civil Lawsuit Steps* (<https://eduenglish.bsu.by/mod/page/view.php?id=4969>) note down the most interesting facts.



➔ After watching

A These two videos complement each other. Find ten differences (complementary details) between them.

B Create a single mind map for the US civil procedure.

➔ Speaking

A Comment on the following quotations and a proverb. Which ones do you agree with?

- Discourage litigation. Persuade your neighbours to compromise whenever you can. Point out to them how the normal winner is often a real loser – in fees, expenses, waste of time. (Abraham Lincoln, the 16-th US President)
- Litigant: a person about to give up his skin for the hope of retaining his bones. (Ambrose Bierce, an American short story writer)
- Go to law for a sheep and lose your cow. (German proverb)

B Your group is invited to participate in the international law students' conference in London. Be ready to speak on the following issue: 'The comparative aspects of civil procedure in Great Britain, USA and the Republic of Belarus'.

Step 1. Split into groups of 3 or 4 and choose the main points for researching.

Step 2. Search the Internet and find information on your topic.

Step 3. Prepare group reports on your research findings.

Step 4. Present your research work in class.

C Discuss and solve the case.

The case: An individual working at a fast food restaurant gets into an argument with a customer. As a result, the employee is fired and therefore, seeking damages or reinstatement.

The task: In groups, discuss how the case will be judged in the UK, USA and Belarus. Present the conclusion in class.

Text B. Alternative Dispute Resolution

Before reading

A Write down the words you associate with ADR and explain your choice.

Example: Negotiations, to settle disputes. Negotiations and other peaceful means remain the only logical way to settle disputes.

B Match English and Russian equivalents.

- | | |
|-----------------------------------|------------------------------------|
| 1) alternative dispute resolution | a) решать юридические споры |
| 2) conciliation | b) переговоры |
| 3) to tackle legal disputes | c) альтернативное разрешение спора |
| 4) to facilitate | d) урегулировать спор |
| 5) impartial third party | e) сохранять конфиденциальность |
| 6) to settle a dispute | f) медиация |
| 7) negotiation | g) арбитраж |
| 8) arbitration | h) юридически обязательное решение |
| 9) mediation | i) примирение |
| 10) legally binding decision | j) беспристрастная третья сторона |
| 11) to maintain privacy | k) способствовать |

Reading

A Read the text and decide if the following statements are true or false. Correct the false statements.

1. Mediation involves an independent trained mediator, who offers his own opinions or assessment.
2. Conciliator tries to help the parties reach an agreement, often providing their own opinion after assessing the situation.
3. Negotiation as a form of ADR is based on an expert third party opinion.
4. All forms of ADR are legally binding.
5. Mediation is often the first option for those wishing to resolve a dispute.
6. Negotiation is the most expensive method of ADR.
7. Though ADR is an attractive route for dispute resolution, some people prefer resolving disputes in court to get a legally binding decision.
8. Many contracts contain an arbitration clause which requires arbitration to be used in the case of a dispute.

ADR stands for alternative dispute resolution, which refers to the different processes of settling a dispute without using litigation and resorting to the courts. ADR has become an attractive route for dispute resolution as it is confidential, which is ideal for people who may want to keep a dispute out of the public courts and less stressful than traditional court proceeding. ADR often saves money and speeds settlement.

In the UK, there are four main types of ADR, which are negotiation, mediation, conciliation and arbitration.

Some forms of ADR aren't legally binding. If an agreement isn't legally binding, there is no legal enforcement on the agreement if one party decides to later change their mind. In this instance, the case will have to be brought back to court for a judge to make a legally binding decision.

Negotiation (not legally binding)

Negotiation is often the first option for those wishing to resolve a dispute. Simply because, in some cases, both parties can solve arguments by taking a 'cards on the table' approach and attempting to negotiate a compromise. If required, dispute resolution specialists can take instructions and negotiate on behalf of the parties.

Positives: can maintain a good relationship; inexpensive; fastest ADR process; allows privacy.

Negatives: not legally binding; can be used as a stalling tactic; no guarantee of a resolution; no expert third party opinion.

Mediation (not legally binding)

Mediation involves an independent trained mediator who facilitates communication between the two parties having the dispute, with the aim of achieving a settlement or resolution. The mediator will discuss the issues and try to help the parties reach an agreement, but will generally not offer their own opinions or assessment.

Positives: parties can jointly choose a mediator; less expensive and faster than litigation; a neutral third party can help parties reach a fair agreement; allows privacy; demonstrates a willingness to negotiate.

Negatives: not legally binding; an incompetent mediator can hinder a resolution; more expensive than negotiation; to be legally binding, court enforcement is required; can become expensive.

Conciliation (not legally binding)

Conciliation is generally used for employment situations rather than commercial disputes. Conciliation is a compulsory process before an individual wishes to bring a claim to the Employment Tribunal. The conciliator will discuss the issues and try to help the parties reach an agreement often providing their own opinion.

Positives: the conciliator is usually an expert in their disputed field; more costly than taking a dispute to court; maintains privacy.

Negatives: not legally binding; no resolution guaranteed; parties may not take the process seriously.

Arbitration (legally binding)

This is more formal than mediation, and involves a process in which the dispute is resolved by the decision of an arbitrator (a nominated third party who is qualified to handle arbitration). Many contracts contain an arbitration clause, which requires arbitration to be used in the case of a dispute.

Positives: legally binding; faster and sometimes cheaper than litigation; confidential process; parties can jointly choose an expert to be an arbitrator.

Negatives: a judge won't address unfair outcomes; can be very expensive in some circumstances; arbitration can take longer than litigation in some extreme instances.

B Read the text again to answer the following questions.

1. What does ADR stand for?
2. Which facts prove that ADR has become an attractive route for dispute resolution?
3. What are the main ADR forms?
4. What is the major difference among these forms?
5. From your point of view, what does the choice of a certain ADR form depend on?
6. Negotiation: why is it considered the first option for resolving the dispute?
7. Whom does mediation involve?
8. In what cases is conciliation used?
9. What form of ADR is legally binding?
10. What are the positives and negatives of each form of ADR?

Vocabulary Focus

A Suggest English equivalents of the following word-combinations. Then use five of them in your own sentences.

Решать юридические споры; беспристрастная третья сторона; пункт арбитража в контракте; примирение; арбитраж; сохранять конфиденциальность; достичь компромисса; иметь обязательную юридическую силу; разрешать спор.

B 1) Find some verb + noun pairs used in the text.

- | | |
|------------------|-----------------------------|
| 1) to settle | a) an agreement |
| 2) to bring back | b) privacy |
| 3) to handle | c) communication |
| 4) to reach | d) an arbitration clause |
| 5) to solve | e) a claim |
| 6) to negotiate | f) arguments |
| 7) to bring | g) on behalf of the parties |
| 8) contain | h) to court |
| 9) facilitate | i) a dispute |
| 10) to maintain | j) arbitration |

2) Fill in the gaps using the verb + noun pairs above. In some sentences you will have to modify the verb.

1. ADR has become an attractive route for dispute resolution as it _____, which is ideal for people who may want to keep a dispute out of the public courts.
2. ADR stands for alternative dispute resolution, which refers to the different processes of _____ without using litigation and resorting to the courts.
3. Arbitration is more formal than mediation, and involves a process in which the dispute is resolved by the decision of an arbitrator (a nominated third party who is qualified _____).
4. Conciliation is a compulsory process before an individual wishes to _____ to the Employment Tribunal.
5. If required, dispute resolution specialists can take instructions and _____.

6. In some cases, both parties can _____ by taking a ‘cards on the table’ approach and attempting to negotiate a compromise.
7. In this instance, the case will have _____ for a judge to make a legally binding decision.
8. Many contracts _____, which requires arbitration to be used in the case of a dispute.
9. Mediation involves an independent trained mediator who _____ between the two parties having the dispute.
10. The conciliator will discuss the issues and try to help the parties _____.

C Complete the sentences with the appropriate form of the words given in the right column.

It is possible to avoid _____ litigation using ADR.	cost
ADR allows parties to understand each other’s position and craft their own _____.	to solve
ADR often saves time and speeds _____.	to settle
If the agreement is not legally binding, there is no legal _____ on the agreement if one party decides to later change their mind.	to force
Arbitration is an increasingly attractive option for businesses as it enables any matters to be kept _____.	confide
ADR may be used for everything from neighbour disputes regarding a fence to multi-million dollar _____ contract disputes.	commerce
Dispute _____ solicitors provide people with professional and strategic advice that removes the traditional stress and cost associated with disputes.	to resolve
Alternative dispute resolution has been used for many years due to its _____ in resolving disputes.	effect
The mediators generally do not offer their own opinions or _____.	to assess

D Complete the definitions with the words from the text.

1. A strategic discussion (aimed at reaching an agreement) that resolves an issue in a way that both parties find acceptable. _____
2. A process by which both parties select a third party who hears both sides and then prepares a compromise as a fair disposition of the matter in dispute. _____
3. A process by which a third party brings together the opposing group, not only to iron out the differences between them but also to find out an answer to problems or specified proposals and offer alternative suggestions. _____
4. A settlement technique for the resolution of disputes outside the courts in which a third person reviews the case and imposes a decision that is legally binding for both sides. _____

E Insert the necessary word.

1. Some forms of ADR aren’t legally b_____g.
2. Alternative dispute resolution refers to the different ways people can r_____e disputes without a trial.

3. Common ADR processes are used for disagreeing p_ _ _ _es who can not come to an agreement.
4. The main advantages of ADR are rapidity, c_ _f_ _ _n_ _ _l_ _y and flexibility.
5. M_ _ _ _t_ _rs are trained individuals, who bring opposing parties together and attempt to work out a settlement.

F Fill in the correct preposition (if necessary), then choose any three items and make sentences.

1. ____ behalf ____ the party;
2. to facilitate ____ communication;
3. to solve arguments ____ taking ‘cards ____ the table’ approach;
4. to keep a dispute ____ of the public court;
5. to settle ____ the dispute;
6. ADR stands ____ alternative dispute resolution.

Speaking

A Comment on the following quotations. Which ones do you agree with?

- An ounce of mediation is worth a pound of arbitration and a ton of litigation. (Joseph Grynbaum, international mediator, USA)
- How should the lamb negotiate with the lion? (Jeffery Rubin, a Canadian economist)
- Let us never negotiate out of fear. But let us never fear to negotiate. (John Kennedy, the 35th US President)

B Split into groups of 3 or 4 and choose one of the topics for discussion:

1. The importance of dispute settlement
2. The types of a dispute resolution
3. Advantages of ADR
4. Disadvantages of ADR
5. ADR: why it doesn't work and why it does
6. What type of ADR is more attractive for judges and persons?

Find the additional information on the chosen topic on the Internet. Present your research in class.

Text C. Steps of Criminal Procedure

Before reading

A Write down the words you associate with Criminal Procedure and explain your choice.

Example: A warrant. If the offender is identified, the police have direct authority to issue a **warrant** for arrest.

B Match English and Russian equivalents.

- | | |
|-----------------------|-----------------------------------|
| 1) criminal charge | a) предъявление обвинения |
| 2) alleged crime | b) уголовное обвинение |
| 3) arraignment | c) освободить |
| 4) plea | d) налагать штраф |
| 5) to release | e) тяжесть |
| 6) bail | f) признание или непризнание вины |
| 7) to impose fine | g) инкриминируемое обвинение |
| 8) severity | h) ордер на арест |
| 9) warrant for arrest | i) залог, поручительство |
| 10) indictment | j) наручники |
| 11) handcuffs | k) обвинительный акт |

 **Reading**

A Read the text and decide if the following statements are true or false. Correct the false statements.

1. Making the arrest even if the suspect tries to escape or becomes violent, the police have no right to use ‘reasonable’ force.
2. An arrestee can be searched only in the presence of the defence lawyer.
3. At the pre-trial proceedings the prosecution and defence exchange information about the charges and the alleged facts of the case.
4. Arraignment is aimed at establishing the identity of the accused, informing him of the charges and allowing the court to hear the plea of the accused.
5. All criminal cases go to a formal trial.
6. The defence must prove that the accused didn’t commit the crime and he is presumed innocent until proved guilty.
7. In a criminal trial, the jury must deliberate and reach a unanimous verdict.
8. A convicted defendant has the right to appeal to a higher court.

The major steps in proceeding a criminal case are as follows:

Step 1: Arrest

An arrest is the initial stage in the criminal process in which an individual accused of a crime is taken into custody. The general rule is that to make an arrest the police officer must obtain a warrant for arrest. An arrest warrant is a written order addressed to the police to make an arrest of the suspect. However, if an officer has a probable cause to believe that a crime has been committed and there is no time to obtain a warrant, the police officer may make a warrantless arrest. When the arrest is made, the officer must read the Right to Silence statement to the arrestee. If the suspect tries to escape or becomes violent, the police can use ‘reasonable force’, for example, holding down not to let run away. He can also be handcuffed and searched.

Step 2: Charges

Following the arrest, law enforcement officials compile a written report detailing the alleged offence. The report generally contains:

- general information about the circumstances that led to the alleged crime;

- detailed information about the crime itself;
- statements provided by witnesses.

With this report and information, the prosecution makes a determination as to whether an actual crime has been committed and whether there is probable cause to believe the person in custody is guilty of the offence. It is at this stage that the prosecution also determines the type and severity of the charges to be filed against the person.

Step 3: Arraignment

As soon as possible after the arrest and determination of charges, the person accused of the crime must be brought before court or judicial officer. Generally referred to as the arraignment, this is the defendant's first court appearance.

During the arraignment, the indictment is read to the defendant. The court advises the defendant of their right to counsel and the right to remain silent during the process. The defendant is asked to enter a plea of guilty, not guilty or no contest. During the arraignment process, the court may release the suspect from custody until the hearing or the trial on certain conditions (living at a particular address, not contacting certain people, giving the passport to the police, reporting to the police station at agreed times, etc.). The suspect can also be released on a cash bond.

Step 4: Pre-trial Proceedings

Before any actual criminal trial, the criminal process provides for a period of time during which the prosecutor and defendant (through the defendant's attorney) exchange information about the charges and alleged facts of the case. A defendant is generally entitled to know what evidence the prosecution has prior to the actual trial. It should be remembered that many cases never actually go to a formal trial since during the pre-trial proceedings phase or step, the defence and prosecution may enter into a plea agreement. If such a plea agreement is not reached, however, the court will set a trial date.

Step 5: Trial

The criminal trial is the stage at which actual criminal guilt is determined. If the defendant has requested a jury trial, prospective jurors are questioned to determine if they can reach a fair and impartial verdict. After the jury is selected, each party offers an opening statement. Generally the prosecution goes first. The prosecutor gives a relatively brief overview of the crime – a general view of the evidence that should convince the jury that the defendant is guilty. The defence then offers its opposing view of the case.

Then the prosecution presents the case against the defendant, offering evidence in the form of witness testimony and, in some instances, actual physical evidence itself. So does the defence. The jury retires for deliberation.

Step 6: Verdict

In a criminal trial, the jury must deliberate and reach a unanimous verdict. It must determine whether the defendant is guilty or not guilty. If there are multiple charges, it must render a verdict on each charge.

Step 7: Sentencing

If the jury finds the defendant guilty, the judge must impose some sort of appropriate punishment depending upon the severity of the crime.

Step 8: Appeal

A convicted defendant has the right to appeal. That is to say, the defendant has the right to have a higher court review of the case and make a determination as to whether there were legal errors or violations of rights that inappropriately affected the outcome of the case. In some cases, the appellate court can order a new trial or release the defendant altogether.

Step 9: Enforcement of the judgement

B Read the text again to answer the following questions.

1. What is an arrest?
2. What are the conditions of making an arrest of a suspect?
3. What is an arrest warrant?
4. What does the written report on the alleged crime contain?
5. What is an arraignment?
6. The suspect can be released on certain conditions before the trial. What are these conditions?
7. On the whole, what are the major steps of criminal procedure? Give a short characteristic of each.

Vocabulary Focus

A Suggest English equivalents of the following word-combinations. Then use five of them in your own sentences.

Наручники; ордер на арест; уголовное обвинение; тяжесть преступления; право на молчание; применять разумную силу; составить письменный отчет; инкриминируемое преступление; налагать штраф; освободить под залог; обвинительный акт.

B 1) Find some verb + noun pairs used in the text.

- | | |
|-----------------|-----------------------------------|
| 1) to take | a) an arrest |
| 2) to make | b) the charges |
| 3) to compile | c) into custody |
| 4) to determine | d) a relatively brief overview |
| 5) to enter | e) a written report |
| 6) to give | f) the right to appeal |
| 7) to impose | g) a new trial |
| 8) to have | h) the case against the defendant |
| 9) to order | i) punishment |
| 10) to present | j) into a plea agreement |

2) Fill in the gaps using the verb + noun pairs above. In some sentences you will have to modify the verb.

1. A convicted defendant _____.

2. An arrest is the initial stage in the criminal process in which an individual accused of a crime _____.
3. Following the arrest, law enforcement officials _____ detailing the alleged offence.
4. If the jury finds the defendant guilty, the judge must _____ some sort of appropriate _____.
5. In some cases, the appellate court can _____ or release the defendant altogether.
6. It is at this stage that the prosecution also _____ the type and severity of _____ to be filed against the person.
7. The defence and prosecution may _____.
8. The general rule is that _____ the police officer must obtain a warrant for arrest.
9. The prosecution _____, offering evidence in the form of witness testimony and, in some instances, actual physical evidence itself.
10. The prosecutor _____ of the crime.

C Match the words with their definitions.

- | | |
|----------------|--|
| 1) plea | a) a precept issued by the competent magistrate authorizing an officer to make an arrest, a seizure, a search. |
| 2) prosecution | b) a formal written statement framed by a prosecuting authority charging a person with an offence. |
| 3) handcuffs | c) a defendant's official statement of 'guilty' or 'not guilty' to the charges made against him. |
| 4) a warrant | d) the legal process in a law court where the accused is informed of charges against him. |
| 5) to escape | e) the party that initiates the criminal case. |
| 6) arraignment | f) a pair of lockable linked rings for securing a suspect's wrist. |
| 7) indictment | g) to break free from confinement or control. |

D Circle the odd word in each horizontal group.

- 1) convict – prosecutor – trial – litigation;
- 2) charges – arraignment – compensation – arrest;
- 3) prosecutor – claimant – custody – jury;
- 4) judge – defence lawyer – indictment – claim form;
- 5) convict – sentence – claimant – warrant for arrest.

E Complete the sentences with the appropriate form of the words.

Nevertheless, there are many points of contact between (1) _____ and civil law. In most countries if the (2) _____ of a civil case refuses to comply with the order made against him, for example, to pay money to the (3) _____ of the action – the procedures for forcing him to comply may result in a criminal (4) _____. Although the guilty (5) _____ in a criminal case will not automatically found liable in a civil action about the same matter, his chances of avoiding civil (6) _____ are not good. This is because the standard of (7) _____ in the civil case is lower than it was in the criminal case. It is also pos-

crime, lose
win
prosecute
defend
liable; prove

sible in English law to bring a civil action against the police. Sometimes this is done by someone who was (8) _____ when questioned | threat by the police about a criminal case.

F Insert the necessary word.

1. To make an _r_ _ _ _t the police officer must obtain a _ _rr_ _t for _r_ _ _ _t.
2. The a_ _ _s_ _ _e must be read the Right to Silence _ _ _t_ _e_ _ _.
3. During the ar_ _ _g_ _ _ _t, the i_ _ _ _ _ _ _ _ _t is read to the accused.
4. The defence may enter into a p_ _ _a agreement.
5. If there were legal errors of v_ _ _ _ _ _ _ _ns of rights that inappropriately affected the outcome of the case, the accused has the right to appeal.

G Fill in the correct preposition (if necessary), then choose any five items and make sentences.

- | | |
|--|--|
| 1) to be taken _____ custody | 6) to comply _____ judicial process |
| 2) a warrant _____ arrest | 7) to enter _____ a plea agreement |
| 3) to be guilty _____ an offence | 8) to reach _____ a fair verdict |
| 4) to be accused _____ the crime | 9) to present the case _____ the defendant |
| 5) to impose a restriction _____ a suspect | 10) to depend _____ the severity |

H According to the list of word combinations guess, what major steps of criminal procedure they embrace. Put them into logical order.

- | | |
|---|--|
| <p>A. Step?</p> <p>to establish the identity of the accused
to inform the accused of the charges
to enter a plea of guilt or innocence
to determine the conditions of the bail</p> | <p>B. Step?</p> <p>to obtain a warrant
to use 'reasonable force'
to read the 'Right to Silence' statement
to take the accused into custody</p> |
| <p>C. Step?</p> <p>to comply a written report
to detail the alleged offence
to make a determination whether the crime has been committed
to state the probable cause of remanding the suspect in custody</p> | <p>D. Step?</p> <p>to file motions, discover requests, witness summons
to exchange information
to set a trial date
to enter into a plea agreement</p> |
| <p>E. Step?</p> <p>to question prospective jurors
to reach a fair and impartial verdict
to state the case against the accused
to cross-examine the witnesses</p> | <p>F. Step?</p> <p>to have a right
to have a higher court review
to have legal errors of violation of rights
to order a new trial</p> |

Speaking

A Describe the process of a criminal case in your legal system as if to a person from a different system.

Step 1. Split into groups of 3 or 4 and each group must choose one of the steps of criminal procedure for researching.

Step 2. Search the Internet and find information on your topic.

Step 3. Prepare a group report on your research findings.

Step 4. Present your research work in class.

B You are invited to participate in the international law students' conference in London 'Comparative aspects of criminal procedure in Great Britain, the USA and the Republic of Belarus'. Each group chooses any steps and makes the comparative report.

C. Discuss and solve the case.

The case: When Jack was walking home a few days ago, a couple of men attacked him and took his wallet and a mobile. They pushed Jack to the ground and hurt his arm. The police arrested 2 men the following day.

The task: In groups, discuss how the case will be judged in the UK and Belarus. Present the conclusion in class.

Text D. Steps of Criminal Trial

Before reading

A Write down the words you associate with Criminal Trial and explain your choice.

Example: Opening statement. The **opening statement** is the lawyer's first opportunity to address the jury at the trial.

B Match English and Russian equivalents.

- | | |
|--------------------------------|---|
| 1) to rebut key evidence | a) вывести из состава жюри присяжных |
| 2) case-in-chief | b) совокупность юридических норм |
| 3) to excuse from jury service | c) опровергать ключевые доказательства |
| 4) an opening statement | d) оспаривать доказательства |
| 5) a set of legal standards | e) уголовные обвинения |
| 6) to challenge the evidence | f) присяжные, не пришедшие к единому согласию |
| 7) criminal charges | g) прекращать дело |
| 8) a hung jury | h) вступительное слово |
| 9) to dismiss the case | i) главная версия (главный допрос) |
| 10) a foreperson | j) старший присяжный |

Reading

A The steps of criminal trial are given in a jumbled order. Put them as they go at the trial and write a heading for each.

A complete criminal trial typically consists of the following steps:

1. Choosing a Jury
2. Opening Statements
3. Witness Testimony and Cross-Examination
4. Closing Arguments
5. Jury Instruction
6. Jury Deliberation and Verdict

a) Step _____

Once a jury is selected, the first ‘dialogue’ at trial comes in the form of two opening statements – one from the prosecutor on behalf of the government, and the other from the defence. No witnesses testify at this stage, and no physical evidence is ordinarily utilized. The prosecutor's opening statement is given first and is often more detailed than that of the defence's. During these opening statements:

- the prosecutor presents the facts of the case, from the government's perspective;
- the defence gives the jury its own interpretation of the facts.

b) Step _____

One of the first steps in any criminal trial is the selection of a jury. During jury selection, the judge, the prosecution and defence lawyer question a pool of potential jurors about their biases and backgrounds. The lawyers are not allowed to ask overly personal questions and how the case will be decided in advance. Based on their responses to questioning, some potential jurors may be excused at this stage.

c) Step _____

Similar to the opening statement, the closing argument offers the prosecutor and defence a chance to ‘sum up’ the case. This is the final chance for the parties to address the jury prior to deliberations, so in closing arguments the prosecutor seeks to show why the evidence requires the jury to find the defendant guilty. In turn, the defence tries to establish that the government has fallen short of its ‘burden of proof’, so that the jury must find the defendant ‘not guilty’.

d) Step _____

After both sides of the case have had a chance to present their evidence and make a closing argument, the next step toward a verdict is jury instruction – a process in which the judge gives the jury the set of legal standards it will need to decide whether the defendant is guilty or not guilty.

The case then goes ‘to the jury’.

e) Step _____

At the heart of any criminal trial is what is often called the ‘case-in-chief’, the stage at which each side presents its key evidence to the jury.

In its case-in-chief, the government sets forth evidence in an attempt to convince the jury beyond reasonable doubt that the defendant committed the crime. It is at this point that the prosecutor calls eyewitnesses and experts to testify. The prosecutor may also introduce physical evidence.

Whether a witness is called by the prosecutor or the defence, the witness testimony process is:

- the witness is called to the stand and is ‘sworn in’, taking an oath to tell the truth;
- the party who called the witness to the stand questions the witness through ‘direct’ examination;
- after direct examination, the opposing party has an opportunity to question the witness through ‘cross-examination’;
- after cross-examination, the party that originally called the witness has a second opportunity to question him through ‘re-direct examination’.

After the prosecutor concludes the case-in-chief, the defence can present its own evidence in the same manner. Once the prosecution and defence each have had an opportunity to present their case and to challenge the evidence presented by the other, both sides ‘rest’, meaning that no more evidence will be presented to the jury before closing arguments are made.

f) Step _____

After receiving instruction from the judge, the jurors as a group consider the case through a process called ‘deliberation’, attempting to agree on whether the defendant is guilty or not guilty of the crime charged. Once the jury reaches a verdict, the jury foreperson informs the judge, and the judge usually announces the verdict in open court.

It is required that a jury in a criminal case be unanimous in finding a defendant ‘guilty’ or ‘not guilty’. If the jury fails to reach a unanimous verdict and finds itself at a standstill (a ‘hung’ jury), a retrial may be granted.

B *Read the text once again and decide if the following statements are true or false. Correct the false statements.*

1. During the jury selection only the prosecution may excuse potential jurors.
2. It is the defence lawyer who starts an opening statement and outlines the essence of the case.
3. The prosecutor’s statement is more detailed than that of the defence’s.
4. In its case-in-chief, the prosecutor sets forth evidence in an attempt to convince the jury beyond reasonable doubt that the defendant committed the crime.
5. The judge may declare the mistrial if the jury fails to reach a unanimous verdict.
6. The closing argument offers the judge to sum up the case.
7. After receiving instruction from the judge the jurors consider the case through a process called ‘deliberation’.
8. Once the jury reaches the verdict, the clerk announces the verdict in open court.

C *Answer the following questions.*

1. At what stage may the defence and the prosecution exclude a certain number of jurors from their service?
2. What are the peculiarities of opening statements?
3. Do witnesses testify at this stage?
4. At what stage do the prosecution and defence have the chance to ‘sum up’ the case?

5. What is meant by 'rest' said by the prosecutor or the defence?
6. What is called 'deliberation'?
7. Who informs the judge and announces the verdict in the open court?

Vocabulary Focus

A Suggest English equivalents of the following word-combinations. Then use five of them in your own sentences.

Старший присяжный; выбор присяжных; бремя доказывания; основная версия; единогласное решение; опровергать ключевые обвинения; заключительная речь защиты; присяжные (не пришедших к единому мнению).

B 1) Find some verb + noun pairs used in the text.

- | | |
|-----------------|----------------------------------|
| 1) to challenge | a) overly personal questions |
| 2) to conclude | b) the evidence |
| 3) to question | c) a verdict |
| 4) to introduce | d) the case-in-chief |
| 5) to reach | e) a chance to 'sum up' the case |
| 6) to offer | f) a pool of potential jurors |
| 7) to ask | g) the instructions |
| 8) to address | h) eyewitnesses |
| 9) to call | i) the jury |
| 10) to receive | j) physical evidence |

2) Fill in the gaps using the verb + noun pairs above. In some sentences you will have to modify the verb.

1. After _____ from the judge, the jurors as a group consider the case through a process called 'deliberation'.
2. After the prosecutor _____, the defence can present its own evidence in the same manner.
3. During jury selection, the judge, the prosecution and defence lawyer _____ about their biases and backgrounds.
4. It is at this point that the prosecutor _____ and experts to testify.
5. Once the jury _____, the jury foreperson informs the judge, and the judge usually announces the verdict in open court.
6. Once the prosecution and defence each have had an opportunity to present their case and _____ presented by the other, both sides 'rest'.
7. Similar to the opening statement, the closing argument _____ the prosecutor and defence to 'sum up' the case.
8. The lawyers are not allowed _____ and how the case will be decided in advance.
9. The prosecutor may also _____.
10. This is the final chance for the parties _____ prior to deliberations.

C Fill in the correct preposition (if necessary), then choose any three items and make sentences.

- 1) to conclude ____ the case- in -chief;
- 2) to decide the case ____ advance;
- 3) to be excused ____ a jury;
- 4) similar ____ the opening statement;
- 5) to address ____ the court;
- 6) the set ____ legal standards;
- 7) to challenge ____ the evidence;
- 8) to reach ____ a unanimous decision.

D Insert the necessary word.

1. The prosecution and the defence may e_ _ _ _e some potential jurors from jury service.
2. If a jury reaches a v_ _d_ _t, the f_ _ _ _ _ _ _ _n informs the judge.
3. The jurors as a group consider the case through a process called 'd_ l_ _ _ _a_ _ _n'.
4. The party who called the witness to the stand questions the witness through 'd_ _ _t' examination.
5. At the 'c_ _e-in-c_ _ _ _f' stage each party presents its key evidence.

Speaking

A Read the names of the participants of a court trial. Define their duties. Which of the roles could you take in a trial and why?

The defence lawyer; the prosecutor; the judge; the clerk; the juror; the accused; a witness, the bailiff; the foreperson; a police officer.

B Match the sentences with the people who could have said them.

- I am charging you with attempted murder.
- How do you plead?
- Call the first witness.
- Members of the jury, how do you find the accused? Guilty or not guilty?
- The verdict of this court is that you are guilty and I therefore sentence you to life imprisonment.
- I want to appeal against my sentence.
- I plead not guilty.
- Be upstanding in court!
- I call upon the prosecutor to state the case against the accused.
- I swear by Almighty God that I shall tell the truth, the whole truth and nothing but the truth.
- Take the witness stand and recite the oath.
- I call ... as witness to support my case.
- We find the case proved/not proved.
- No further questions, your Honour!
- I wish to call ... to the stand.
- Objections!

- Objections sustained/not sustained.
- The prosecution rests.

C Put these phrases in the order they might appear during the trial.

D Read the following scenarios, choose one and role-play the mock trial.

1. The accused, a 32-year-old single woman, went to a department store where she allegedly took a bottle of perfume without paying. She is charged with shoplifting.
2. A parent allegedly slams his daughter into a kitchen cupboard. As a result of this, the child sustains a laceration on the head and seeks medical attention. This parent is charged with child abuse.
3. A student is accused of shoplifting a shirt from Merchandise Mall.
4. An infant died because his parents didn't obtain medical care in time to save the child. The parents were charged with involuntary manslaughter.

Text E. Evidence

Before reading

A Match English and Russian equivalents.

- | | |
|------------------------------|---------------------------------------|
| 1) affidavit | a) показания с чужих слов |
| 2) to conduct investigation | b) предположение на основании фактов |
| 3) circumstantial evidence | c) судебно-медицинские доказательства |
| 4) inference | d) вещественные доказательства |
| 5) real evidence | e) подлинный |
| 6) forensic evidence | f) письменное заявление под присягой |
| 7) culpability | g) перевес доказательств |
| 8) authentic | h) виновность |
| 9) hearsay evidence | i) косвенные доказательства |
| 10) balance of probabilities | j) проводить расследование |

Reading

A Read the text and decide if the following statements are true or false. Correct the false statements.

1. There are many types of evidence that can prove or disprove specific facts about the case.
2. Evidence is used to decide questions of the fact that are disputed.
3. Circumstantial evidence establishes the main facts.
4. Before accepting forensic evidence, a court will determine if the evidence is relevant, authentic and whether a copy is acceptable or the original is required.
5. There is the first basic rule which relates to the testimony of witnesses: evidence should be given only in a written form.
6. In civil cases the level of evidence is as high as in criminal cases.

Evidence is the means by which the facts in issue are proved. The main difference between the use of evidence in a criminal and civil case is in the ‘burden of proof’. In criminal cases the accused is presumed to be innocent until he is proved to be guilty. The prosecution must prove its case ‘beyond reasonable doubt’. For a civil defendant to be found liable the claimant generally need only prove culpability by lower standards of proof such as ‘balance of probabilities’.

The ability to gather and analyze different types of evidence is one of the most important competencies for anyone who conducts investigations.

There are many types of evidence that help the investigator make decisions. They can be classified as ***Direct and Circumstantial***. Direct evidence establishes a fact. Circumstantial evidence requires that a judge and/or jury make an indirect judgement, or inference, about what happened. The following types of evidence are distinguished:

Testimonial evidence. In the law, testimony is a form of evidence that is obtained from a witness who makes a solemn statement or declaration of a fact. The general rule is that all witnesses must give evidence on oath. There are two basic rules which relate to the testimony of witnesses: evidence should be given orally and in open court. There are some exceptions to this rule, for example, provisions enabling evidence to be taken before trial, and in some cases given by affidavit. Secondly, evidence must contain facts which the witness personally perceived (this rule excludes opinions and hearsay evidence: a witness cannot give evidence of what he heard another person said).

Documentary evidence. The production of documents at trial is documentary evidence which is presented to prove or disprove certain allegations at trial. These documents can be from a vast number of sources from diaries, letters, signed contracts, wills, newspapers, and any other type of documents. Documentary evidence can also include other types of media, such as e-mails, digital photographs, video or audio recordings, etc. There are restrictions and qualifications for using documents at trial as there is a need to make sure they are authentic and trustworthy.

Demonstrative evidence. The umbrella of the demonstrative evidence includes many different elements. Demonstrative evidence, usually charts and diagrams, demonstrate or illustrate the testimony of a witness.

Real evidence. There are three main types of real evidence: material objects, referred to in courts as “exhibits”: fingerprints, blood samples, DNA, a knife, a gun, and other physical objects; physical appearance of persons in court when it is necessary to assess damages for personal injury; a view, i.e. an inspection outside the court of a relevant place or object. It may also be called physical or material evidence.

Forensic evidence is referred to as scientific evidence. It can be divided into two basic categories: physical and biological. It is generally considered to be strong and reliable evidence.

Trace evidence is created when objects make contact with one another. Forensic scientists use trace evidence to reconstruct crimes and to describe the people, places, and things involved in them. Examples of trace evidence may include gunshot residue, hair, fibers, wood or pollen. Trace evidence is also very important in accident investigation.

Digital evidence/Electronic evidence. In the past few decades, the use of digital evidence has increased as courts have allowed the use of e-mails, digital photographs, ATM transaction logs, word processing documents, instant message and internet browser histories, digital video or audio files. Before accepting digital evidence a court will determine if the evidence is relevant, authentic, and if it is hearsay and whether a copy is acceptable or the original is required.

B Read the text again to answer the following questions.

1. What is evidence?
2. Is there any difference between the use of evidence in civil and criminal cases?
3. In what case is the level of evidence higher?
4. What are the basic rules that relate to the testimony of witnesses?
5. There are certain restrictions to the documentary evidence. What are they?
6. What are the main types of real evidence?
7. Into what categories is forensic evidence divided?
8. When is trace evidence often used?
9. The use of what type of evidence has recently increased?

Vocabulary Focus

A Suggest English equivalents of the following word-combinations. Then use five of them in your own sentences.

Проводить расследование; считаться невиновным; косвенные улики; виновность; письменное заявление под присягой; предположение на основании фактов; подлинный документ; показания с чужих слов; прямые улики; оценить ущерб.

B 1) Find some verb + noun pairs used in the text.

- | | |
|-------------------------|------------------------|
| 1) to be presumed | a) investigation |
| 2) to prove or disprove | b) b.by affidavit |
| 3) to conduct | c) certain allegations |
| 4) to make | d) innocent |
| 5) to contain | e) to the testimony |
| 6) to give | f) trace evidence |
| 7) to relate | g) a solemn statement |
| 8) to use | h) damages |
| 9) to assess | i) relevant, authentic |
| 10) to be | j) facts |

2) Fill in the gaps using the verb + noun pairs above. In some sentences you will have to modify the verb.

1. Before accepting digital evidence a court will determine if the evidence _____.
2. Evidence must _____ which the witness personally perceived.

3. Forensic scientists _____ to reconstruct crimes and to describe the people, places, and things involved in them.
4. In criminal cases the accused _____ until he is proved to be guilty.
5. In the law, testimony is a form of evidence that is obtained from a witness who _____ or declaration of a fact.
6. Physical appearance of persons is needed in court when it is necessary to _____ for personal injury;
7. The ability to gather and analyze different types of evidence is one of the most important competencies for anyone who _____.
8. The production of documents at trial is documentary evidence which is presented _____ at trial.
9. There are some exceptions to the rule of testimonial evidence, for example, provisions enabling evidence to be taken before trial, and in some cases _____.
10. There are two basic rules which _____ of witnesses.

C Complete the sentences with the appropriate form of the words given in the right column.

<p>The ability to gather and analyze different types of evidence is one of the most important competences for anyone who conducts _____.</p> <p>Circumstantial evidence requires an indirect _____.</p> <p>An object or document is considered to be _____ evidence when it directly demonstrates a fact.</p> <p>Direct evidence alone is a _____.</p> <p>Forensic evidence is scientific and generally considered to be strong and _____.</p> <p>Not all types of evidence carry the same _____ at the trial: real evidence may be more _____.</p>	<p>investigate</p> <p>judge</p> <p>demonstrate</p> <p>prove</p> <p>rely</p> <p>weigh</p> <p>believe</p>
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D Which word in column B is the most appropriate for sentences in column A?

A	B
<p>Most commonly considered to be written forms of proof (letters or wills), _____ also includes different types of media.</p> <p>_____ is scientific evidence, such as DNA, trace evidence, fingerprints or ballistics reports.</p> <p>_____ or electronic evidence is any probative information stored or transmitted in digital form.</p> <p>Real evidence is also called _____ or material.</p> <p>_____ is a form of evidence that is obtained from a witness who makes a solemn statement or declaration of fact.</p>	<p>a) forensic evidence</p> <p>b) digital evidence</p> <p>c) documentary evidence</p> <p>d) testimonial evidence</p> <p>e) physical evidence</p>

E How are the ideas expressed in one word?

1. Scientific evidence, such as DNA, fingerprints or ballistics reports and can provide proof to establish a person's guilt or innocence. _____

2. Evidence directly links a person to a crime without the need of any inference. _____
3. Evidence that relies on an inference to connect it to a conclusion of fact, such as a fingerprint at the scene of the crime. _____
4. Evidence that is and can be introduced at a trial in the form of the documents. _____
5. Evidence obtained from a witness to prove the truth of the matter asserted. _____

F Insert the necessary word.

1. There is only a c_____l evidence against her, so she is unlikely to be convicted.
2. The traces of petrol found on his clothing provided the _ _r_ _ _c evidence, proving that he had started the fire deliberately.
3. He got away with murder but there is still no d_r_ _t evidence against him.
4. There is no r_ _l evidence yet to tie him to the theft.
5. The f_ _n_ _c scientist visited the scene of the crime and collected t_ _c_ evidence such as hair, blood stained pebbles.

G Fill in the correct preposition (if necessary), then choose any three items and make sentences.

- | | |
|--|---|
| 1) the level ___ evidence; | 6) to assess ___ damages ___ |
| 2) to obtain the information ___ a witness; | 7) to be divided ___ categories; |
| 3) to give evidence ___ oath ___ open court; | 8) to make a contact ___ smth; |
| 4) to relate ___ the testimony; | 9) to be important ___ accident investigations. |
| 5) to prove ___ allegations ___ trials; | |

Speaking

A Be ready to dwell on one of the following quotes:

- There is nothing more deceptive than an obvious fact. (Arthur Conan Doyle, a British writer)
- What can be asserted without evidence can also be dismissed without evidence. (Christopher Hitchens, a British-American author, journalist, orator)
- Facts are stubborn things; and whatever may be our wishes, our inclinations they can't alter the state of facts and evidence. (John Adams, the 2-nd US President)
- A fair trial is one in which the rules of evidence are honoured, the accused has competent counsel and the judge enforces the proper courtroom procedures – a trial in which every assumption can be challenged. (Harry Browne, an American writer)

Text F. Jury Trial

Before reading

A Write down the words you associate with Jury Trial and explain your choice.

B Match English and Russian equivalents.

- | | |
|--------------------------|---|
| 1) to acquit | a) произвольно, наугад |
| 2) at random | b) неправомочный |
| 3) to summon a jury | c) оправдать |
| 4) to pass judgement | d) беспристрастный |
| 5) ineligible | e) вынести приговор |
| 6) impartial | f) созывать жюри присяжных |
| 7) voir dire | g) отбор присяжных путем предварительного собеседования |
| 8) challenge for cause | h) сохранять объективность |
| 9) peremptory challenge | i) отвод по конкретному основанию |
| 10) to keep an open mind | j) отвод без основания причины |

 **Reading**

A Read the text and decide if the following statements are true or false. Correct the false statements.

1. To be a juror the person must have law education.
2. During voir dire process it is not obligatory for a juror to answer all the questions asked by lawyers.
3. Peremptory challenge means that the lawyer has to state even a vague reason for the challenge.
4. It doesn't matter that the juror has any personal interest in the case.
5. Henry I has introduced the procedure to resolve land disputes: a group of worthy citizens from the district was summoned by a judge to decide between rival claimants on the basis of their knowledge of local history and customs.
6. One of the features which contributes to the esteem of the modern jury is that it is drawn at random from a representative cross-section of society.
7. Offences of moderate seriousness fall within the category of offences which are tried by jury.

If Britain had a written constitution, its most predictable clause would provide that no citizen should be liable to lose his or her liberty for longer than a year without at least the opportunity of submitting to trial by jury. The jury system is deeply entrenched, though senior police officers may despair of its propensity for acquitting one in four defendants who contest their charges in Crown courts.

Jury trial is a unique British institution. Over seven hundred years ago, the ordeal of fire or water, in which guilt or innocence was decided by ritual tests overseen by parish priests was replaced by procedure which Henry II had instituted to resolve land disputes: a group of worthy citizens from the district was summoned by a judge to decide between rival claimants on the basis of their knowledge of local history and customs. The job of these people, usually twelve, was not to pass any judgement but simply to declare the truth. This system gradually evolved into a group of twelve people who had to give a verdict in court on an accused person or people.

Jurors all swear solemn oaths to ‘give true verdict according to the evidence’. The notion that a jury panel is more likely to acquit brings humanity and compassion to the harsh letter of the law. Crown court judges today invariably direct their juries, but independence remains the most remarkable feature of the modern jury. The other thing which contributes to the esteem of the jury is that it is drawn at random from a representative cross-section of society. Some people are ineligible for jury service such as members of the legal profession, police officers, ministers of religion, mentally ill and anyone who has served a prison sentence in the last 10 years. Members of Parliament, members of the armed forces and doctors can be excused from jury service. Because of the length of some trials, jurors are paid travelling and subsistence allowances along with some compensation for loss of earnings.

For a juror it is not necessary to have any special knowledge or ability. It is enough to keep an open mind, concentrate on the evidence being presented, use the common sense and be fair, honest and impartial. The first step in the selection of the trial jury is the selection of a ‘jury panel’. The judge will explain the prospective jurors the case, will introduce the lawyers and the people involved in this case. The judge and the lawyers will question the members of the panel to find out if the juror has any personal interest in the case. This process is called ‘voir dire’, a phrase meaning ‘to speak the truth’. Many of the questions during voir dire may seem personal but they must be answered completely and honestly. During voir dire the lawyers may ask the judge to excuse any member of the panel. This is called ‘challenging a juror’. There are two types of challenges: ‘challenge for cause’ which means that there is a specific reason for thinking that the juror would not be impartial. The second one is ‘peremptory challenge’ which means that the lawyer does not have to state the reason for the challenge. Those jurors who have not been challenged become a juror for the case.

Although serious crimes must be tried by a jury, and most minor offences must be tried by magistrates, many offences of moderate seriousness fall within the category of offences which may be tried by either system. There has been a steady increase in offences which are triable by magistrates.

B Read the text again to answer the following questions.

1. Why is jury considered a unique British institution?
2. What is the history of its creation?
3. What are the most remarkable features of the modern jury?
4. Is it necessary to have any special education in order to become a juror?
5. How is jury selected?
6. What is the ‘voir dire’ process?
7. What is meant by ‘challenge for cause’/’peremptory challenge’?
8. If you have a legal problem, would you like your case to be tried in the presence of jury?

Vocabulary Focus

A Suggest English equivalents of the following word-combinations. Then use five of them in your own sentences.

Склонность к оправданию; укоренять (закреплять); суровая буква закона; здравомыслие; быть справедливым; произвольно / наугад; отвод присяжных без указания причины; оправдать; неправомочный; беспристрастный; суровое испытание; вывести из состава жюри присяжных.

B 1) Find some verb + noun pairs used in the text.

- | | |
|---------------|---------------------------------|
| 1) to loose | a) completely and honestly |
| 2) to direct | b) at random |
| 3) to pass | c) solemn oaths |
| 4) to give | d) liberty |
| 5) to swear | e) judgement |
| 6) to bring | f) juries |
| 7) to draw | g) special knowledge or ability |
| 8) to have | h) any member of the panel |
| 9) to answer | i) humanity and compassion |
| 10) to excuse | j) a verdict |

2) Fill in the gaps using the verb + noun pairs above. In some sentences you will have to modify the verb.

1. During voir dire the lawyers may ask the judge _____.
2. For a juror it is not necessary _____.
3. If Britain had a written constitution, its most predictable clause would provide that no citizen should be liable _____ for longer than a year without at least the opportunity of submitting to trial by jury.
4. Jurors all _____ to 'give true verdict according to the evidence'.
5. Many of the questions during voir dire may seem personal but they must _____.
6. Over seven hundred years ago, the _____, in which guilt or innocence was decided by ritual tests overseen by parish priests _____.
7. The job of these summoned people, usually twelve, was not _____ but simply to declare the truth.
8. The notion that a jury panel is more likely to acquit _____ to the harsh letter of the law.
9. The other thing which contributes to the esteem of the jury is that it _____ from a representative cross-section of society.
10. This system gradually evolved into a group of twelve people who had _____ in court on an accused person or people.

C Which word in column B is the most appropriate for sentences in column A?

A	B
The trial is a structured process where the facts of a case are presented to a jury and they decide if the defendant is _____. _____ means that the lawyer does not have to state the reason for a challenge.	a) excuse b) to speak the truth
During voir dire lawyers may ask the judge to _____ any member of the panel from sitting on the jury.	c) guilty or not guilty
Upon retiring to the jury room to deliberate the jury selects _____.	d) peremptory challenge
'Voir dire' means _____.	e) the foreperson

D Complete the sentences with the appropriate form of the words given in the right column.

Crown court judges direct their juries but _____ remains the most remarkable feature of the modern jury.	depend
Because of the _____ of some trials, jurors are paid travelling and subsistence allowances along with some compensation for _____ of earnings.	long lose
If you are selected to a jury service you are _____ obliged to attend unless you have a good excuse.	law
Jurors are picked at random from _____ register.	elect
There has been a steady increase in offences which are _____ by magistrates.	try

E Insert the necessary word.

- Jurors are picked at r _ _ o _ and receive a jury summons to attend a particular Crown court on a set day.
- The jury are asked by the judge to reach a u _ _ i _ _ _ verdict.
- Prosecution or defence lawyer can c _ _ _ e _ _ _ a juror if they think he or she should not serve as a juror.
- If the jury find the d _ _ _ _ _ _ t guilty, then the judge decides on an appropriate _ e _ _ _ c _ .
- The judge and the lawyers may question any the members of the p _ _ _ l to find out if the juror has any personal interest in the case.

F Fill in the correct preposition (if necessary), then choose any five items and make sentences.

- | | |
|---|---|
| 1) the ordeal ___ fire and water; | 6) to be drawn ___ random; |
| 2) to be replaced ___ a certain procedure; | 7) to be ineligible ___ jury service; |
| 3) to give a verdict ___ court ___ an accused person; | 8) compensation ___ loss of earnings; |
| 4) to bring humanity ___ a harsh letter of law; | 9) to concentrate ___ the evidence being presented; |
| 5) to contribute ___ the esteem of the jury; | 10) to have any personal interest ___ the case. |

G Complete the text with the words and phrases from the box.

civil cases ownership of property randomly evidence verdict unanimous undertake

Trial by jury is an ancient and important feature of English justice. Although it has declined in 1) _____ (except for libel and fraud), it is the main element of criminal trials in the Crown Court. Jury membership was once linked to the 2) _____, which resulted in male and middle-class dominance. But now most categories of British residents are obliged to 3) _____ 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 4) _____ selected from local electoral registers. They listen to the 5) _____ 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 6) _____ may be “guilty” or “not guilty”, the latter resulting in acquittal. Until 1967 the verdict had to be 7) _____. But now the judge will accept the 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.

Speaking

A Be ready to dwell on the following quotes:

- A right to jury trial is granted to criminal offenders in order to prevent oppression by the Government (Byron White, an American lawyer).
- Trial by jury is part of the brightest constellations which leads to peace, liberty and safety (Thomas Jefferson, the 3rd American President).
- Trial by jury is the palladium of our liberties. I don't know what a palladium is but I am sure it is a good thing (Mark Twain, an American writer).
- Trial by jury must be preserved. It is the best system ever invented for free people in the world's history (John Henry Wigmore, an American lawyer).

B Research work: 'Jury + Judge vs. Single Judge: pros and cons of each option'.

Step 1. Split into groups of 3 or 4 and choose points of comparison, e.g. functions, rights and obligations of the jury and the judge in criminal and civil procedure, the number of guilty verdicts / acquittals, etc.

Step 2. Search the Internet and find information on your topic (articles, video, pictures, photographs).

Step 3. Prepare a group report on your research findings.

Step 4. Present your research work in class.

Lookback

A Make sure that you know legal terms you have studied in Unit 3.

What can we do with the case? resolve, institute, handle, consider, dismiss, try, hear, lose, win.

Who is involved in a case? judge, prosecutor, defendant, alleged, juror, foreperson, accused, arrestee, police officer, investigator, negotiator, arbitrator, mediator, conciliator, litigant, witness, defence lawyer, claimant, judgement debtor, suspect.

Types of evidence: real, direct, circumstantial, forensic, trace, digital, electronic, testimonial, demonstrative, documentary.

The most common types of ADR negotiation, mediation, arbitration, conciliation.

B Self-check list. Tick what you can do.

- speak on the peculiarities of civil procedure in the USA, UK and Belarus;
- define the peculiarities of criminal procedure in the USA, UK and Belarus;
- analyze the key similarities and differences between preparing, organizing and running civil and criminal cases;
- define the principal features of proving the facts;
- dwell on jury service as one of the most important civic duties a person can perform.

C Exam prep. Speak on one of the following situations.

Situation 1

There was a bank robbery in the centre of the city. Just before closing time, a man entered the bank in a mask over his head. There were only a few customers in the bank at this time. He made them lie on the floor and forced the cashier to put money in a sack. As he was leaving, the security guard tried to ring the alarm. The robber shot him and the guard now is in hospital. Surgeons are trying to save his life. Last night the police arrested the man. How will the case be judged in Great Britain and Belarus?

Situation 2

You are working on the on the textbook for law students. Draw the chart on the steps of civil procedure and present it to the group of experts.

Situation 3

You work in a Legal Aid office. Explain your client who is going to sue his neighbour what must be done before the trial.

Situation 4

You are delivering a lecture on court proceeding. Explain the meaning of the term “procedure” in both civil and criminal courts.

Situation 5

Jury trial – fair trial or mockery of justice? Express your ideas.

D Project. Prepare a group project on one of the suggested topics.

Project ideas:

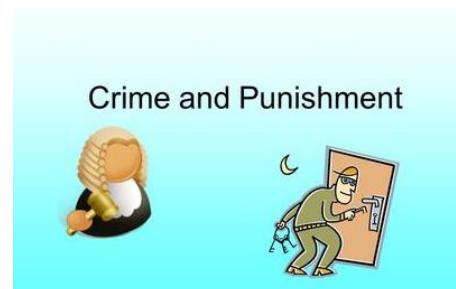
- ✓ the peculiarities of civil procedure in the USA, UK and Belarus;
- ✓ the peculiarities of criminal procedure in the USA, UK and Belarus;
- ✓ the key differences between civil and criminal procedures;
- ✓ jury trial as an ancient and important feature of justice.

Unit 4. Punishment

Learning outcomes

You should be able to

- define the term punishment;
- describe the aims and types of punishment;
- discuss various types of penal institutions.



Lead-in

- What is the purpose of punishment?
- Is punishment justifiable?
- Is it possible to develop a satisfactory scale of punishments for all crimes?

Text A. Aims of Punishment

➔ Before reading

A Write down the words you associate with the aims of punishment and explain your choice.

Example: Suffering. Punishment involves the deliberate infliction of **suffering** on a supposed or actual offender.

B Match English and Russian equivalents.

- | | |
|--------------------|--|
| 1) infliction | a) закон возмездия |
| 2) transgression | b) ограничение право- и/или дееспособности |
| 3) retribution | c) ответный, карательный |
| 4) adherence | d) возмездие, воздаяние, кара |
| 5) redress | e) беспристрастность |
| 6) incapacitation | f) строгое соблюдение норм |
| 7) restrain | g) предрасположенность, склонность |
| 8) predisposition | h) сдерживать |
| 9) retaliatory | i) наложение (наказания), причинение (страдания) |
| 10) impartiality | j) проступок, нарушение |
| 11) rehabilitation | k) средство сдерживания |
| 12) deterrence | l) реабилитация, восстановление |
| 13) lex talionis | m) возмещение, ответная мера |

C Complete the following sentences, using the appropriate form of the words from the previous task.

1. The harsh punishment of minor _____ has an insignificant impact on crime
2. Physical involves the _____ of physical injury on a child.
3. She was asked whether a civilian government should seek _____ against military officers involved in human rights abuses.

4. The accident _____ me for seven months.
5. In this article, a series of steps is taken with the aim of _____ this situation.
6. He urged people not to resort to _____ violence.
7. She has an annoying _____ to find fault.
8. When he started fighting, it took four police officers to _____ him.
9. The state must ensure the independence and _____ of the justice system.
10. Latin _____ principle developed in early Babylonian law that criminals should receive as punishment precisely those injuries and damages they had inflicted upon their victims.
11. Punishments associated with specific _____ may include fines, prison sentences, or both.
12. The judge, saying he saw no hope of _____ sent her to prison for as long as he could.

D Drawing on the title and the words you have just learnt decide what things the text speaks about. Scan and check if your guesses are correct.

Reading

A Read the text and decide if the following statements are true or false. Correct the ones.

1. All punishment has some aim which serves to justify the suffering that is inflicted on the offender.
2. The retributivist bases the theory of punishment on the belief that an offender deserves to receive suffering that matches the severity of the crime committed.
3. By today's standards, strict adherence to "eye for an eye" justice in all cases can't be cruel and even irrational.
4. With incapacitation, punishment aims to change the offender's predisposition towards criminal behaviour.
5. Rehabilitation cannot be facilitated through psychological counseling or other types of behavior-modification therapy.
6. With revenge, punishment is a means of discouraging others from committing similar offences.
7. Punishment should fit the crime.
8. Removing the offenders who are seen as sufficiently dangerous from society for a period of time, punishment keeps them from repeating similar crimes.
9. Punishment aims to change the perpetrator's predisposition to new crimes.

A basic definition of punishment is that it involves the deliberate infliction of suffering on a supposed or actual offender for an offence such as a moral or legal transgression. All punishment has some aim which serves to justify the suffering that is inflicted on the offender. The main aims are retribution, incapacitation, rehabilitation, and deterrence.

With retribution, punishment is a matter of what is deserved in return for a wrongful act. The punishment is proportionate to the committed crime, and imposed on the offender for its own sake rather than to bring about a larger social benefit.

The retributive theory of punishment is most often associated with the notion of “eye for an eye” justice, where the imposed punishment is equal to the harm done. The Latin expression for this is *lex talionis*, which literally means “law of retaliation”. Sometimes this concept of punishment is taken literally. By today’s standards, though, strict adherence to “eye for and eye” justice in all cases can be cruel and even irrational: we do not punish arsonists by burning down their houses. Rather, we seek redress through more humane types of punishment that we can impose on offenders.

With incapacitation, punishment keeps offenders from repeating similar crimes, typically by physically restraining them. When we catch violent criminals, one of our first thoughts is to get them off the street before they harm others. With rehabilitation, punishment aims to change the offender’s predisposition towards criminal behaviour, and thus keeps him from becoming a threat to others when released into the community. Sometimes rehabilitation is facilitated through psychological counseling or other types of behavior-modification therapy. However, the assumption here is that any type of punishment, if it is memorable enough, will in and of itself discourage criminals from repeating crimes. We expect convicts to have learned their lesson and mended their anti-social ways.

With deterrence, punishment is a means of discouraging others from committing similar offences. If an armed robber is seen to have been punished with prison time, the others will be unlikely to commit armed robbery themselves. The aim here is to use such kind of punishment as an example from which others can learn.

It is difficult to talk about the aims of punishment without mentioning the motive of revenge, which involves doing something from anger as a retaliatory measure. In our ordinary lives, revenge often plays a role in our motivations to have someone punished. In each of the committed crimes the victim would likely want the perpetrator to suffer for the crime and to get what he deserves. What distinguishes revenge from retributive aims of punishment is impartiality. Revenge stems from an individual’s personal desire for retaliation, whereas retribution considers more abstractly what justice calls for in a specific situation. Similarly, revenge involves negative emotional states of anger, which in theory should not be part of retributive reasoning. So, one of the tasks of the criminal justice system is to protect society from our extreme emotional reactions to criminals, and instead make more impartial rational judgments. Thus, the more that we can leave out feelings of revenge from decisions about punishment, the better.

B Read the text again to answer the following questions.

1. What is a basic definition of punishment?
2. What are the goals of punishment?
3. How is punishment imposed?
4. What is the retributive theory of punishment associated with?
5. Why has the strict observance of the principle of justice “an eye for an eye” been changed?
6. How does punishment aim to change the offender’s predisposition towards criminal behaviour with rehabilitation?

7. Why is it difficult to talk about the aims of punishment without mentioning the motive of revenge?
8. What does revenge involve?
9. What is the difference between revenge and retribution?
10. What is one of the tasks of the criminal justice system?

Vocabulary Focus

A Suggest English equivalents of the following word-combinations. Then use five of them in your own sentences.

Умышленное причинение страданий; предполагаемый или фактический преступник; возмездие; строгое соблюдение; ответная мера; нравственное или юридическое нарушение; закон возмездия; воспринимается (понимается) буквально; жестокое и даже неразумное правосудие; теория модификации нормы поведения; психологическое консультирование; мотив мести.

B Complete the definitions with the words from the text.

1. _____ the act or process of punishing, imposing and (or) applying a sanction.
2. _____ the action of forcing someone to experience something very unpleasant.
3. _____ physical or mental pain that a person or animal is feeling.
4. _____ deserved and severe punishment which is carried out by someone other than the official authorities.
5. _____ one of the functions of punishment, the act of making an individual “incapable” of committing a crime by execution or lengthy periods of incarceration.
6. _____ the process of aiding an individual to reintegrate into society or to restore someone to a previous status or rank.
7. _____ to discourage members of society from committing criminal acts out of fear of punishment.
8. _____ the principle that a punishment inflicted should correspond in degree and kind to the offense of the wrongdoer, as an eye for an eye, a tooth for a tooth; retributive justice.
9. _____. The inclination of a person to engage in a certain behavior, specifically a certain type of illegal behavior.
10. _____ harm done to someone as a punishment for harm that they have done to someone else.
11. _____ used to describe an action that is intended to harm someone who has done something to harm you.

(Words for reference: suffering; rehabilitation; predisposition; punishment; lex talionis; infliction; aggression; deterrence; revenge; incapacitation; retribution.)

C Fill in the correct preposition (if necessary), then choose any three items and make sentences.

- 1) _____ return _____ a wrongful act;
- 2) to bring _____ a social benefit;

- 3) to seek redress _____ humane types of punishment;
- 4) to impose _____ offenders;
- 5) to change the offender's predisposition _____ criminal behavior;
- 6) to release _____ community;
- 7) to punish _____ prison time;
- 8) to leave _____ feelings _____ revenge _____ decisions _____ punishment.

D 1) Complete the text with words and phrases from the box.

**punishment rehabilitate reform barbaric law-abiding death penalty
deterrent misdeeds corporal punishment retribution humane wrongdoer**

What is the purpose of punishment? One purpose is obviously to _____ the offender, to correct the offender's moral attitudes and anti-social behavior 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 prevent 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 crime doesn't pay. 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.

2) Answer the following questions.

What is the purpose of punishment according to the text?

Is it right that a wrongdoer should suffer for his misdeeds?

Is it possible to make the punishment fit the crime? How?

What is the essence of the principle "an eye for an eye and a tooth for a tooth"?

Should it be used in punishing criminals?

Do you agree that we should show a more humane attitude to punishment?

Speaking

*A Arrange a 'Think-Pair-Share' activity to discuss punishment issues. **Tip:** first think about your response to the question; then pair with another person and discuss his / her response; next - share it with the larger group.*

1. The punishment is proportionate to the committed crime, and imposed on the offender for its own sake rather than to bring about a larger social benefit.
2. We seek redress through more humane types of punishment that we can impose on offenders.
3. It is difficult to talk about the aims of punishment without mentioning the motive of revenge, which involves doing something from anger as a retaliatory measure.
4. One of the tasks of the criminal justice system is to protect society from our extreme emotional reactions to criminals, and instead make more impartial rational judgments.

Text B. Types of Sentences

Before reading

A Write down the words you associate with the aims of punishment and explain your choice.

*Example: Penalty. **Penalty** is imposed in response to a crime.*

B Match English and Russian Equivalents.

- | | |
|------------------------|-------------------------------------|
| 1) incarceration | a) тюрьма |
| 2) probation | b) пожизненное заключение |
| 3) suspended sentence | c) наказание в виде лишения свободы |
| 4) restitution | d) испытательный срок |
| 5) custodial sentence | e) физическое наказание |
| 6) death penalty | f) условный приговор |
| 7) jail | g) смертная казнь |
| 8) corporal punishment | h) заключение в тюрьму |
| 9) capital punishment | i) смертный приговор |
| 10) life sentence | j) восстановление, возмещение |

Reading

A Read the text and decide if the following statements are true or false. Correct the false statements. Create the mind map of the text.

1. Penalty must be imposed according to the circumstances and the personality of the offender.
2. Punishment range from life sentence to community service.
3. In Western countries there is a tendency to lessen the sentences.
4. The death penalty is still part of the crime control system of the majority of the world.
5. Prison time that is put on hold if the defendant complies with certain other obligations is called probation.
6. Community service is work in which a judge orders a defendant to perform as a form of punishment that benefits the community.
7. Fines are the most common type of sentences given by the jury.

8. Restitution is payment that is given to make up for damage that has been caused by the defendant.

1) The main object of Criminal Law is to punish the wrong-doer. The punishment should fit the crime. Penalty must be imposed first of all according to the gravity of the crime committed, the personality of an offender, the nature of his guilt and other circumstances relevant to the case in hand.

2) Most penal historians note a gradual trend over the last centuries toward more lenient sentences in Western countries. Capital and corporal punishment are seldom invoked by contemporary society.

3) Offences themselves and therefore the punishments for those offences are graded according to social danger. They range from fines, which are given for lower-level offences, up to life sentences in prison for the most serious crimes.

4) Criminal sentences can be broadly divided into custodial and non-custodial types. In descending order of severity, there are four main types of sentence – incarceration, probation, suspended sentence, fines and restitution. The death penalty is now possible only in several countries (in 2022 55 still retained the death penalty for ordinary crimes).

5) Incarceration. The concept of locking someone up for a fixed period of time is relatively new to our culture. Competing theories exist as to why some laws require, and why some judges order, convicted criminals to be incarcerated.

6) Probation. Probation as a kind of a suspended service is a leash that the criminal justice system puts on defendants in lieu of incarceration in jail or prison. Offenders who are put on probation (either instead of or in addition to any other punishment they might receive) are typically required to adhere to a number of “conditions of probation.”

7) Suspended sentences. Sometimes a defendant’s prison sentence is “suspended.” A suspended sentence is jail or prison time that is put on hold if the defendant complies with certain other obligations, for example, the conditions of probation or the completion of a drug treatment program.

8) Community service, also known as community restitution, is a form of punishment intended to benefit the community that's been harmed by an offender's crime. Judges often order offenders to perform community service in addition to or instead of other forms of punishment, such as incarceration, fines, or probation. In many instances, judges determine that the community will benefit from a substance-abusing offender entering a rehab program.

9) Fines. Fines are a common punishment for a variety of crimes, especially less serious offenses committed by first-time offenders. Offenses that are typically punished by a fine include minor drug possession, fish and game violations, shoplifting, traffic, and even some first-time drunk driving cases. In more serious offenses or where the defendant has a criminal record, many judges combine a fine with other punishments.

10) Restitution. While fines go to the state, restitution is money paid by the defendant to the victim or to a state restitution fund. In some cases, the "victim" is soci-

ety, such as welfare and Medicare fraud schemes where defendants may be sentenced to pay the state back the money defrauded.

B Read the text again to answer the following questions.

1. Why is the main object of Criminal Law to punish the wrong-doer?
2. Why should the punishment fit the crime?
3. How has people's attitude to the death penalty changed?
4. What types of sentences may the court pass?
5. What is meant under "incarceration"?
6. What is the most common sentence given to offenders?
7. What is probation and how does it work?
8. What is the importance of punishment in the community?
9. How does restitution differ from other forms of punishment?

 **Vocabulary Focus**

A Suggest English equivalents of the following word-combinations. Then use five of them in your own sentences.

Соответствовать совершенному преступлению; наказание работой в сфере коммунальной службы; смертная казнь; приговор без содержания под стражей; условное наказание; испытательный срок; тяжесть совершенного преступления; обстоятельства, имеющие отношение к делу; система уголовного правосудия; накладывать на обвиняемых вместо тюремного заключения; придерживаться ряда условий испытательного срока; уголовное право; степень вины, незначительные преступления.

B Pair the words in column A with those from column B.

A	B
1) criminal	a) sentence
2) community	b) penalty
3) lower-level	c) schemes
4) to impose	d) criminal
5) custodial	e) possession
6) fraud	f) community
7) convicted	g) restitution
8) to benefit	h) offence
9) ordinary	i) record
10) drug	j) crime

C Express the following ideas in one word. The number in brackets corresponds to the number of paragraph where the word was used in the text.

1. The quality of being very serious. (1)
2. Not as severe or strong in punishment or judgment as would be expected. (2)
3. The state of being confined in prison. (5)

4. To act in the way that is required by (something, such as a rule, belief, or promise). (6)
5. The physical punishment of people, especially of children, by hitting them. (2)
6. A period of time when a criminal must behave well and not commit any more crimes in order to avoid being sent to prison. (6)
7. Someone or something that has been hurt, damaged, or killed or has suffered because of the actions of someone. (10)
8. To make a strong decision. (8)
9. When a judge sentences a defendant to jail or prison time, but then delays imposing the sentence. (7)

*D Complete the gaps with the aims of punishment such as **deterrence, protection, reformation, retribution, reparation, vindication.***

Punishment	Prison
Aim of punishment	
Punishment	Electronic tagging
Aim of punishment	
Punishment	Fines
Aim of punishment	
Punishment	Community service
Aim of punishment	
Punishment	Punishment
Aim of punishment	
Punishment	Probation
Aim of punishment	

Speaking

A Here is the story of an unfortunate, irresponsible man called Mr. N. Body. Imagine that he was stopped by the police at each and every point of the drama. Read about what happened and, after each piece of information you receive, decide what punishment he deserves.

Here are some of the sentences you might wish to use; some useful vocabulary is given in bold type:

*You might feel **the death penalty** is in order, or **life imprisonment**, even **solitary confinement**. You could put him on **probation**, give him **community service** or impose a **fine** – anything from \$10 to \$1000. You might consider **corporal punishment** (a short, sharp shock), a shortish prison sentence or, of course, you could make that a **suspended sentence**. You might make him pay **compensation**, or would you like to see him banned from driving? No? Well, his license could be endorsed. Or would you dismiss the case, find him not guilty of any crime, acquit him, and find the case not proved?*

1. Mr. Body drank five pints of beer and five single whiskies in a pub, got into his car and drove away.
2. He did not drive dangerously but exceeded the speed limit as he wanted to catch

- up with a friend who had left his wallet in the pub.
3. As he was driving along, a little girl ran into the road and he knocked her down.
 4. There was no way he could have stopped, drunk or sober.
 5. The little girl suffered only bruises and superficial injuries.
 6. Mr. Body's wife had left him two days before.
 7. Six months later, it was clear that the little girl was to suffer from aftereffects of the accident and would stutter for many years.
 8. Mr. Body had never previously received any summons for traffic offences.
 9. The little girl admitted that it was all her fault.
 10. The passenger in Mr. Body's car was killed outright as he went through the wind-screen.

B. Read the accounts of the seven court cases below. In each one, the sentence imposed by the judge has been blanked out. Working in groups, say what you think the sentence should have been.

******* for Mob leader**

TERRY LAST, the ringleader of the Chelsea Mob who planned violence at Britain's football grounds was ***** today.

His Honour Judge Shindler described 24-year-old solicitor's clerk Last as a man who "glorified and revelled in violence" and who had a "perverted lust for violence". The judge, who lists watching soccer as a hobby in his Who's Who entry, said Last and his gang of four other Chelsea fans had brought terror to the terraces forcing ordinary fans to stay away.

- 1) What does Terry Last do for a living?
- 2) How old is he?
- 3) What is his favorite soccer team?
- 4) Is he an ordinary fan?
- 5) How can Terry Last be characterized?
- 6) What are his offences? How many accomplices does he have?
- 7) What is the sentence imposed by the judge?

Attack

Judge Shindler, who follows Crystal Palace, sentenced Last, of Bow, East London to ***** for conspiring to fight at Britain's soccer grounds and ***** for taking part in an attack on Everton fans in Liverpool in December, 1985.

For some people the pleasure of competition for its own sake has been replaced by pure aggression. Sport is therefore an outlet for energies that they can't use up constructively elsewhere. Have you or your friends ever been confronted with football hooliganism? What measures are taken by football officials to prevent acts of vandalism?

Former judge sentenced over driving offences

A 61-YEAR-OLD former High Court judge, who gave a false name when stopped for speeding while disqualified, pleaded guilty yesterday to attempting to

pervert the course of justice. The disgrace of former judge Vivian Price, of Redwall Farmhouse, Linton, Kent, was chronicled in Maidstone Crown Court as he *****.

His counsel Mr George Carman, QC, said that for a former deputy High Court judge to “plead guilty to a charge of trying to pervert the course of justice is a unique situation as far as I know in the courts of this country”. He added that “the law has often reserved its most severe punishment for those in positions of public eminence. Great privilege carries with it great responsibility”.

Miss Heather Hallett, prosecuting, said Price gave his correct date of birth when stopped for speeding but the name of a member of his family. He continued the deceit by pressurising a member of his family to take the blame. He had been disqualified for drink-driving the same year.

The first offence took place on the Canterbury by-pass where he was stopped after driving at 98 mph. He was later stopped again doing 50 mph at Coxheath, near Maidstone, in a 30 mph limit.

For attempting to pervert the course of justice he was sentenced to ***** for driving while disqualified the first time. For the second driving offence, he was sentenced to *****. He was also banned from driving for *****.

- 1) What is the social position of the offender?
- 2) What is unique in this case?
- 3) What are the judge’s offences?
- 4) What is the sentence for each of them?
- 5) Comment on the statement: “Great privilege carries with it great responsibility”

Driver *****

A drink-driver who killed a man while fleeing from police was ***** at Birmingham Crown Court. It was the second conviction involving drinking and driving in five months for Shabir Sabar, 30, who ran down Stanley Crofts, 51.

Do you think Shabir Sabar admitted causing death by DWI? (driving while intoxicated)

Night intruder *****

A JILTED lover smashed his way into his ex-girlfriend's home and said, after grabbing her throat: “I could kill you. No-one knows I am here”, a court heard on Monday.

Jobless David Jones, formerly of Bedwyn Walk, Aylesbury, appeared at Aylesbury Magistrates Court only three days before his 22nd birthday and admitted assault occasioning actual bodily harm, and criminal damage.

The court ***** Jones ***** , and ordered him to pay £32 compensation for the window and £30 towards costs.

- 1) What offence did David Jones confess to?
- 2) Were there any extenuating circumstances which could mitigate the sentence?

Double rapist

A MAN who raped a 25-year-old bank clerk less than a month after being bailed for a similar offence was ***** at Birmingham Crown Court yesterday *****.

Steven Wilson, aged 25, of Coventry, met the woman in a night club in Coventry last New Year's Eve. Four weeks earlier he had committed a similar rape on a girl aged 20, whom he also met in a night club.

- 1) Prove that Steven Wilson is a recidivist.
- 2) Do you agree that the judge should make an example of him and give him the maximum possible sentence in order to discourage similar offences?

How Erica put drug dealer behind bars

DRUG dealer Anthony Dorrington has been ***** after he was trapped by a police operation code-named "Erica".

Throughout the summer weeks of last year crack drug squad officers from Herts mounted a secret surveillance operation on Dorrington's flat.

They logged down all the visitors before mounting a raid on the premises in Abbey View, Garston. Dorrington, 35, and flatmate Neil Hornsby, 27, were both arrested after officers found unknown substances, syringes and needles.

It turned out the pair had been dealing in heroin.

- 1) What is "Erica"?
- 2) How long did crack drug squad offices keep the premises in Abbey
- 3) View under surveillance because of suspected illegal drug activity?
- 4) What drugs were found during a police raid?
- 5) What were the stages of a secret operation mounted by the police to trap drug dealers?

******* for boy who killed a school bully**

SIMON LUNDIE, 17, suffered years of hell at the hands of a school bully.

Finally he snapped – and stabbed his tormentor to death. "This was a wicked and terrible thing you did," Mr Justice Alliot told Simon today at the Old Bailey. He accepted that Lundie had been provoked but had decided that such outrageous behaviour demanded stern punishment. Lundie's mother wept as he was sentenced to *****.

The boy he stabbed was 17-year-old Robert Tucker, whose parents silently watched as Lundie was taken to the cells.

Mr Timothy Langdale, prosecuting, said Tucker bullied and threatened Lundie. "Every day for 18 months he forced him to hand over his dinner money of 75p". Tucker constantly telephoned Lundie at home – sometimes five times in a day. "He carried on threatening him and making even greater

demands for money" said counsel. "Lundie was very nervous and frightened of the other boy".

Two weeks before his death Tucker ordered Lundie to have a fight with one of his cronies. Lundie was reluctant, but there was a minor scuffle involving Tucker as well. When arrested Lundie told detectives: "It is a long story. This has been going

on for years. I could not take any more”.

Lundie, of Rochford Avenue, Waltham Abbey, pleaded not guilty to murder but admitted manslaughter. His plea was accepted.

- 1) What was the victim like?
- 2) Simon Lundie attacked and killed Robert Tucker because the latter provoked him into a state of rage. Was he right to take the law into his own hands?
- 3) Wasn't Lundie treated unduly harshly?
- 4) Did he plead guilty to murder?

Viewing & Speaking

Video Crime, Law and Punishment

(<https://eduenglish.bsu.by/mod/page/view.php?id=4973>)



Before watching

A Before you watch the video, study the following words:

adj

justifiable – able to be shown to be right or reasonable, defensible;

measuring (stick) – measuring instrument that has a sequence of marks at regular intervals;

lenient – more merciful or tolerant than expected;

harsh – cruel, severe;

bizarre – very strange, unusual;

intuitive – based on what one feels to be true even without conscious reasoning;

inevitable – something that one can't escape.

verb

inflict (on something) – to cause (something unpleasant or painful) to be suffered by someone or something;

beg (the question) – to raise the point which has not been dealt with;

outweigh – to be higher in weight, value or importance.

noun

deterrent – something which serves to discourage, prevent or stop smth/smb from action;

nastiness – something disgusting, physically repugnant.

B Answer the questions:

What is the philosophical purpose of legal punishment?

Does it benefit society, and if so how exactly?

Is it moral?

While watching

A Watch the video paying attention to the main characteristics of both theories.

B Match the following distinctive features to the corresponding theory.

- **consequentialism**
- **retributivism**
- punishment is justified if it is proportional to crime
- inflicting suffering on people
- punishment is justified if it takes the same form
- easy to measure and test
- an eye for an eye, a tooth for a tooth
- punishment is justified if it achieves a good end
- one gets what he deserves

After watching

A Read the following notions and explain the way you understood them from the video. Identify what theories they are related to and what context they were used in:

Lex Talionis is

Proportionality is

Measuring stick is

Moral Desert Nihilism is

B In pairs, give as many as possible arguments to support your opinion. The others have to agree or disagree with your arguments.

1. The question that worries people all over the world is crime and punishment.
2. The reason for being a social misfit is rooted in the childhood.
3. “Laws seem to have been made to be broken”.
4. “Society prepares the crime, the criminal commits it”.
5. Crime doesn’t pay.
6. A good example of “the intelligent island”.

Text C. Penal and Correctional Institutions

Before Reading

A Discuss these questions:

- ✓ Why does society send people to prison, in your opinion? Try to think of at least three reasons. Do you think they are all good reasons?
- ✓ In what way do you think women and men are not the same if we speak about imprisonment? What do you think is different: physical conditions, security, activities and recreation, health service?

B Write down the words you associate with the aims of punishment and explain your choice.

Example: A penal colony. In 1986 the government closed the **penal colony** and opened the island to visitors.

C Match English and Russian equivalents.

- | | |
|---------------------------------------|------------------------------|
| 1) penitentiary/ ,peni 'tenʃəri/ | a) рентгеновские аппараты |
| 2) medium security prison | b) тюрьма общего режима |
| 3) treason | c) концлагерь |
| 4) X-ray devices | d) заключать в тюрьму |
| 5) to flee | e) пенитенциарное учреждение |
| 6) inmate | f) измена |
| 7) remand centre - /rɪ 'ma:nd ,sentə/ | g) избегать |
| 8) confine | h) тюрьма строгого режима |
| 9) forestry camp | i) заключенный |
| 10) maximum security prison | j) следственный изолятор |

Reading

A Read the text and decide if the following statements are true or false. Correct the false statements.

1. A jail generally refers to a local prison holding people convicted of less serious crimes or awaiting trial.
2. Prisons are considered to be only those institutions that house adults convicted of major crimes.
3. Young offenders are confined in the same correctional centres with adults.
4. Remand centres are the least restrictive prisons.
5. The prisons are divided into (1) maximum security prisons, (2) medium security prisons, and (3) minimum security prisons according to the length of sentences and the degree of security.
7. Minimum security prisons hold inmates who have committed less serious crimes, such as minor assaults and small thefts.
8. Women are housed in prisons together with male inmates.
9. Detention centres, or youth custody centres, are institutions where offenders under the age of 18 serve their sentences.

There are various types of institutions that confine convicted lawbreakers or persons awaiting trial. They may be known as penitentiaries, reformatories, or correctional centres, as well as the more commonly known 'prisons' or 'jails'. In the United States, a jail generally refers to a local prison holding people convicted of less serious crimes or awaiting trial. Many people consider prisons to be only those institutions that confine adults convicted of major crimes. Institutions for young offenders include youth custody centres and detention centres. In addition, specially built remand centres, separate from prisons, hold people who are awaiting trial.

Women form a small proportion of all inmates in prisons. Most of them are held in prisons which house only women. Experts classify prisons by the degree of securi-

ty or control they provide. The main types are (1) maximum security prisons, (2) medium security prisons, and (3) minimum security or open prisons.

Maximum security prisons generally hold prisoners serving long sentences. These prisoners have committed murder, robbery, kidnapping, treason, or over serious crimes. High stone walls or strong chain fences surround most maximum security prisons. Many of these barriers have electronic detection devices and powerful spotlights. Prisoners live in cells and eat either in their cells or in a dining hall. Prison officials limit the length and number of visits by family and friends. During such visits, thick glass or wire screens separate some prisons and visitors to prevent the exchange of such prohibited items as drugs and weapons. Other prisoners and visitors are allowed to be together. Some prisons use X ray devices to check visitors for hidden weapons.

Medium security prisons hold inmates who have committed less serious crimes, such as minor assaults and small thefts. The inmates in medium security prisons are generally less dangerous than those in maximum security prisons. Medium security prisons may be surrounded by fences with guard towers. Some have educational and athletic facilities similar to schools.

Minimum security or open prisons are the least restrictive prisons. Inmates of minimum security prisons are not considered dangerous and are unlikely to flee prison. Many of these inmates were convicted of such nonviolent crimes as business theft, forgery, obstruction of justice and perjury. They live in comfortable rooms and usually may move about within the prison as they please. Minimum security prisons range from large institutions to small farm or forestry camps.

Juvenile correctional centres generally hold offenders under the age of 18. The institutions keep young prisoners away from the bad influence of dangerous adult criminals. Remand centres hold young people who have been accused of committing crimes and are awaiting trial. Detention centres, or youth custody centres, are institutions where convicted youths serve their sentences. Most of these sentences last about a year. The centres offer counselling, education, job training and recreation.

B Read the text and answer the following questions.

1. What are the names of the institutions in which those accused of committing crimes are held?
2. What are the names of the institutions in which prisoners are detained for committing crimes while awaiting trial?
3. How does the number of female prisoners differ from the number of male prisoners?
4. What are the distinctive features of high-security prisons?
5. What is the difference between convicts in maximum-security prisons and convicts held in medium-security prisons?
6. Which prisons contain the most non-dangerous prisoners?
7. What is the difference between juvenile prisons and other correctional institutions?

Vocabulary Focus

A Suggest English equivalents of the following word-combinations. Then use five of them in your own sentences.

Тюрьма; грабеж; воспрепятствование правосудию; лжесвидетельство; несовершеннолетний преступник; ненасильственные преступления; незначительные нападения; тюремные чиновники; измена; отбывать наказание; электронные устройства обнаружения; мелкие кражи; следственный изолятор; камера; скрытое оружие, центры содержания под стражей; подделка документов; похищение; тюрьма строгого режима; пенитенциарные учреждения.

B 1) Find some verb + noun pairs used in the text.

- | | |
|------------|----------------|
| 1) serve | a) crimes |
| 2) confine | b) lawbreakers |
| 3) house | c) prison |
| 4) await | d) women |
| 5) flee | e) sentences |
| 6) commit | f) trial |

2) Fill in the gaps with the verb + noun pairs above. In some sentences you will have to modify the verb.

1. Prisoners who _____ long _____ are held in maximum security prisons.
2. Medium security prisons hold inmates who have _____ less serious _____, such as minor assaults and small thefts.
3. Female prisons _____ only _____.
4. Inmates of minimum security prisons are not considered dangerous and are unlikely to _____.
5. Remand centres, separate from prisons, hold people who are _____.
6. There are various types of institutions that _____ convicted _____ or persons awaiting trial.

C Choose the right variant to complete the sentence.

1. In the United States, a _____ generally refers to a local prison holding people convicted of less serious crimes or awaiting trial.
a. prison b. jail c. remand centre
2. Women form a _____ proportion of all inmates in prisons.
a. large b. equal c. small
3. Prisoners live in _____ and eat either in their _____ or in a dining hall.
a. cells b. cages c. boxes
4. Detention centres, or youth custody centres, are institutions where _____ serve their sentences.
a. dangerous adult criminals b. convicted youths c. convicted lawbreakers
5. _____ correctional centres generally keep young prisoners away from the bad influence of dangerous adult criminals.

- a. female b. male c. juvenile
6. _____ hold young people who have been accused of committing crimes and are awaiting trial.
a. prisons b. remand centres c. reformatories
7. Inmates of _____ were convicted of such nonviolent crimes as business theft, forgery, obstruction of justice and perjury.
a. minimum security prisons b. medium security prisons c. maximum security prisons
8. Maximum security prisons generally hold prisoners who have committed murder, _____, _____, or over serious crimes.
a. forgery, perjury b. assaults, thefts c. robbery, treason

Speaking

While punishments of longer prison sentences may appear logical in order to reduce crime, keeping a prisoner in jail is extremely expensive and not sustainable. On the other hand, if a criminal simply slips back into their old ways when released from prison, that is hardly going to help to reduce crime. The answer, according to many, is to focus on rehabilitation. That means equipping prisoners with what they need, such as education and employment opportunities, to pursue a normal life away from crime when they are freed.

Express your opinions on issues such as the best ways to rehabilitate prisoners, the effectiveness of criminal rehabilitation and whether rehabilitation is even possible in the modern world. Use the questions as a plan.

1. Is the main purpose of convicting a criminal punishment, rehabilitation or public protection? What's the difference between these?
2. Is it better to punish criminals or try to rehabilitate them?
3. Are short sentences of less than a year any use? If not, what would be a better alternative?
4. What should prisoners learn while they are in prison? How would you feel about combining prison sentences with university bachelor's courses? Would this help rehabilitate prisoners?
5. When should a criminal be rehabilitated outside of prison?
6. If prison were too comfortable, would that actually encourage people to commit crimes?
7. What do prisoners need to genuinely reintegrate back into society?
8. Does rehabilitation actually work?

Lookback

A Make sure that you know legal terms you have studied in Unit IV:

Aims of Punishment: retribution, incapacitation, rehabilitation, deterrence.

Types of Punishment: the death penalty, probation, fine, suspended sentence, restitution, community service, incarceration.

Penal and Correctional Institutions: penitentiary, correctional centre, jail, inmate, maximum security service, juvenile correctional centre, remand centre.

B Self-check list. Tick what you can do:

- Give a definition to punishment.
- Name and explain what aims of punishment are.
- Describe types of punishment.
- Analyze penal and correctional institutions.

C Exam Prep. Speak on one of the following situations.

Situation 1

You are a representative of British correctional system. Speak about types of sentences used in your country.

Situation 2

At the conference you are asked about the aims of punishment. Outline the most important of them. Name types of punishments that serve these aims.

Situation 3

You are a human rights lawyer whose activities are focused on penal institutions. Which 5 most important facts about prisons in Britain would you publish on the first page of your organization's website?

Situation 4

At the round table talks you are asked the question about the difference between different correctional institutions. Present the most critical distinctions in your opinion.

Situation 5

Your task for the seminar is to make a report on why it is difficult to talk about the aims of punishment without mentioning the motive of revenge. Prove and confirm your answer with facts.

D Project. Prepare a group project on one of the suggested topics.

Project ideas:

- ✓ A prison is an institution for the confinement of persons convicted of major crimes or felonies.
- ✓ There are groups of inmates who should have additional rights.
- ✓ Relaxation of harsh laws has never led to increase in crime.

3. РАЗДЕЛ КОНТОРОЛЯ ЗНАНИЙ

Цель проведения контроля знаний – повышение качества образовательного процесса. Объектами контроля как обязательного компонента процесса обучения иностранному языку являются приобретаемые студентами знания и уровень сформированности навыков и умений.

Диагностика результатов учебной деятельности студентов по дисциплине «Профессионально ориентированный иностранный язык (английский)» осуществляется в соответствии с Правилами проведения аттестации студентов (Постановление Министерства образования Республики Беларусь № 53 от 29.05.2012); Критериями оценки знаний студентов (письмо Министерства образования от 22.12.2003); Положением о рейтинговой системе оценки знаний по дисциплине в БГУ (Приказ ректора БГУ от 18.08.2015 № 382–ОД). Весовые коэффициенты компонентов системы рейтингового оценивания устанавливаются и утверждаются кафедрой.

Контроль осуществляется поурочно (текущий) и по завершению изучения тем/блоков и курса обучения иностранному языку (промежуточный). Для каждого вида контроля характерна своя методика, средства контроля, частотность его проведения и критерии оценки знаний студентов.

Каждый из видов контроля отличается своей методикой, используемыми средствами контроля, частотой проведения, разновидностью диагностического инструментария. Диагностика уровня учебных достижений и результата коммуникативной деятельности осуществляется в *устном* (доклад, выступление, конференция, деловая и интеллектуальная игра, кейс, коллоквиум, собеседование, презентация и т. д.), *письменном* (эссе, аннотация, статья, реферат, отчет, контрольная работа, тест, перевод, деловое письмо, учебно-исследовательская работа и пр.), *комбинированном* виде (открытые эвристические задания; олимпиады, проекты, постеры с использованием мультимедийных технологий, интерактивные задания в онлайн формате на базе ресурсов технологий Web 2.0 и образовательной платформы Moodle и пр.). *Самоконтроль* осуществляется на основе технологии портфолио, предполагающей разнообразные формы представления материалов (печатные, аудиовизуальные, электронные).

Рейтинговая оценка учебных достижений осуществляется на всех этапах контрольно-оценочной деятельности на основе количественных (цифровых, 10-балльных) оценочных шкал. Дифференциальными элементами рейтинговой системы являются весовые коэффициенты для разных модулей и диагностических параметров в соответствии с содержанием контрольно-оценочной деятельности в обучении иностранному языку.

3 СЕМЕСТР

Unit 1. Criminal Law

Коллоквиум

Task 1. Speak on the situation.

Task 2. Answer the questions.

Sample situations:

1. You are giving a lecture on the nature of crime in Criminal Law. Explain briefly what crime is. You have chosen the US media personality and former politician Jess Ventura's quote to explain your position on the nature of crime: 'A crime is a crime, regardless of what collar you wear.' Continue it choosing the direction you need.
2. You are preparing for the project on Juvenile Delinquency. Explain to your classmate working with you in one team your view of the plan for the presentation.

Sample questions:

1. What is a crime?
2. What is the purpose of criminal sanctions?
3. Why do crimes involve the state?
4. What is the main purpose of Criminal law?
5. Why do definitions of what is to be regarded as criminal change quite radically over years?
6. What does the phrase "ignorance of the law is no excuse" mean
7. Why cannot the person who was assaulted stop the prosecutor from bringing an indictment against the assailant?
8. Why are *actus reus* and *mens rea* essential concepts in the operation of the Criminal law?
9. What is a criminal offence?
10. What do punishments for criminal offences depend on?
11. What criminal offences are distinguished in the UK?
12. How are crimes ranked?
13. What categories of criminal offences are there in the UK law? Give examples for each category.
14. Who must indictable offences be tried by?
15. What maximum sentence does a summary offence usually carry?
16. What is the main factor in deciding which court will deal with an either way offence?
17. Does the liability of all persons involved in the commission of a crime depend on the type of participation?
18. How many persons can be the perpetrators in the crime?
19. Who is considered to be a principal?
20. How do accessories before the fact differ from accessories after the fact?
21. What is juvenile delinquency?
22. What are more common offences for juveniles aged 14? 16?
23. Why do juvenile gangs often perform delinquent acts?
24. How do most delinquents perform in school?
25. Why is it important to identify potential delinquents at an early age?
26. What are the most commonly used methods of handling delinquents?

Контрольная работа: *The Infinitive Constructions*.

Assessment Test: <https://dl.bsu.by/mod/quiz/view.php?id=2060>

Achievement Test 1: <http://elib.bsu.by/handle/123456789/27606> (p. 52-59)

Grammar Test (The Infinitive. The Infinitive Constructions)

Task 1. Use the proper form of the Infinitive:

1. The doctor proved the man (*to kill*) last night.
2. I know them (*to interrogate*) the suspect for an hour already.
3. Criminals can (*to punish*) in many different ways, but the worst one is death penalty.
4. The Minister is said (*to involve*) in bribery.

Task 2. Translate into English using the infinitive constructions:

1. Было доказано, что он прав.
2. Этот пожар, несомненно, вызовет панику.
3. Свидетель слышал, как обвиняемый угрожал кому-то.
4. Они все оказались соучастниками кражи со взломом.

Unit 2. Civil Law

КОЛЛОКВИУМ

Task 1. Speak on the situation.

Task 2. Answer the questions.

Sample situations:

1. Your friend has found a vehicle he likes online and decides to purchase it. Explain to him why it is necessary to make a contract and what the six key requirements for the creation of a contract are.
2. You hold classes on marital property and divorce litigation. Speak about the advantages of prenuptial agreements. Why are people reluctant to enter into such agreements?

Sample questions:

1. Give a definition to civil law.
2. Why is civil law important?
3. What are four main differences between civil and criminal law?
4. What is meant by "a preponderance of evidence"?
5. What is "breach of contract"?
6. What are three categories of torts?
7. In what way is family law unique?
8. What does property law deal with?
9. What is a tort?
10. What are the aims of tort law?
11. What are three general categories of torts?
12. What damages can be awarded to an injured party?
13. What must be shown to prove that a tort was committed?

14. What is a common law marriage?
15. What is the difference between ‘void’ and ‘voidable’ marriages?
16. Under which circumstances can the marriage be considered voidable?
17. What is meant by ‘a suit to establish paternity’ (can you think of the term in Russian)?
18. What is the overriding principle in the parental-child relationships?
19. What is the Russian for ‘overriding principle’?
20. Which other matters fall under the family law umbrella?
21. Give a definition to a contract.
22. What are the essential elements of a contract?
23. What is meant by “offer and acceptance”?
24. How may the intention to create legal relation be expressed?
25. What is a consideration?
26. Can a person seek the assistance of a court merely because he has made a bad bargain?
27. What are certain exceptions to the general rule that any person may enter into a binding contract?
28. What is meant by “capacity”?
29. What is meant by “genuineness of consent”?
30. What contracts may be declared illegal?
31. What does property law embrace?
32. Which term is wider: real estate or real property? Why?
33. Which intangible legal rights may pertain to real estate?
34. What is the difference between freehold and non-freehold estates?
35. What is the difference between tangible and intangible property?
36. What is considered personal property?

Контрольная работа: *The Gerund*.

Assessment Test: <https://dl.bsu.by/mod/quiz/view.php?id=2060>

Achievement Test 8: <http://elib.bsu.by/handle/123456789/27606> (p. 79-87).

Grammar Test (The Gerund)

Task 1. Choose the correct form.

1. The suspect denies (*having taken, having been taken*) part in that robbery.
2. The judicial branch has the responsibility of (*judging, being judged*) the constitutionality of Acts of law.
3. The case needs (*investigating, being investigated*) as soon as possible.

Task 2. Complete the sentences using the appropriate form of the Gerund.

1. I know everyone who is worth (know)
2. His legs were somewhat stiff from (chase) ... the offender for days.
3. They could hardly have been successful lawyers if they had not possessed a shrewdness that prevented them from (deceive) ... by appearances.

Unit 3. Civil and Criminal Procedure

КОЛЛОКВИУМ

Task 1. Speak on the situation.

Task 2. Answer the questions.

Sample situations:

1. You work in a Legal Aid office. Explain your client who is going to sue his neighbour what must be done before the trial.
2. You are delivering a lecture on court proceeding. Explain the meaning of the term “procedure” in both civil and criminal courts.

Sample questions:

1. What is the essence of the term ‘procedure’?
2. What does the term ‘civil procedure’ embrace?
3. What is the civil procedure in England and Wales governed by?
4. How are the parties of a civil case called?
5. What are the peculiarities of the pleading stage?
6. Why is case management conference needed for resolving the case?
7. What is meant by ‘disclosure of documents’?
8. What are the ways of obtaining the information from the witnesses?
9. Is expert evidence always required in resolving the dispute?
10. Can a party appeal the decision in a higher court?
11. What does ADR stand for?
12. Which facts prove that ADR has become an attractive route for dispute resolution?
13. What are the main ADR forms?
14. What is the major difference between ADR forms?
15. From your point of view, what does the choice of a certain ADR form depend on?
16. Negotiation: why is it considered the first option for resolving the dispute?
17. Whom does mediation involve?
18. In what cases is conciliation used?
19. What form of ADR is legally binding?
20. What are the positives and negatives of each form of ADR?
21. What is an arrest?
22. What are the conditions of making an arrest of a suspect?
23. What is an arrest warrant?
24. What does the written report on the alleged crime contain?
25. What is an arraignment?
26. The suspect can be released on certain conditions before the trial. What are these conditions?
27. What are the major steps of criminal procedure? Give a short characteristic of each.
28. What are the peculiarities of opening statements?
29. At what stage do the prosecution and defence have the chance to ‘sum up’ the case?
30. What is called ‘deliberation’?
31. What is evidence?

32. Is there any difference between the use of evidence in civil and criminal cases?
33. What are the basic rules that relate to the testimony of witnesses?
34. What are the main types of real evidence?
35. Into what categories is forensic evidence divided?
36. Why is jury considered a unique British institution?
37. Is it necessary to have any special education in order to become a juror?
38. How is jury selected?
39. What is the 'voir dire' process?
40. If you have a legal problem, would you like your case to be tried in the presence of jury?

Контрольная работа: *The Participial Constructions*

Assessment Test: <https://dl.bsu.by/mod/quiz/view.php?id=2060>

Achievement Test: <http://elib.bsu.by/handle/123456789/27606> (p. 69-78).

Grammar Test (The Participial Constructions)

Task 1. Complete the sentences by replacing the Infinitive in brackets by either Participle I or Participle II:

1. (To control) by Central Government, the police are responsible for the maintenance of public order.
2. The witness began to speak with her voice (to tremble).
3. When the car was heard (to approach) the people ran away to avoid the police.

Task 2. Translate into English using the participial constructions:

1. Я никогда не слышал, чтобы подобные вещи спрашивали в суде.
2. После того как истец подаст апелляцию, ее может принять и рассмотреть только суд второй инстанции.
3. Так как дверь зала судебных заседаний была открыта, мы заглянули в нее.

Unit 4. Punishment

Коллоквиум

Task 1. Speak on the situation.

Task 2. Answer the questions.

Sample situations:

1. You are a representative of British correctional system. Speak about types of sentences used in your country.
2. At the conference you are asked about the aims of punishment. Outline the most important of them. Name types of punishments that serve these aims.

Sample questions:

1. What is a basic definition of punishment?
2. What are the goals of punishment?

3. How is punishment imposed?
4. What is the retributive theory of punishment associated with?
5. How does punishment aim to change the offender's predisposition towards criminal behaviour with rehabilitation?
6. Why is it difficult to talk about the aims of punishment without mentioning the motive of revenge?
7. What does revenge involve?
8. What is the difference between revenge and retribution?
9. What is one of the tasks of the criminal justice system?
10. Why is the main object of Criminal Law to punish the wrong-doer?
11. Why should the punishment fit the crime?
12. What types of sentences may the court pass?
13. What is meant under "incarceration"?
14. What is the most common sentence given to offenders?
15. What is probation and how does it work?
16. What is the importance of punishment in the community?
17. How does restitution differ from other forms of punishment?
18. What are the names of the institutions in which those accused of committing crimes are held?
19. What are the names of the institutions in which prisoners are detained for committing crimes while awaiting trial?
20. How does the number of female prisoners differ from the number of male prisoners?
21. What are the distinctive features of high-security prisons?
22. What is the difference between convicts in maximum-security prisons and convicts held in medium-security prisons?
23. Which prisons contain the most non-dangerous prisoners?
24. What is the difference between juvenile prisons and other correctional institutions?

Контрольная работа: *Subjunctive Mood*

Assessment Test: <https://dl.bsu.by/mod/quiz/view.php?id=2060>

Achievement Test 1: <http://elib.bsu.by/handle/123456789/27606> (p. 88-96).

Grammar Test (Subjunctive Mood)

Task 1. Complete the sentences using the proper form of the verbs in the Subjunctive Mood:

1. But for this evidence his previous crimes (*come out*) to light.
2. He speaks as if he (*be*) innocent.
3. If they (*ban*) the sale of alcohol, there (*may be*) less violence.
4. I wish your evidence (*help*) in identifying the criminal.

Task 2. Translate into English:

1. Если бы условия в тюрьмах были лучше, то тюремное заключе-

- ние способствовало бы перевоспитанию преступников.
2. Если бы вы прибыли на место преступления первым, то вы смогли бы собрать доказательства, чтобы оправдать его.
 3. Он выглядел так, будто ему вынесли смертный приговор.
 4. Наказание могло бы быть мягче, если бы он не был ранее судим.

ЭКЗАМЕН: 2 КУРС, 3 СЕМЕСТР

Структура экзамена:

I. Эвристическая междисциплинарная часть (выполняется до экзамена).
Individual term project (see the detailed description below) – 40%.

II. Лингвистическая часть.

1 Письменная часть (выполняется до экзамена)

Proficiency test (vocabulary and reading) – 30%

2 Устная часть (выполняется на экзамене)

Speak on the situation within the scope of the studied subject matter – 30%

Tentative subject areas:

Criminal Law: basic concepts.

Classification of crimes.

Juvenile delinquency

Partakers in crime.

Civil Law: basic concepts.

Contract Law.

Tort Law.

Property Law.

Family Law.

Civil procedure: stages and their peculiarities.

Forms and peculiarities of alternative dispute resolution.

Criminal procedure: steps.

Criminal trial: overview.

Evidence: types and their peculiarities.

Justice through community engagement. Jury trial.

Aims and types of punishment.

Penal institutions.

Примеры ситуаций:

1. You are a famous Law expert in the UK who is speaking about the critical role of juvenile delinquency prevention in combating crime at the national level. What arguments would you give to support your position?
2. You are an expert in Family Law. Outline the main issues that a would-be-family attorney should know.
3. You are writing an English Law dictionary. How are you going to explain different meanings of the word “crime”?

Структура и содержание экзаменационного проекта (Individual term project requirements)

Цель проекта – создать условия для развития у студентов навыков самостоятельной поисково-исследовательской деятельности, широкого спектра эвристических навыков, включая навыки критического мышления. Предметно-тематическое содержание, языковой и речевой материал соответствует программе. Студентам предлагается выбрать направление исследования исходя из освоенных на 1 курсе и изучаемых на 2 курсе предметно-тематических областей.

Проект выполняется студентами индивидуально в течении 3 семестра. Все этапы, кроме этапа 4, выполняются на образовательном портале. Объем исследования - не менее 5 страниц. Результаты проекта (этап 4) презентуются на последних занятиях перед экзаменом. Далее полученный результат может трансформироваться в выступление на ежегодной студенческой конференции во время Недели английского языка. Лучшие доклады рекомендуются для включения в университетскую конференцию в рамках секции *Topical Legal Issues*.

Итоговая отметка за проект базируется на оценивании каждого этапа.

Stage 1. Introduction and goals setting: выбор темы – выполняется на образовательной платформе Moodle, элемент Форум – My Research Topic.

Stage 2. Knowledge Hunt: исследование литературы по выбранной тематике и составление аннотированного списка (не менее 3 источников). Размещается на образовательной платформе Moodle.

Stage 3. Concept Sampler: подготовка и презентация резюме (развернутое описание цели и планируемого результата – 1-2 абзаца) и плана проекта. Размещается на образовательной платформе Moodle.

Stage 4. Research Presentation: презентация результатов исследования с использованием наглядности (схем, таблиц, постеров, раздаточного материала, фоторепортажей, любых сервисов подготовки и просмотра презентаций, n-p Power Point, Prezi, Canva и др.); выполняется аудиторно.

Stage 5. Reflection: взаимная оценка проектов на Moodle БГУ.

Примерные весовые коэффициенты этапов проекта

Stage	Весовой коэффициент, %	Примерный дедлайн	Критерии оценивания
Stage 1. Introduction and goals setting	10	1-15 сентября	<ul style="list-style-type: none"> - оригинальность выбранных тем; - учет отечественной проблематики при выборе тем (по возможности); - участие в обсуждении; - языковая грамотность.
Stage 2. Knowledge Hunt	20	1-15 октября	<ul style="list-style-type: none"> - разнообразие изученной литературы (представленность разных позиций, отечественных и зарубежных авторов); - структура аннотаций; - языковая грамотность аннотаций.

Stage 3. Concept Sampler	20	1-10 ноября	<ul style="list-style-type: none"> - ясность и логичность резюме; - четкость плана; - языковая грамотность.
Stage 4. Research Presentation	40	1-10 декабря	<ul style="list-style-type: none"> - содержание презентации; - структура презентации; - качество представления проекта (подготовленность); - языковая грамотность.
Stage 5. Reflection	10	10-12 декабря	<ul style="list-style-type: none"> - ясность и логичность аргументации; - структура рефлексии; - языковая грамотность.
Total	100	Вес в экзаменационной отметке – 40%	

4. ВСПОМОГАТЕЛЬНЫЙ РАЗДЕЛ

4.1. Структура учебной дисциплины

Специальность (направление)	1-24 01 02 Правоведение 1-24 01 03 Экономическое право	
Форма получения высшего образования	Очная (дневная) форма получения образования	
Курс	2	Всего
Семестр	III	
Всего часов по дисциплине	124	124
Всего аудиторных часов по дисциплине	82	82
Практические занятия	76	76
Трудоемкость учебной дисциплины	3 з.е.	3 з.е.
Форма текущей аттестации	экзамен	–

4.2. Содержание учебного материала

Тема 1.1	Criminal Law.	Тема 1.4	Criminal Procedure.
1.1.1	The nature of Criminal Law.	1.4.1	Criminal procedure: typical stages.
1.1.2	Classification of crimes.	1.4.2	Evidence.
1.1.3	Partakes in Crime.	Тема 1.5	Sentencing and Punishment.
1.1.4	Juvenile delinquency. Crime prevention.	1.5.1	General aims of punishment.
Тема 1.2	Civil Law.	1.5.2	Types of sentences.
1.2.1	Civil Law: understanding concepts.	1.5.3	Penal institutions.
1.2.2	Branches of Civil Law.	Тема 2.1	Verbals. Infinitives: forms and common uses. Gerunds: forms and common uses. Gerund vs Infinitive. Participles: forms and common uses.
Тема 1.3	Civil Procedure.	Тема 2.2	Conditionals. Types and usage.
1.3.1.	Civil procedure: basic steps.	Тема 2.3	Subjunctive Mood. Forms and usage.
1.3.2	Alternative dispute resolution.		

4.3. Учебно-методическая карта учебной дисциплины

Очная (дневная) форма получения образования с применением электронных средств обучения (ДО)

Номер раздела, темы	Название раздела, темы	Количество аудиторных часов				Количество часов УСП	Форма контроля знаний
		Лекции	Практические занятия	Семинарские занятия	Иное		
1	2	3	4	5	6	7	8
1.1	Criminal Law.		18				
1.1.1	The nature of Criminal Law.		4				Устный опрос
2.1	Verbals. Infinitives: forms and common uses.						
1.1.2	Classification of crimes.		4				Устный опрос
1.1.3.2.	Partakes in crime.		4				Устный опрос
1	Verbals. Gerunds: forms and common uses. Gerund vs Infinitive.						
1.1.4	Juvenile delinquency. Crime prevention.		4 2 (ДО)				Устный опрос Контрольная работа
1.2	Civil Law.		18				
1.2.1	Civil Law: Understanding concepts.		6				Устный опрос
1.2.2	Branches of Civil Law.		12				Устный опрос
2.1	Verbals. Participles: forms and common uses.						Коллоквиум
1.3	Civil Procedure.		12				
1.3.1	Civil Procedure: basic steps.		6				Устный опрос
1.3.2	Alternative dispute resolution.		6				Устный опрос
2.2	Conditionals. Types and usage.						

1.4	Criminal Procedure.		18				
1.4.1	Criminal Procedure: typical stages.		10				Устный опрос
2.2	Conditionals. Types and usage.		2 (ДО)				
1.4.2	Evidence.		6				Устный опрос Контрольная работа
1.5	Sentencing and Punishment.		16				
1.5.1	General aims of punishment.		8				Устный опрос
1.5.2	Types of sentences.		2 (ДО)				
2.3	Subjunctive Mood. Forms and usage.						
1.5.3	Penal Institutions.		6				Устный опрос Контрольная работа
2.3	Subjunctive Mood. Forms and usage.						

4.4. Рекомендуемая литература

Основная литература

1. Клокова, А. Г. Английский для правоведов = English for Law Studies : учеб-метод. пособие для вузов / А. Г. Клокова, З. В. Полиенко, К. Р. Христова. – Минск : БГУ, 2021. – 91 с. – Режим доступа: <https://elib.bsu.by/handle/123456789/270338> – Дата доступа: 21.05.2023.
2. Дебаты на правовые темы = Legal Debating [Электронный ресурс] : учеб-метод. пособие для вузов / сост. З. В. Полиенко [и др.]; под общ. ред. О. И. Васючковой. – Минск : БГУ, 2016. – Режим доступа: <http://elib.bsu.by/handle/123456789/158282> – Дата доступа: 21.05.2023.
3. Детективные рассказы для студентов-правоведов = Crime Stories for Law Students [Электронный ресурс] : учеб-метод. пособие для вузов / сост. З. В. Полиенко [и др.]; под общ. ред. О. И. Васючковой. – Минск : БГУ, 2019. – Режим доступа: <http://elib.bsu.by/handle/123456789/218709> – Дата доступа: 21.05.2023.
4. Английский язык для юристов: учебник и практикум для академического бакалавриата / И. И. Чиронова [и др.]; под общ. ред. И. И. Чироновой. – 2-е изд., перераб. и доп. – М. : Издательство Юрайт, 2018. – 399 с.
5. Хведченя, Л. В. Грамматика английского языка = Comprehensive English Grammar: учебник / Л. В. Хведченя. – Минск : Народная асвета, 2017. – 390 с.
6. Child, J. Smith & Hogan's Essentials of Criminal Law / J. Child, D. Ormerod. – 2nd ed. – Oxford : Oxford University Press, 2017. – 664 p.

Дополнительная литература

1. Английский язык для студентов-правоведов = English for Law Students: учеб-метод. пособие для вузов / О. И. Васючкова [и др.]; под общ. ред. О. И. Васючковой. – Минск: БГУ, 2011. – 295 с. – Режим доступа: <http://elib.bsu.by/handle/123456789/27606> – Дата доступа: 21.05.2023.
2. Английский язык для самостоятельной работы студентов юридических факультетов = English for Law. Student's Resource and Activity Manual : практикум / авт.-сост. А. И. Долгорукова [и др.]. – Минск: БГУ, 2005. – 106 с. – Режим доступа: <http://elib.bsu.by/handle/123456789/194896> – Дата доступа: 21.05.2023.
3. Английский язык для самостоятельной работы студентов юридических специальностей = English for Lawyers. Supplementary Material for Guided Self-Study: практикум / сост. Л. Н. Рогова [и др.]. – Минск : БГУ, 2008. – 99 с. – Режим доступа: <http://elib.bsu.by/handle/123456789/4052> – Дата доступа: 21.05.2023.
4. Английский язык для студентов-правоведов: итоговые тесты = English for Law Students: Achievement Tests / О. И. Васючкова [и др.]; под ред. О. И. Васючковой. – Минск : БГУ, 2010. – 96 с. – Режим доступа: <http://elib.bsu.by/handle/123456789/14678> – Дата доступа: 21.05.2023.
5. Краткий англо-русский словарь юридических терминов / О. И. Васючкова [и др.]; под общ. ред. О. И. Васючковой. – Минск : БГУ, 2004.

– 120 с. – Режим доступа: <http://elib.bsu.by/handle/123456789/14674> – Дата доступа: 21.05.2023.

6. Slorach, Sc. Legal Systems & Skills / Sc. Slorach [et al.]. – 3rd ed. – Oxford University Press, 2017. – 568 p.

7. Практическая грамматика английского языка = English Practice Grammar : учеб.-метод. пособие / Л. В. Хведченя [и др.]; под ред. Л. В. Хведчени. – Минск : БГУ, 2012. – 372 с. – Режим доступа: <http://elib.bsu.by/handle/123456789/96359> – Дата доступа: 21.05.2023.

4.5. Электронные ресурсы

1. Иностранный язык (профессиональная лексика) = English for Law Students – 2 [Электронный ресурс] / авт.-сост. Т. А. Катомахина [и др.] – Режим доступа: <https://eduenglish.bsu.by/course/view.php?id=7> – Дата доступа: 21.05.2023.

2. Иностранный язык = English Grammar [Электронный ресурс] / авт.-сост. Т. В. Коваленок [и др.] – Режим доступа: <https://eduenglish.bsu.by/course/view.php?id=4> – Дата доступа: 21.05.2023.

3. Basic Trial : Law Shelf Educational Media [Electronic resource]. – Mode of access: <https://lawshelf.com/courseware/entry/basic-trial-jury-selection> – Date of access: 21.05.2023.

4. Law Suit Settlement : Randall’s ESL Cyber Listening Lab. [Electronic resource]. – Mode of access: – <https://www.esl-lab.com/academic-english/lawsuit-settlement> – Date of access: 21.05.2023.

4.6. Карта электронных образовательных ресурсов

№	Электронные ресурсы, ссылки	Пояснения
1	Электронные курсы	Электронные курсы предлагают широкий спектр возможностей для полноценной поддержки процесса обучения в дистанционной среде: различные способы представления учебного материала, проверки знаний и контроля.
1.1	Moodle https://www.eduenglish.bsu.by/	
2	Блоги www.blogger.com	Личная страничка пользователя в виде дневника или журнала с целью сетевого взаимодействия, общения между преподавателем и студентами.
3	Сервисы визуальной информации	
3.1	Mind Maps https://www.mindmeister.com/ http://www.wisemapping.com/ https://www.xmind.net/ https://www.sites.google.com/site/badanovweb2/home/mind42	Технология, позволяющая грамотно структурировать мысли, идеи и факты с целью активного восприятия информации, эффективного запоминания и последующего воспроизведения.
3.2	Wordle http://www.wordle.net/create https://www.wordart.com/	Ресурсы для создания визуального образа из ключевых слов в привлекательной форме, что делает процесс запоминания новых слов интересным и творческим.
4	Презентационные сервисы	
4.1	PowerPoint	PowerPoint используется для создания учебных материалов, лекций, презентаций проектов, выступлений на конференциях.
4.2	Prezi https://www.prezi.com/signup/basic/	Веб-сервис для создания интерактивных мультимедийных презентаций с нелинейной структурой.
	Canva https://www.canva.com/	Онлайн-редактор для создания презентаций, графики для соцсетей, буклетов, резюме, коллажей, афиш, инфографики, плакатов и много другого.

5.	Аудирование	
5.1.	Подкасты http://www.esl-lab.com/ https://www.listenaminute.com/ www.breakingnewsenglish.com/ https://www.lawschooltoolbox.com/free-resources-for-law-students-2/ https://www.studylegalenglish.com/podcast https://www.theguardian.com/law/2017/oct/13/listen-up-law-students-these-podcasts-could-help-you-study	Формирование навыков и умений понимания иноязычной речи на слух, расширение и обогащение лексического словаря, формирование и совершенствование грамматических навыков, развитие навыков говорения и письменной речи.
5.2.	Водкасты https://www.real-english.com/reo/index.htm/ https://www.multimedia-english.com/ https://www.lawshelf.com/videos	Подкасты с добавлением видео сюжета.
5.3	ORORO http://www.ororo.tv/	Сервер предоставляет возможность просмотра фильмов с субтитрами сразу на нескольких языках.
5.4	YouTube (для студентов-юристов) https://www.youtube.com/watch?v=phixtPhc160&list=PLpbtRdN7xWUcbvinaRpZ2d3r95rr2wCBM https://www.youtube.com/watch?v=OixKpgtc7JA https://www.youtube.com/watch?v=Xhcm4URR2dA https://www.youtube.com/watch?v=OSW15ldEv6w https://www.youtube.com/watch?v=9P48YT61zII https://www.youtube.com/watch?v=3vgh-r_pPxQ https://www.youtube.com/watch?v=e_cvIjWOdec&t=37s https://www.youtube.com/watch?v=J780DiE20Mw	
6.	Сайты по созданию обучающих игр, заданий, тестов	Создание интерактивных заданий и тестов (cloze, multiple choice, match, mix, crosswords) по грамматике, лексике; провер-

6.1	Hot Potatoes http://www.hotpot.uvic.ca/	ка прочитанного и прослушанного текстов.
6.2	Jeopardy https://www.jeopardyapp.com/	Интеллектуальная игра, позволяющая проверить знания по лексике, грамматике, устным темам. Игру можно включить в коллоквиум или зачет.
6.3	Кроссворды http://www.puzzlecup.com/crossword-ru/	Сервис для создания кроссвордов онлайн.
6.4.	Quizlet https://www.quizlet.com/	Сервис для создания тестов, которые помогут запомнить материал разными способами (на слух, написание и т.д.).
7.	Словари https://www.dictionary.cambridge.org https://www.multitran.ru/c/m.exe?a=1&SHL=1 http://www.context.reverso.net/	Онлайн словари.

4.7. Методические рекомендации по организации самостоятельной работы студентов

Согласно Методическим рекомендациям по организации самостоятельной работы студентов (курсантов, слушателей) от 18.11.2019 самостоятельная работа при освоении образовательных программ высшего образования осуществляется самостоятельно вне аудитории с использованием различных средств обучения и источников информации с целью усиления практической направленности обучения. Самостоятельная работа может выполняться по заданию и при методическом руководстве преподавателя и контролироваться им на определенном этапе обучения (аудиторно или на образовательном портале БГУ Moodle). Такая самостоятельная работа является управляемой самостоятельной работой (УСР), цель которой – обучение студентов основным умениям и навыкам самостоятельной работы.

Самостоятельная работа студентов по дисциплине «Иностранный язык (профессиональная лексика)» включает следующие виды работы:

- подготовку к текущим занятиям: выполнение домашних заданий, выполнение индивидуально полученных заданий или предложенных по личной инициативе студента;
- выполнение исследовательских и творческих заданий;
- подготовку сообщений, тематических докладов, презентаций к занятиям;
- аналитическую обработку текста (аннотирование, реферирование, рецензирование, составление резюме);
- составление тематической подборки литературных источников, интернет-источников;
- изучение учебного материала, вынесенного на самостоятельную проработку;
- подготовку ко всем видам промежуточной и текущей аттестации;
- подготовку творческих заданий в рамках Недели английского языка, организуемой и проводимой кафедрой.

Для обеспечения эффективности самостоятельной работы консультационно-методическая поддержка осуществляется преимущественно в дистанционной форме и обеспечивается средствами образовательного портала БГУ LMS Moodle, электронной библиотеки БГУ. Контроль и оценивание результатов самостоятельной работы осуществляется с учетом особенностей форм контроля – в большинстве случаев на образовательном портале БГУ LMS Moodle.

4.7.1. Рекомендации по работе с лексико-грамматическим материалом

При работе с лексико-грамматическим материалом необходимо стремиться не только к узнаванию слова или грамматической структуры, но и пониманию цели их употребления в данном контексте.

При изучении лексико-грамматических явлений рекомендуется использовать словари, схемы, таблицы из справочников, а также учиться самим составлять подобные схемы с использованием ресурсов web 2.0 технологий (mind

maps, word clouds). Сайты по обучению английскому языку предоставляют богатый тренировочный и тестирующий материал по отработке лексико-грамматических навыков.

4.7.2. Рекомендации по работе с текстом

Предтекстовый этап:

- ✓ прочтите заголовок и скажите, о чем/о ком будет идти речь в тексте;
- ✓ выберите из текста слова, относящиеся к изучаемой теме;
- ✓ найдите в тексте незнакомые слова, посмотрите в словаре их значение.

Текстовый этап:

- ✓ прочтите текст;
- ✓ выделите слова/словосочетания/предложения, которые несут важную информацию;
- ✓ выпишите основные имена/термины/определения/даты и т.д.;
- ✓ сформулируйте ключевую мысль каждого абзаца;
- ✓ отметьте фразу, которая лучше всего передает содержание текста/части текста.

Послетекстовый этап:

- ✓ найдите в тексте предложения для описания ...;
- ✓ подтвердите/опровергните словами из текста следующую мысль ...;
- ✓ ответьте на вопросы/составьте вопросы к тексту;
- ✓ составьте план текста с ключевыми словами/интеллектуальную карту;
- ✓ перескажите текст, опираясь на план и ключевые слова.

4.7.3. Рекомендации по подготовке к устному монологическому высказыванию

Существует множество видов учебных устных сообщений. Есть ряд универсальных рекомендаций, которые подходят при подготовке любого из них. В частности, заранее продумайте свое сообщение, составьте примерный план (вступление; основная часть; заключение), подберите лексику по теме высказывания, подумайте, какие грамматические конструкции будут соответствовать задаче, поставленной в задании.

Любое монологическое высказывание имеет ряд характеристик: целенаправленность, логичность, связность, завершенность, непрерывность, выразительность. При подготовке устного высказывания можно использовать технологию составления интеллектуальных карт.

Типичным примером монологического высказывания является учебный доклад (academic report). Доклады часто представляются аудитории устно.

Доклад имеет следующую базовую структуру:

Этап	Описание этапа	Полезные фразы
Introduction (вступление)	Кратко описание предмета доклада; причины, почему вы занимаетесь именно этим вопросом, краткий обзор	The aim / purpose of this report is to examine / evaluate / describe / outline the positive and negative features of two different phenome-

	других исследований по теме; презентация цели и предмета; короткое summary (краткое изложение основных идей), которое подогреет интерес читателя.	на... This report aims to provide an overall view of the situation below. It will also include / consider / suggest / recommend... It is generally accepted that...
Methods (методы исследования)	Ответы на вопросы: Как проводилось исследование? Какие инструменты и приемы были использованы?	The report is based on a survey conducted among college students. A case study approach was used... A variety of methods are used to assess...
Results (результаты)	Описание результатов исследования.	Further analysis showed that... On average, ...s were shown to have... There was a/no significant difference between the two... The most striking result to emerge from the data is that... The single most striking observation was...
Discussion (обсуждение)	Обсуждение основных моментов, комментарии об эффективности исследования.	The vast majority of... This is probably due to the fact that One measure which may improve the situation would be to introduce... I would recommend that the company (college) should... (do...)
Conclusions (выводы)	Подведение итогов и предложения, касающихся темы доклада.	In the light of the results of the survey, I strongly advise... It appears that... In conclusion / On balance / To sum up

В полноценном докладе также должен быть список использованной литературы. Могут присутствовать и другие части, это зависит от цели доклада.

4.7.4. Рекомендации по работе над проектом и презентацией

Обучение иностранному языку с использованием проектов – это мостик между использованием языка в учебной аудитории и реальными жизненными ситуациями. Работая в парах или командах, вы приобретаете такие навыки как умение планировать, организовывать, вести переговоры, делать выводы, приходиться к соглашению по различным вопросам.

В основе каждого проекта лежит проблема. Целью проектной деятельности становится поиск способов решения проблемы, а задача проекта формулируется как задача достижения цели в определенных условиях.

Стадии работы над проектом:

- ✓ выбор темы;
- ✓ составление плана;
- ✓ работа над проектом;
- ✓ презентация;
- ✓ оценка/самооценка.

При создании мультимедийной презентации не следует увлекаться только внешней стороной, так как это может снизить эффективность презентации в целом. Одним из важных моментов является сохранение единого стиля, унифицированной структуры и формы представления материала. Вся презентация должна выполняться в одной цветовой палитре, на базе одного шаблона. Текст презентации не должен быть большими. При подготовке мультимедийных презентаций возможно использование ресурсов сети Интернет, современных мультимедийных энциклопедий и электронных учебников.

Обязательными структурными элементами презентации являются: титульный слайд; оглавление; словарь терминов; основной текст (включая схемы, таблицы, иллюстрации); заключительный слайд с выводами/ рекомендациями.

Рекомендуется использовать так называемый универсальный «язык презентации», т.е. фразы-связки и переходы, которые помогут вам грамотно структурировать материал, а аудитории облегчат понимание презентации.

Function	Language
Welcoming your audience	Good morning, ladies and gentlemen Good afternoon, ladies and gentlemen Good afternoon, everybody
Introducing the subject	Let me introduce myself... I'd like to start by... Let's begin by... First of all, I'll... Starting with... I am going to talk today about... The purpose of my presentation is to introduce...
Finishing one part...	Well, I've told you about... That's all I have to say about... We've looked at... So much for...
...and starting another	Now we'll move on to... Let me turn now to... Next... Turning to... I'd like now to discuss... Let's look now at...
Dealing with questions	We'll be examining this point later on... I'd like to deal with this question later... I'll come back to this question later in my talk...

	Perhaps you'd like to raise this point at the end...
Summarizing and concluding	In conclusion, ... Let's sum up, shall we? Let's summarize briefly what we've looked at... Finally, let me remind you of some of the issues we've covered...
Thanking your audience	Many thanks for your attention. Thank you all for being such an attentive audience. Thank you for your interest and questions.
Inviting questions	Now I'll try to answer any questions you may have. Are there any questions? Are there any final questions?

4.7.5. Рекомендации по написанию резюме текста (summary)

Summary (краткое содержание / резюме текста) – это краткое изложение или обобщение основных идей, изложенных в статье, тексте, книге и т.п. Главная цель summary – получить читающему общее представление о какой-либо тематике, вопросе либо дать читателю представление об исходном тексте без ознакомления с ним. В summary должна быть представлена исключительно позиция автора (без добавления собственного мнения или выводов).

При подготовке summary необходимо выполнить следующие правила:

- 1) прочитайте предлагаемый текст и определите его основную идею;
- 2) перечитайте текст еще раз и подчеркните / выпишите основные факты (тезисы), которыми пользуются автор, чтобы раскрыть основную идею;
- 3) выпишите ключевые слова или словосочетания, используемые автором;
- 4) используйте перефразирование, чтобы избежать повторения с оригиналом, НО ваше summary должно содержать ключевые слова автора;
- 5) излагайте материал кратко, сжато; используйте простые предложения, перечисления, обобщения и вводные слова;
- 6) без необходимости не используйте сложную терминологию, прямую речь; статистическую информацию, подробные примеры, приводимые автором;
- 7) готовя summary, следуйте определенной структуре:

Предложение 1: введение (название статьи, автор, источник, где статья была опубликована); представление основной идеи статьи;

Предложения 2 и т.д.: изложение основных фактов и аргументов, раскрывающих основную идею;

Предложение последнее: заключение или выводы автора (если автор не делает выводы, представьте его заключительный аргумент).

- 8) получившееся summary должно выглядеть понятным для человека, который не читал оригинальный текст;
- 9) не следует включать своё мнение и использовать личных местоимений 1 и 2 лица (я, мы, ты, вы, наш, ваш);
- 10) объём получившегося summary должен составлять не более одну треть от объёма исходного текста.

В summary целесообразно использовать следующие выражения:
 The author of the article describes...
 The article is about... / The main idea of the article is...
 The author (the text) covers / focuses on / highlights / tells readers about/ says that...
 Some advantages are presented...
 The article states that...
 The next point deals with.../ In addition, ...
 First of all / first(ly) / second(ly) / then / thus / next / to conclude (sum up, summarise)... / In brief...

4.7.6. Рекомендации по написанию эссе

Эссе – это небольшое сочинение, которое передает личные впечатления и мысли по тому или иному вопросу. Эссе состоит из трех частей: введение, основная часть и заключение. Во введении необходимо обозначить ключевую идею или проблему, о которой вы будете говорить в основной части. Основная часть эссе должна представить некоторые аргументы, доказательства в поддержку вашей основной идеи. Вы можете привести примеры, которые проиллюстрируют вашу точку зрения. При написании эссе на английском языке старайтесь избегать книжных фраз, которые сделают вашу работу скучной для чтения. Используйте больше прилагательных и наречий. В заключении завершите ваши рассуждения и сделайте выводы, которые и будут финальной частью вашего эссе. Все части эссе должны плавно переходить одна в другую, мысли должны быть логически связаны.

Связующие слова и фразы для письменного сообщения:

To express personal opinion	In my opinion/view; To my mind; To my way of thinking; I am convinced that; It is my firm belief that; It seems to me that; As far as I'm concerned...
To list points	Firstly; First of all; In the first place; To begin/to start with; Secondly, Thirdly, Finally...
To add more points	What is more; Furthermore; Apart from this/that; In addition (to this); Moreover; Besides (this); ... not to mention the fact that; In equal importance...
To refer to other sources and give examples	With reference to; According to; For example; To illustrate...
To emphasize a point	Indeed; Naturally; Clearly; Obviously; Of course; Needless to say...
To state other people's opinion	It is popularly believed that; People often claim that; It is often alleged that; Some people argue that; Most people feel that; Some people point out that...
To conclude and summarize	Finally; Lastly; All in all; On the whole; Taking everything into account/consideration; All things considered; In conclusion; On balance; For the above mentioned reasons; Therefore I feel that; To sum up...

4.7.7. Рекомендации по работе над круглым столом, дискуссией

Цель круглого стола – обсудить выбранную проблему с разных точек зрения, выяснить неясные и спорные моменты, связанные с данной проблемой, достичь консенсуса и выработать общие рекомендации.

Этапы организации и проведения круглого стола:

Подготовительный этап: выбор темы, подбор материала, определение состава участников, выбор модератора.

Основной этап (дискуссионный): выступления модератора и участников, вопросы и обсуждения в группе.

Примерные правила *дискуссионного этапа*:

1) Выступления модератора – определяет проблемы и основные понятия, устанавливает регламент. Модератор действует директивно, жестко ограничивая во времени участников круглого стола.

2) Время выступления участников – 4-5 минут.

3) Выступление сопровождается качественной презентацией (наличие у выступающего определенной позиции, теоретических знаний и/или практического опыта).

4) Презентация содержит только ключевые факты / цифры. Выступление логично структурировано. Выступающий соблюдает речевой этикет, ясно и корректно отвечает на вопросы.

5) Равноправное участие всех сторон.

6) Выработка приемлемых для всех участников решений по обсуждаемому вопросу.

Этап подведения итогов: рефлексия самих выступающих, оценка преподавателя. Оценка значительно снижается если:

1) Выступающий читает текст выступления.

2) Качество слайдов (при их наличии) не соответствует выступлению.

3) Выступающий допускает лексические и грамматические ошибки, искажающие смысл высказывания.

Общие правила круглого стола:

- избегайте общих фраз;
- ориентируйтесь на цель (задачу);
- умейте слушать;
- будьте активны в беседе;
- будьте кратки;
- осуществляйте конструктивную критику;
- не допускайте оскорбительных замечаний в адрес собеседника.

4.7.8. Рекомендации по работе над дебатами

Дебаты – особая форма дискуссии, которая ведется по определенным правилам. Суть дебатов: убедить нейтральную сторону (судей) в правильности вашей позиции. У дебатов есть строгий регламент.

Основные элементы дебатов:

Тема (формулируется в виде утверждения). Результат: однозначный ответ (да или нет) на поставленный вопрос (тему)

Утверждающая сторона (Proposers): ее спикеры пытаются убедить судей в правильности своих позиций.

Отрицающая сторона (Opposers): спикеры данной стороны доказывают судьям, что позиция утверждающей стороны неверна или что их интерпретация темы и аргументация имеет недостатки.

Каждый спикер во время игры выполняет строго определенные технологией игры роли и функции, причем роли первых спикеров отличаются друг от друга, а роли вторых и третьих совпадают.

- *Аргументы.* Судьи хотят увидеть продуманные аргументы, принимая во внимание обе точки зрения на конкретную тему. Процедура дебатов не допускает личностных оценок, эмоциональных проявлений. Обсуждается тема, а не отношение к ней отдельных участников.

- *Поддержка и доказательства.* Вместе с аргументами судьям представляются свидетельства (цитаты, факты, статистические данные, мнения экспертов), подтверждающие позицию.

- *Вопросы.* Раунд вопросов используется для разъяснения позиции, так и выявления потенциальных ошибок у противника. Полученная здесь информация может быть использована в выступлениях следующих спикеров. Каждая сторона может брать тайм-ауты для обсуждения между любыми раундами общей продолжительностью 8 минут.

- *Решение судей.* Выслушав аргументы обеих сторон, судьи заполняют протоколы, в которых фиксируют решения о том, какой команде отдано предпочтение по результатам дебатов.

- *«Тайм-кипер»:* предупреждает команды и судей за 2, 1 и 0,5 минуты об окончании времени выступления / подготовки (использует карточки с написанным на них временем).

- *Выводы (рефлексия).*

4.8. Терминологический словарь

Unit 1

abet	подстрекать
accessory	соучастник
accuse	обвинять
adjudicate	выносить решение
aiding	пособничество
arson	поджог
assassination	казачное убийство
assault	нападение
blackmail	шантаж
bribery	взяточничество
bring an indictment	предъявлять обвинение
burglary	кража со взломом
cause	причина
commit an act	совершать деяние
conspiracy	заговор
conviction	судимость
counterfeiting	фальшивомонетничество
crime	преступление
criminal	преступник, преступный
delinquency	преступность
deterrence	устрашение, сдерживание
distract security	отвлечь охрану
drug trafficking	незаконный оборот наркотиков
embezzlement	растрата, хищение
excuse	оправдание
expiate	искупить
fair	справедливый
flee the scene	скрыться с места преступления
forgery	подделка
fraud	мошенничество
frustration	разочарование
guilt	вина
harm	вред, ущерб
hijacking	угон транспортного средства
hit and run	совершить наезд и скрыться
incitement	подстрекательство
indictable offences	преступления, разбираемые с предъявлением обвинительного акта
indictment	обвинительный акт
instigate	спровоцировать
juvenile	несовершеннолетний
kidnapping	похищение людей

legitimate act	законное действие
leniently	снисходительно
liability	ответственность
libel	письменная клевета
looting	мародёрство
manslaughter	непредумышленное убийство
mature	взрослеть
impose	отмерить
misconduct	должностное преступление
mugging	хулиганство, уличный разбой
murder	умышленное убийство
obstruct justice	препятствовать правосудию
offence	правонарушение
omission	бездействие
perjury	лжесвидетельство
perpetrator	преступник
pickpocketing	карманная кража
pilfering	мелкое воровство
prevention	предотвращение
protection	защита
punishment	наказание
rape	изнасилование
retribution	возмездие
robbery	ограбление
sentence	приговор
shoplifting	магазинная кража
slander	устная клевета
smuggling	контрабанда
summary offences	преступления, разбираемые в ходе упрощенного судебного разбирательства
treason	государственная измена
treatment	обращение
trespassing	нарушение прав частной собственности
try	судить
violate a law	нарушать закон

Unit 2

adoption	усыновление
annulment	аннулирование, отмена
balance of probabilities	перевес доказательств
bargain	сделка, соглашение
bargain for	торговаться, договориться
beyond reasonable doubt	вне всякого обоснованного сомнения
binding agreement	соглашение, имеющее обязательную силу

breach of contract	нарушение договора
bring a suit	предъявить иск
capacity	правосубъектность
cease an activity	прекратить деятельность
child custody	опека над ребенком
claimant	истец
cohabitation	сожительство
consideration of contract	встречное удовлетворение
compensatory damages	возмещение причиненного ущерба
compel	принудить, заставить
comply with the terms	принудить, заставить
conflict resolution	урегулирование конфликтов
contested ownership	оспариваемое право собственности
custodial sentence	наказание в виде лишения свободы
deliberate actions	преднамеренные действия
deter	сдерживать, запугивать
divorce	развод
enforce agreements	придавать соглашениям юридическую силу
enter into a contract	заключать договор
expressly or impliedly	прямо или косвенно
family heirloom	семейная реликвия
freehold estates	безусловное право собственности на недви- мость
gender violence	насилие по признаку пола
genuineness of consent	подлинность согласия
human trafficking	торговля людьми
impose	налагать, устанавливать
incur debts	влезть в долги
infringe the law	нарушать закон
injunction	судебный запрет
injured party	пострадавшая сторона
intervention	вмешательство, вторжение
irreparable harm	непоправимый ущерб
landlord	арендодатель
lease of an apartment	аренда квартиры
lease term	срок аренды
liability	ответственность, обязательство
libel	письменная клевета
marital property	совместная супружеская собственность
mineral deposits	полезные ископаемые
negligence	халатность
offer and acceptance	оферта и акцепт
owe a duty	нести ответственность
omission	бездействие
override a claim	отклонить иск

palimony	алименты, содержание в незарегистрированном браке
party	сторона
permanent ownership	постоянное владение
personal property	движимое имущество
plaintiff	истец
prenuptial agreement	брачный договор
preponderance of evidence	перевес доказательств
prosecute	преследовать в судебном порядке
punitive damages	штрафные (карательные) санкции
put on inquiry	сделать запрос
real property	недвижимое имущество
recover damages	возместить ущерб
redress	обеспечение восстановления нарушенных прав
remedy	средство правовой защиты
resolve disputes	разрешать споры
restitution	возмещение убытков, восстановление состояния
restore	возмещать
right of disposition	право распоряжения
strict liability	строгая ответственность
(in)tangible property	(не)материальное имущество
tenant	арендатор
tort	гражданско-правовой деликт

Unit 3

acquit of	оправдать
ADR = alternative dispute resolution	альтернативное разрешение спора
conciliation	примирение, примирительная согласительная процедура
mediation	медиация
arbitration	арбитраж
negotiation	переговоры
affidavit	письменное заявление под присягой
allegation	обвинение
alleged crime	инкриминируемое преступление
arraignment	предъявление обвинения (процессуальный этап)
authentic document	подлинный, достоверный документ
bail	залог, поручительство
to release on bail	отпустить под залог
case management	подготовка дела к судебному разбирательству
challenge the evidence	оспаривать доказательства
claim	претензия, исковое требование
claim form	исковое заявление

contention	спор, предмет спора
counterclaim	встречный иск
criminal charge	уголовное обвинение
culpability	виновность
disclosure (of documents)	раскрытие имеющихся по делу документов сторонами (друг другу)
default judgement	заочное решение суда в пользу истца (вследствие неявки ответчика)
deposition	свидетельские показания под присягой, данные во внесудебном порядке
dismiss the case	прекращать дело
duly executed document	правильно оформленный документ
enforcement of the judgement	исполнение судебного решения
evidence	доказательство, улика, свидетельское показание
circumstantial evidence	косвенные улики
digital (electronic) evidence	электронные доказательства
direct evidence	прямые улики
hearsay evidence	показания с чужих слов
real evidence	вещественные доказательства
excuse from jury service	вывести из состава жюри присяжных
facilitate	способствовать
fact in issue	предмет доказывания
file a defence	представить линию защиты, подать заявление о защите
foreperson	старший присяжный
impartial	беспристрастный, объективный
indictment	обвинительный акт
inference	предположение на основании фактов
interrogatories	письменный опрос свидетеля противной стороной
lawsuit	судебный иск
legally binding decision	юридически обязательное решение
litigation	гражданский процесс; рассмотрение спора в суде
mistrial	судебное разбирательство с нарушением процедуры
motion	ходатайство
official record	официальный протокол
on/ under oath	под присягой
pass judgement	вынести приговор
perceive	ощущать
plea	признание или непризнание вины
plead (not) guilty to	(не) признать себя виновным
pleading	заявление оснований иска или защиты против иска или обвинения
exchange of pleadings	обмен заявлениями по сути обвинения сторонами

procedure	защиты и обвинения
recover judgement debts	процессуальные нормы; судебный процесс взыскивать долги по судебному решению
reasoned judgement	обоснованное решение суда
rebut key evidence	опровергать ключевые доказательства
remand in custody	содержать под стражей
select a jury	выбирать жюри присяжных
settlement	урегулирование
severity (of the crime)	тяжесть (преступления)
summon a jury	созывать жюри присяжных
testimony	показание в суде (под присягой), свидетельство
unanimous (decision)	единогласное (решение)
voir dire	отбор присяжных путем предварительного собеседования
writ	судебное предписание; определение суда

Unit 4

awaiting trial	в ожидании суда
be proportionate to	быть соразмерным
boot camp	исправительное учреждение на подобие учебного лагеря для новобранцев
capital punishment ≈ the death penalty	высшая мера наказания ≈ смертная казнь
cell	камера
confine	заключать в тюрьму
convict, n	осужденный
convict of	осудить за
corporal punishment	телесное наказание
(psychological) counselling	психологическая помощь
crime record /history	наличие судимости
deterrence	сдерживание
discourage from	отбивать желание
drug treatment program	программа лечения наркозависимости
fine	штраф
first-time offender	отбывающий наказание впервые
grade according to social danger	разделять по степени общественной опасности
grave offence	тяжкое преступление
gravity of the crime	тяжесть преступления
heavy penalty	суровое наказание
impose a penalty / punishment on	налагать штраф/наказание на
incapacitation	ограничение в правоспособности и дееспособности
incarcerate	заключать в тюрьму

incarceration	тюремное заключение
inflict on	причинить/зд.: налагать наказание
inmate = prisoner	заключенный
jail / prison	тюрьма
justify	оправдывать
juvenile correctional centre ≈ youth custody centre ≈ detention centre	исправительная колония для несовершеннолетних
lenient sentence	мягкий приговор
maximum security prison	тюрьма/колония строгого режима
medium security prison	тюрьма/колония общего режима
minimum security or open prison	тюрьма открытого типа или вольное поселение
penal	уголовно-исполнительный
penitentiary/reformatory/ correctional centre	пенитенциарное учреждение / исправительное учреждение
perpetrator	исполнитель преступления
put on probation	назначить пробацию
rehabilitation	реабилитация
remand centre	следственный изолятор
restitution	восстановление состояния
retribution	возмездие, воздаяние

Рефлексия и самоконтроль

1. Поурочный самоконтроль.

Sample self-assessment chart:

Can-do checklist	
Can do	Need more practice
explain...	...
describe...	...
compare...	

2. Самоконтроль по итогам прохождения темы.

Sample self-assessment questions:

- What activity did you like the most? Why?
- What activity did you find too difficult? Why?
- What notions we studied in this unit had you already known about?
- What is one new thing you learned the best during this unit?
- What issue(s) do you still have questions about?
- What new skill(s) did you develop in this unit?
- What skill(s) do you need to keep working on?

3. Самоконтроль по итогам семестра/учебного года.

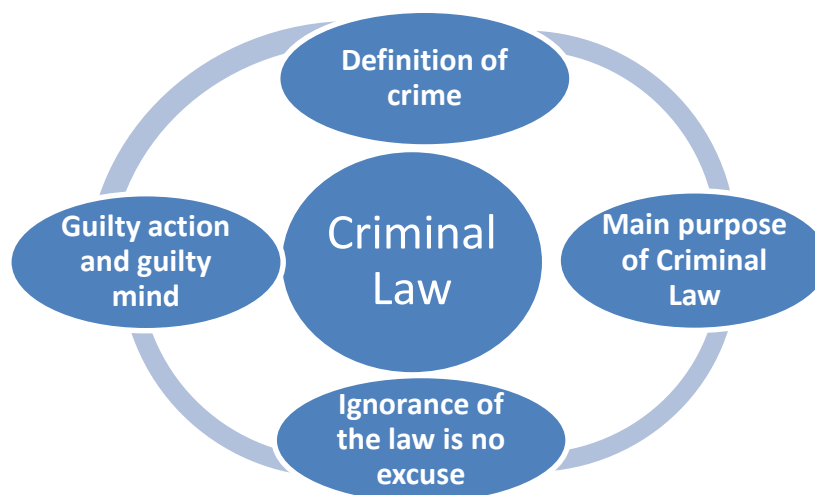
Sample self-assessment questions:

- What (insert subject area) assignments helped you learn the best / most this term/year?
- How did you know you were learning?
- Which (insert subject area) concepts and skills do you feel the most confident with now?
- What type of (insert subject area) assignments were the most thought-provoking for you?
- What type of (insert subject area) assignments were the most difficult for you? Why?
- What skill(s) did you develop/improve this term/year?
- What type of feedback was the most motivating to you over the year?
- Which type of the Moodle activities were
 - a) the most effective for you?
 - b) the most challenging for you?
 - c) the most ineffective for?

Mind maps (интеллект-карты)

Интеллект-карты (Mind maps) – это инструмент визуального отображения информации, позволяющий эффективно структурировать и обрабатывать ее.

Интеллект-карта представляет собой древовидную схему, на которой изображены слова, идеи, задачи или другие понятия, связанные ветвями, отходящими от центрального понятия или идеи. Ветви, имеющие форму плавных линий, обозначаются и поясняются ключевыми словами или образами.



Role play (ролевая игра)

Ролевая игра – методический прием, относящийся к группе активных способов обучения практическому владению иностранным языком. Ролевая игра представляет собой условное воспроизведение ее участниками реальной практической деятельности людей, создает условия реального общения. Ролевая игра мотивирует порождение речевой деятельности, так как обучаемые оказываются в ситуации, когда актуализируется потребность что-либо сказать, спросить, выяснить, доказать, чем-то поделиться с собеседником. В рамках ролевой игры все время и внимание сконцентрировано на практике и развитии речевых знаний умений и навыков участника, причем, не только говорящий, но и слушающий максимально активен, так как он должен понять и запомнить реплику партнера, соотнести ее с ситуацией.

Unit 1. Criminal Law

Idea. The number of juvenile delinquents is increasing. About 80% of chronic juvenile offenders later become chronic adult offenders. The participants of a round table are discussing all possible ways out of the situation.

Objective. Develop a complex plan of the solution to the problem.

Participants:

Chairman of the meeting. Explain the existing problem to the audience. Suggest all possible reasons for the situation that occurred. Give the floor to the participants of the meeting. Discuss the proposals. Note down the most efficient ones. At the end of the meeting read out the initiatives and thank the participants.

Member of the Education Ministry's working group. You suggest the idea that teachers, policemen and social workers should carry out "joint raids" to find persistent truants and explain in what way such actions can prevent juvenile delinquency.

Head of the police department. You support the point of view that only punishment (fines, restitution, detention and deprivation of liberty) may have an effect. Give your examples and try to convince the audience.

Psychologist. In your opinion, psychological factors lead to crimes such as tension, lack of affection, aggressiveness, frustration and the like. Suggest what should be done to eliminate such factors.

Juvenile inspector. You propose to develop a juvenile justice system so that children who commit crimes do not fall into the larger legal system, but go from juvenile police to juvenile judges to a juvenile corrections system where all officials are specially trained and not burdened by other cases. Name the advantages of such system.

The rest of the audience. Put the questions to the speakers. Express your agreement or disagreement with the speakers' views. (You may suggest your own ways out of the situation as well).

Estimating. Estimate the level of argumentation of your opponents, ranging from 1 to 10. Admit the most active participants and the most attractive arguments

Case study

Метод кейс-study – имитационный активный метод, который основывается на анализе реальных ситуаций и решении конкретных задач (кейсов).

Кейс-метод может применяться на конкретных учебных занятиях в плане рассмотрения различных ситуаций (cases), описания определенных условий из жизни организации, группы людей или отдельных индивидуумов, тем самым ориентируя обучающихся на формулирование проблемы и поиск вариантов ее решения с последующим анализом.

Unit 2. Civil Law



Read the Property Law Cases and in small groups solve each case. Decide which party is in breach and what remedy might be imposed.

1. *Rights of light: Beaumont Business Centres Ltd v Florala Properties Ltd*

Florala carried out works to its property to increase the height of the building. Beaumont, a neighbouring tenant that used its property for serviced offices, suffered a reduction in light and applied to court for an injunction. Beaumont's building was already poorly lit and used artificial lighting, so Florala argued that it was not an actionable nuisance.

2. *Quiet enjoyment and nuisance: Jafari v Tareem Ltd*

Jafari had a lease of a dental practice. The landlord redeveloped the remainder of the building, which involved noisy works and scaffolding outside the dental practice. However, as compensation for the disturbance, the landlord waived the rent for the period of the works. Jafari claimed that the works irreparably damaged his business's profitability and withheld further rent.

3. *Landlord's rights of entry: Rees v Windsor-Clive*

The landlord owned a farm in Wales, which was let to a tenant on two tenancy agreements. One allowed the landlord to enter the farm "at all reasonable times for all reasonable purposes" and the other "for the purpose of inspecting the same ... or for any other purpose connected with his estate". The landlord planned to redevelop and sought access to undertake surveys on the farm, which the tenant objected to.

Find the appropriate solution to each case above and compare them with your decisions. Use appropriate cliches and linkers (see Useful language)

Useful Language

That's a good point ...

Ok, that's convincing ...

Sure, that is one way of looking at it ...

I totally agree

That is one way of looking at it, however ...

Not necessarily ...

I still have my doubts ...

That's out of question ...

A. The court held that the landlord had taken all reasonable steps to minimise disturbance to Jafari and offered compensation by way of the rent waiver, which made reasonable what might have otherwise been unreasonable.

B. The Court of Appeal held that a right to inspect should not cause any material disturbance or damage, but whether something is “material” is a matter of fact and degree and should be interpreted in context. The court also held that if the landlord’s right to enter is for a particular purpose and the purpose is reasonable, it must enable the landlord to do what is reasonably necessary to achieve that purpose. However, if the action required or the time at which it is carried out is highly intrusive, then the purpose itself may not be a reasonable one.

C. The High Court held that the loss of light resulted in a loss of rental income that was more than de minimis. The court granted an injunction as this amounted to a substantial interference with the reasonable enjoyment of Beaumont’s property.

Эвристические задания

Эвристическое задание – это учебное задание, имеющее целью создание студентом личного образовательного продукта с использованием эвристических способов и форм деятельности.

Главный признак эвристического задания – его открытость, т.е. отсутствие заранее известного результата его выполнения. Поэтому другое название эвристических заданий – открытые задания. Эвристическое задание опирается на творческий потенциал студента, обеспечивает развитие его творческих (эвристических) способностей. В эвристическом задании представлена актуальная для решения проблема, противоречие или потребность, касающаяся студента и принадлежащая заданной предметной (метапредметной) области.

1. Project. Develop a brief action plan for crime prevention for Belarus. Pick one of the following areas:

- business setting;
- schools, Universities;
- summer houses (dachas);
- general safety: public places, streets, parks, etc.;
- high-crime hot spots.

2. Describe the process of a criminal case in your legal system as if to a person from a different system.

Step 1. Split into groups of 3 or 4 and each group must choose one of the steps of criminal procedure for researching.

Step 2. Search the Internet and find information on your topic.

Step 3. Prepare a group report on your research findings.

Step 4. Present your research work in class.

3. You are invited to participate in the international law students' conference in London 'Comparative aspects of criminal procedure in Great Britain, the USA and the Republic of Belarus'. Each group chooses any steps and makes the comparative report.