

**МІНІСТЕРСТВО ОСВІТИ І НАУКИ**  
**ПРИКАРПАТСЬКИЙ НАЦІОНАЛЬНИЙ УНІВЕРСИТЕТ**  
**ІМЕНІ ВАСИЛЯ СТЕФАНІКА**  
**КАФЕДРА ІНОЗЕМНИХ МОВ**

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**АНГЛІЙСЬКА МОВА ДЛЯ ЮРИСТІВ**

**Навчальний посібник**  
**для студентів першого курсу**

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Посібник розроблено за сучасними, науково обґрунтованими принципами навчання з урахуванням динаміки розвитку навичок і вмій.

Посібник складається із десяти розділів професійної тематики. Кожний розділ ідентичний за структурою і містить базовий текст, словник до нього, вправи на розуміння тексту, лексичні вправи різноманітного характеру та додаткові тексти.

Розраховано на студентів-юристів вищих навчальних закладів освіти, фахівців, які прагнуть вдосконалити навички та уміння професійного спілкування.

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## Передмова

Процес реформування системи освіти в Україні зумовлений потребами часу і передбачає підготовку кваліфікованих спеціалістів із високим рівнем володіння іноземною мовою. У сучасних умовах міжнародне спілкування стає суттєвим компонентом професійної діяльності. Формування навиків інтерпретації іншомовної спеціальної інформації в курсі навчання іноземній мові для спеціальних цілей розглядається в якості одного із завдань мовної підготовки спеціаліста як суб'єкта міжкультурного професійно орієнтованого співробітництва.

Іноземна мова стає ключовим інструментом для досягнення визначальних критеріїв освіти в рамках Болонського процесу – якості підготовки фахівців різних напрямків навчання, високої фахової кваліфікації на вузівському і післявузівському рівнях підготовки, відповідності європейській системі освіти.

Підготовка майбутніх юристів на сучасному етапі вимагає, по-перше, розширення галузевих блоків, з якими знайомляться студенти під час навчання, а по-друге, оптимізації системи вправ для підвищення ефективності навчання за рахунок його інтенсифікації. Саме тому актуальним є забезпечення процесу навчання студентів навчально-методичними матеріалами, зміст, структура та система завдань яких відповідали б сучасним вимогам.

Пропонований посібник призначений для студентів першого курсу Юридичного інституту Прикарпатського національного університету імені Василя Стефаника, а також для всіх, хто бажає вдосконалити рівень володіння англійською мовою. Його метою є формування у майбутніх юристів здатності і готовності до професійної комунікації, розвиток різноманітних видів компетенції, як рецептивного, так і репродуктивного характерів іншомовного спілкування.

Посібник ґрунтується на оригінальних текстах, що забезпечує автентичність як змісту, так і термінології. Пропоновані матеріали є результатом ретельної підбірки, що відповідає прагненню авторки представити якомога більший спектр правових документів за відповідної тематикою.

Усі розділи структуровано за єдиною схемою: після базового тексту пропонується необхідна для засвоєння кожної теми лексика, завдання навчального та контрольного характеру. Система завдань спрямована на подальший розвиток необхідних автоматизованих мовних навиків, розвиток техніки читання і розуміння англomовних текстів професійної тематики, розвиток навиків письма в межах програми курсу, формування мовленнєвої, мовної, соціокультурної, компенсаторної та навчально-пізнавальної компетенцій. Наявність кількох текстів до кожної теми для індивідуальної роботи забезпечує як засвоєння юридичної термінології, так і розвиток перекладацьких навичок та умінь.

## UNIT 1

### WHAT IS LAW

*No man is above the law and no man is below it;  
we do not ask any man's permission when we ask him to obey it.  
Obedience to the law is demanded as a right; not asked as a favor.*

Theodore Roosevelt

Almost everything we do is governed by some set of rules. There are rules for games, for social clubs, for sports and for adults in the workplace. There are also rules imposed by morality and custom that play an important role in telling us what we should and should not do. However, some rules – those made by the state or the courts – are called “laws”. Laws resemble morality because they are designed to control or alter our behaviour. But unlike rules of morality, laws are enforced by the courts; if you break a law – whether you like that law or not – you may be forced to pay a fine, pay damages, or go to prison.

Law can be defined as a set of rules which form the pattern of behaviour of a given society. Law is one of the most basic social institutions – and one of the most necessary. No society could exist if all people did just as they pleased, without regard for the right of others. Nor could a society also have certain obligations toward one another. The Law also sets penalties for people who violate these rules and it states how government shall enforce the rules and penalties. Law essentially serves several functions in modern society. First, it serves to order and regulate the affairs of all persons be they individuals, corporations or governments. Secondly, law acts as standard of conduct and morality. Through both of these functions law seeks to promote and achieve a broad range of social objectives.

Even in a well-ordered society, people have disagreements and conflicts. The law must provide a way to resolve these disputes peacefully. If two people claim to own the same piece of property, we do not want the matter settled by a duel: we turn to the law and to institutions like the courts to decide who is the real owner and to make sure that the real owner's rights are respected.

In our society, laws are not only designed to govern our conduct: they are also intended to give effect to social policies. For example, some laws provide for benefits when workers are injured on the job, for health care, as well as for loans to students who otherwise might not be able to go to university.

Another goal of the law is fairness. This means that the law should recognize and protect certain basic individual rights and freedoms, such as liberty and equality. The law also serves to ensure that strong groups and individuals do not use their powerful positions in society to take unfair advantage of weaker individuals. However, despite the best intentions, some created laws are later recognized as being unjust or unfair. In a democratic society, laws are not carved in stone, but must reflect the changing needs of society.

When governments make laws for their citizens, they use the system of courts backed by the power of the police to enforce these laws. Of course, there may be instances where the law is not enforced against someone – such as when young children commit crimes, when the police have to concentrate on certain crimes and therefore ignore others, or in countries where there is so much political corruption that certain people are able to escape justice by using their money or influence. But the general nature of the law is enforced equally against all members of the nation.

Governments have many ways of making sure that citizens obey the law. They make the public aware of what the law is and try to encourage social support for law and order. They use police forces to investigate crimes and catch criminals. They authorize courts to complete the investigation of criminal and civil offences and to pass sentences to punish the guilty and deter others. And they make efforts to re-educate and reform people who have broken the law.

The laws of all countries are to be found in written records – legal codes of countries with continental systems, the statutes and case-judgments of common law countries, warning on official forms, and notice in public buildings. Many

people do not know where to find these records and do not find it easy to read them. But ignorance of the law is almost never a defense for breaking it.

Governments usually expect citizens to be aware of the laws which affect their lives. Sometimes this seems very harsh, however, there are many laws, such as those prohibiting theft, assault and dangerous driving which simply reflect social and moral attitudes to everyday behaviour. In such cases a person knows he is breaking the law, even if he doesn't know exactly which law it is.

### Words and word combinations:

set of rules	низка правил
morality	мораль
custom	звичай
to play a role	відігравати роль
to control	контролювати
to alter	змінювати
to break a law	порушувати закон
to pay a fine	сплачувати штраф
to pay damage	відшкодовувати збитки
prison	в'язниця
pattern of behaviour	модель поведінки
social institution	соціальна інституція
obligation	зобов'язання
to set penalty	призначати покарання
to violate	порушувати
to enforce	забезпечувати, впроваджувати
individual	фізична особа
corporation	корпорація
standard of conduct	стандарт поведінки
to promote	сприяти, просувати
to achieve	досягати

objective	ціль, мета
disagreement	суперечка
conflict	конфлікт
to govern	керувати
to intend	мати на меті
social policy	соціальна політика
fairness	справедливість
to recognize	визнавати
to protect	захищати
liberty	свобода
equality	рівність
to take advantage of	скористатись
to reflect	відображати
needs of society	потреби суспільства
citizen	громадянин
corruption	корупція
to escape justice	уникнути правосуддя
to obey the law	коритись закону
social support	соціальна підтримка
law and order	закон і порядок
to investigate crimes	розслідувати злочини
to catch criminals	ловити злочинців
investigation	розслідування
criminal offences	кримінальні правопорушення
to pass sentence	виносити вирок
to punish the guilty	покарати винних
to make efforts	докладати зусиль
code	кодекс
ignorance of the law	незнання закону

**1. Match the words from the right and left columns:**

people	punishment
penalty	conduct
to refuse	human beings
to maintain	to reject
influence	to supervise
to behave	to care for, to keep up
to guide	impact
behavior	to act

**2. Make up word combinations using words from right and left columns:**

to control or alter	to prison
to go	society
to enforce the rules	disputes peacefully
modern	and freedoms
a broad range of	in stone
to resolve	sure
individual rights	our behaviour
to be carved	members of the nation
system of	reform people
to be enforced equally against all	records
to make	moral attitudes
to re-educate and	driving
written	and penalties
to reflect social and	social objectives
dangerous	courts

**3. Complete the following sentences:**

1. Laws resemble morality because ...
2. If you break a law – whether you like that law or not – you may be forced to pay a fine, pay damages, or ...
3. Law can be defined as ...
4. No society could exist if all people did just as they pleased, without regard ...
5. Law serves to order and regulate ...
6. Law acts as standard of ...
7. Even in a well-ordered society, people have ...
8. Laws are not only designed to govern our conduct: they are also ...
9. Law should recognize and protect ...
10. In a democratic society, laws are not carved in stone, but must reflect ....
11. When governments make laws for their citizens, they use ...
12. The general nature of the law is enforced ...
13. Governments have many ways of making sure that citizens ...
14. The laws of all countries are to be found in ...
15. Ignorance of the law is almost never ...

**4. Read and translate the text filling in the gaps using the words from the table:**

**Customs, Rules and Laws**

Codes; consequences; imprisonment; agencies; groups; authorities; generation; public
---

In all societies, relations between people are regulated by prescriptive laws: customs, rules of social institutions, and laws.

*Customs* are informal rules of social and moral behaviour that are passed on from one \_\_\_\_\_ to the next over time. They are not written down. They prescribe the ways in which people talk and eat, work and relax together. Sometimes, we can break these rules, but continuous disregard for them or breaking a very important rule can lead to serious

\_\_\_\_\_ : other members of society can ridicule or criticise the offender, even cast out or kill him.

*Rules* of social institutions, such as religious, educational or cultural ones, govern the life of those institutions and apply to their members only. They can be unwritten, or can be formal and written. They are not, however, enforceable by any political authority: if a student defies a college rule and refuses to accept the punishment, the college \_\_\_\_\_ cannot appeal to a court of law to force him to obey. Indeed, they may have no other power than to fine, suspend or expel him.

*Laws* are written, formal rules decided upon by powerful and influential \_\_\_\_\_ in society that are obligatory for all citizens of the country. In some countries the law is codified and anyone can find it in special books called \_\_\_\_\_; in others it exists in the form of court rulings published in law reports and also in the form of statutes, that is, government-written laws, which are contained in statute books. Warnings on official forms and notices in public buildings also serve to make the \_\_\_\_\_ aware of the laws.

In order to ensure that everyone adheres to the laws, there are specific penalties, such as fines or \_\_\_\_\_, for those who are found guilty of breaking them, and there are specific law-enforcement \_\_\_\_\_ like the police and the courts.

**5. Provide Ukrainian equivalents; read and translate the text below:**

legal traditions	
common law	
civil law	
British colonies	
continental Europe	

to apply	
to adopt	
to possess	
legal systems	
to gain economic and political power	
compilation	
legal rules and statutes	
precedent	
collections of case law	
adversarial system	
to determine the appropriate sentence	
jury's verdict	
legal codes	
to be brought before a court	
applicable procedure	
appropriate punishment for offenses	
to distinguish	
substantive law	
prosecution	
procedural law	
criminal act	
penal law	
to establish appropriate penalty	
provisions of the applicable code	
to bring the formal charges	
to investigate the matter	
to draft and interpret	

## Legal traditions

Most nations today follow one of two major legal traditions: common law or civil law. The common law tradition emerged in England during the Middle Ages and was applied within British colonies across continents. The civil law tradition developed in continental Europe at the same time and was applied in the colonies of European imperial powers such as Spain and Portugal. Civil law was also adopted in the nineteenth and twentieth centuries by countries formerly possessing distinctive legal traditions, such as Japan, that sought to reform their legal systems in order to gain economic and political power comparable to that of Western European nation-states.

*Common law* is generally *uncodified*. This means that there is no comprehensive compilation of legal rules and statutes. While common law does rely on some scattered statutes, which are legislative decisions, it is largely based on *precedent*, meaning the judicial decisions that have already been made in similar cases. These precedents are maintained over time through the records of the courts as well as historically documented in collections of case law known as yearbooks and reports. The precedents to be applied in the decision of each new case are determined by the presiding judge. As a result, judges have an enormous role in shaping American and British law. Common law functions as an adversarial system, a contest between two opposing parties before a judge who moderates. A jury of ordinary people without legal training decides on the facts of the case. The judge then determines the appropriate sentence based on the jury's verdict.

*Civil Law*, in contrast, is *codified*. Countries with civil law systems have comprehensive, continuously updated legal codes that specify all matters capable of being brought before a court, the applicable procedure, and the appropriate punishment for each offense. Such codes distinguish between different categories of law: substantive law establishes which acts are subject to criminal or civil prosecution, procedural law establishes how to determine

whether a particular action constitutes a criminal act, and penal law establishes the appropriate penalty.

In a civil law system, the judge's role is to establish the facts of the case and to apply the provisions of the applicable code. Though the judge often brings the formal charges, investigates the matter, and decides on the case, he or she works within a framework established by a comprehensive, codified set of laws. The judge's decision is consequently less crucial in shaping civil law than the decisions of legislators and legal scholars who draft and interpret the codes.

## **6. Read and translate the sayings of famous people about justice and laws.**

### **Comment on them:**

“Law is order, and good law is good order” (Aristotle).

“The law is reason, free from passion” (Aristotle).

“Shame may restrain what law does not prohibit” (Seneca).

“The good of the people is the greatest law” (Marcus Tullius Cicero)

“Good laws lead to the making of better ones; bad ones bring about worse” (Jean Jacques Rousseau).

“If you have ten thousand regulations you destroy all respect for the law” (Winston Churchill).

“Law and justice are not always the same” (Gloria Steinem).

“Injustice anywhere is a threat to justice everywhere” (Martin Luther King).

“Where law ends, there tyranny begins” (William Pitt, the Elder).

“Law is not law, if it violates the principles of eternal justice” (Lydia Child).

The clearest way to show what the rule of law means to us in everyday life is to recall what has happened when there is no rule of law (Dwight D. Eisenhower).

“To make laws that man cannot, and will not obey, serves to bring all laws into contempt” (Elizabeth Cady Stanton).

“Observe good faith and justice toward all nations. Cultivate peace and harmony with all” (George Washington).

## UNIT 2

### TO BECOME A LAWYER

Legal education traditionally consists of six years. After graduating graduates are awarded Master's degree. If a student already has a degree in a different field, he or she may obtain a law degree in an additional three years. Those, interested in further legal studies, may obtain a candidate's degree. Some institutions started offering a four-year Bachelor's degree. The advocate's chambers require a Master's degree.

In Ukraine, training lawyers is the task of the law establishments such as Law Academies, Law Institutes, and law faculties of several higher institutions. Graduates of different law schools can work at the Bar, in the organs of the Prosecutor's Office, in different courts, in notary offices, in legal advice offices, in organs of tax inspection, police, as well as in different firms, companies, banks, enterprises, etc. They can work as advocates, judges, notaries, investigators, prosecutors, legal advisors, inspectors, customs officers, and other workers of law enforcement agencies.

Ukrainian legal education is almost completely theoretical, taught in lectures, with questions at the end. Each lecture course has recitation seminars. A general research paper is required of all graduates, but it is more expository than analytical.

Because of the fact that students are entering their legal studies directly from secondary school, their curriculum includes 40% non-law subjects. Their curricula are set by state standards developed by the Ministry of Education and Science of Ukraine in cooperation with a council of deans from the leading law schools.

In their third year of studying, students take mostly law courses, and choose from four or five concentrations: civil, public international, criminal, administrative and financial law. Usually they choose a specialty in their fourth year.

In their final year, law students are sent out on internships. They intern in courts, prosecutor's offices or advocate's offices, but this is mostly just observational, with very little hands-on experience.

Private sector lawyers in Ukraine generally fall into two categories: (1) regulated professionals who are law graduates and who have also passed a qualifying examination ("Advocates"); and (2) law graduates who practice law without any further qualifications ("Legal Advisers").

Legal advisers can provide all of the same legal services as advocates and have the same rights to appear in court. In a landmark ruling (the Soldatov case) in 2000, the Ukrainian Constitutional Court upheld the right of legal advisers to represent their clients in criminal cases. The decision in the Soldatov case has been criticised by a number of domestic and international bodies, as legal advisers are not subject to the same ethical rules of conduct and disciplinary procedures as advocates, which could lead to inconsistency in standards of legal advice provided to the public in criminal defence cases.

Admission to the Bar is by way of an examination administered by the qualifications commission of the subject chamber. The qualifications commission is composed of advocates, judges, representatives of the regional legislature, and representatives of the Ministry of Justice. To sit for the exam, the candidate must have a standard legal education from an accredited institution or a graduate degree in law, plus either two years of experience in legal work or in a training program in a law firm. The exam is both written and oral, but the main test is oral. Questions come from an approved collection of questions. Because it's an oral exam, there have been allegations of corruption.

### Words and word combinations:

legal profession	юридична професія
legal education	юридична освіта
to graduate	закінчувати (ВНЗ)
graduate	випускник
Bachelor's degree	ступінь бакалавра
Master's degree	ступінь магістра
to obtain a degree	отримувати ступінь
to take an examination	здавати екзамен
law establishment	юридичний заклад
at the Bar	в адвокатурі
organs of the Prosecutor's Office	органи прокуратури
court	суд
notary office	нотаріальна контора
legal advice office	юридична консультація
tax inspection	податкова інспекція
advocate	адвокат
judge	суддя
notary	нотаріус
investigator	слідчий
prosecutor	прокурор
legal advisor	юрисконсульт
inspector	інспектор
customs officer	митник
lecture	лекція
recitation seminar	семінарське заняття
research paper	курсова робота
curriculum	початкова програма

state standard	державний стандарт
in cooperation	у співпраці
internship	виробнича практика
qualifying examination	кваліфікаційний іспит
to be regulated by law	регулюватись законом
to represent a client	представляти клієнта
domestic	внутрішній
international	міжнародний
ethical rules of conduct	етичні правилв поведінки
disciplinary procedure	дисциплінарна процедура
standard of legal advice	стандарт юридичної консультації
qualifications commission	кваліфікаційна комісія
accredited	акредитований

### **1. Answer the following questions:**

1. What is a term of legal education in Ukraine? What degrees can students obtain?
2. Where can legal education be got?
3. Where can law graduates work?
4. What are the peculiarities of law education in Ukraine?
5. When do law students choose their future speciality?
6. When do law students have their internship?
7. Explaine the difference between advocates and legal advisors?
8. Tell about exam for potential advocates.

**2. Match the words from the right and left columns:**

to obtain	to allow
to permit	conclusion, resolution reached
to require	behavior
curriculum	set of
decision	course of study, educational program
conduct	mutual effort, coaction
collection of	to get
cooperation	to want, to need

**3. Say whether the statement is true or false, if the statement is false explain why:**

1. Legal education traditionally consists of five or six years.
2. In Ukraine only Law Academies can provide legal education.
3. Ukrainian legal education is almost completely theoretical.
4. Their curricula are set by state standards developed by the Ministry of Education and Science of Ukraine.
5. In their third year of studying, students take mostly law courses, and choose from four or five concentrations.
6. In their final year, law students are sent out on internships.
7. Private sector lawyers in Ukraine generally fall into two categories: advocates and legal advisors.
8. Legal advisers can provide all of the same legal services as advocates but do not have the rights to appear in court.
9. Admission to the Bar is by way of an examination administered by the qualifications commission.
10. The exam is oral, in order to avoid corruption.

#### 4. Match the word with its definition:

<b>An inspector</b>	is a person who prosecutes especially in criminal court.
<b>An investigator</b>	is a person appointed to hear and try cases in court of justice.
<b>A prosecutor</b>	is a person who investigates criminal cases.
<b>A notary</b>	is a person who represents people in court.
<b>An advocate</b>	is a person authorized to draw up contracts, wills, etc.
<b>A judge</b>	is a person who inspects, an official who examines for compliance with regulations, standards, etc.

5. What do you know about legal science development and Ukrainian legal organizations? Read and translate the text filling in the gaps using the words from the table:

**Scientists; rule-of-law; activities; law-making; participation; self-regulation; investigations**

To carry out the fundamental \_\_\_\_\_, coordinate, organize and fulfil applied works in the field of state and law **The Academy of Legal Sciences** was established in 1993. It is a national scientific organization. The academicians and known \_\_\_\_\_ are the members of the Academy.

**The Union of Lawyers of Ukraine** carries out lawmaking, scientific, methodological, educational and informative \_\_\_\_\_ with the aim of promoting the lawyers of Ukraine in their professional and social interests protection, their public activities and \_\_\_\_\_ in the state policy development.

**The Ukrainian Bar Association** unites lawyers from all spheres of legal profession with the aim of protecting their professional and other common interests, developing the legal profession, and developing a \_\_\_\_\_ state in Ukraine.

**The Union of Advocates of Ukraine** is an independent and self-governed civic all-Ukrainian organization of Ukrainian advocates. It is aimed at promoting the role and authority of the Bar in this society and the state, the true independence and \_\_\_\_\_ of the Bar and promotion of the democratic state building in Ukraine.

**The Ukrainian Association of Prosecutors** has a purpose to protect legal rights and interests of its members who worked/work in the Procuracy and support of the Procuracy and prosecutors' positive image in Ukraine and abroad, promotion of the implementation of the Procuracy's tasks.

**The Ukrainian Notarial Chamber** is a civic organization which supports its members in their professional activities, makes efforts to improve notary system and participates in the \_\_\_\_\_ processes.

**The Ukrainian branch of the European Law Students' Association – ELSA** is comprised of students and recent graduates of the Ukrainian law education establishments who are interested in law and have demonstrated commitment to international issues.

**Provide Ukrainian equivalents:**

The Academy of Legal Sciences –

The Union of Lawyers of Ukraine –

The Ukrainian Bar Association –

The Union of Advocates of Ukraine –

The Ukrainian Association of Prosecutors –

The Ukrainian Notarial Chamber –

The Ukrainian branch of the European Law Students' Association –

## **6. Read and translate the text, do a task bellow:**

### **The Legal Profession in Great Britain**

The legal profession in England is divided into two main groups: barristers and solicitors. A popular definition of the distinction between solicitors and barristers is that barristers do the court work and solicitors do the office work. In practice, the major volume of court work is done by solicitors and barristers do much “office” work.

At present no solicitor, however experienced, may represent a client at a full hearing in any of the higher courts. On the other hand, a barrister, however inexperienced, may represent clients in the House of Lords.

Being a solicitor does not simply involve acquiring a knowledge of the theory and the practice of the law. It also requires high standards of conduct and an obligation to the courts. All solicitors are automatically officers of the court. They have duties to the court which sometimes override the duties to their clients. For instance, solicitors must not knowingly allow their client to tell lies in the witness box. If a client confesses his guilt to a solicitor, the solicitor would be committing an offence if he or she then calls the client to give evidence that they were innocent.

Many barristers, especially junior barristers, spend much of their time on paperwork, giving opinions, drafting pleadings and other documents related to court proceedings, but also drafting contracts, trust deeds and other formal legal documents which are not immediately connected with litigation.

A person seeking to qualify as a solicitor can become a trainee solicitor after three years of university legal education and one extra year doing the legal practice course. As a trainee solicitor it is possible to obtain a paid position even before qualifying.

The young would-be barrister has much less chance of earning anything before he qualifies, must then obtain a seat in chambers from which he can try to build up a practice, knowing that times will probably be hard for a few years. He has to meet his own expenses, cover his own holidays and buy his own (very expensive) sick-pay insurance. In return he gets the satisfaction of wearing a wig, and of being self-employed. Doubtless also, being a barrister still sounds a much more glamorous occupation than being a solicitor.

**Notes:** full hearing – повне слухання; to override – перевищувати; to committ an offence – здійснити провпорушення; to draft – скласти проект; pleadings – документи, якими обмінюються сторони на протязі попереднього розгляду судової справи; court proceedings – розгляд справи в суді; trust deeds – акт створення власності по довіреності; litigation – судова тяжба; sick-pay insurance – страхівка на випадок хвороби.

**Match English and English and Ukrainian equivalent:**

a barrister	виконувати роботу в суді
a solicitor	здобувати знання
to do the court work	місце для дачі показань
to do the office work	адвокат, що виступає в суді
to acquire a knowledge	давати свідчення
obligations to the court	виконувати роботу в конторі
to be an officer of the court	судовий виконавець
a witness box	зобов'язання перед судом
to confesses (one's) guilt	створити клієнтуру
to give evidence	повірений
a trainee	практикант
to build up a practice	визнати вину

# LEGAL SYSTEM OF UKRAINE

## INTRODUCTION

The legal system of Ukraine is based on the framework of civil law, and belongs to the Romano-Germanic legal tradition. The main source of legal information is codified law. Historically, the Ukrainian legal system is primarily influenced by the French civil code, Roman Law, and traditional Ukrainian law. The new civil law books (enacted in 2004) were heavily influenced by the civil code of Germany (Bürgerliches Gesetzbuch).

The Constitution of Ukraine was adopted by the Verkhovna Rada on 28 of June, 1996. It established the separation of powers [art. 6]; the role of the president as head of state [art. 102]; the role of the Verkhovna Rada as the sole legislative body [art.75]; the Cabinet of Ministers as the highest body in the system of executive power [art. 113]; and the Supreme Court of Ukraine as the highest judicial body [art. 125]. Government of Ukraine is often associated with the Cabinet of Ministers, however like many European countries with the semi-presidential system, a head of state, the President, has a great influence on the executive branch of the government.

Ukraine is declared to be unitary state [art. 2], governed in the form of a republic [art. 3]. The Constitutional Court of Ukraine is declared to be the only body of constitutional jurisdiction in the country [art. 147]. Justice in Ukraine is administered exclusively by courts, whose jurisdiction covers all legal relationships in the country [art. 124]. Offices of the Public Prosecutor oversee the balance of interests in legal relationships [art. 121].

Following the recent political events in Ukraine, the Constitution was amended, effective not earlier than September 2005, to transfer power, especially with respect to appointment of Ministers, from the President to the Cabinet of Ministers.

### Words and word combinations:

legal system	законодавство
to be based on	ґрунтуватись на
to belong to	належати до
to enact	вводити в дію
civil code	цивільний кодекс
to adopt	приймати
to establish	встановлювати
separation of powers	розподіл влади
sole	єдиний
body	орган
legislative	законодавчий
executive	виконавчий
judicial	судовий
to declare	проголошувати
state, country	держава, країна
unitary	унітарний
republic	республіка
jurisdiction	юрисдикція
relationships	відносини
to administer	здійснювати
exclusively	виключно
to oversee	наглядати
political events	політичні події
to transfer power	передавати владу
to amend	покрещувати
appointment	призначення, домовленість

### UNIT 3

## LEGISLATIVE BRANCH

The sole body of legislative power in Ukraine is the Parliament – the Verkhovna Rada [art. 75]. The constitutional composition of the Verkhovna Rada consists of 450 National Deputies who are elected for a five-year term on the basis of universal, equal and direct suffrage, by secret ballot. A citizen of Ukraine who has attained the age of twenty-one on the day of elections, has the right to vote, and has lived on the territory of Ukraine for the past five years, may be a National Deputy. The authority of National Deputies is determined by the Constitution and the laws of Ukraine [art. 76].

Currently the Verkhovna Rada is elected using a mixed election system. Half of the representatives are elected from national closed party lists distributed between the parties using the quota with a 5% threshold. The remaining half are elected from constituencies using first-past-the-post voting. This system was adopted for the 2012 elections and was also used for the most recent (2014) election, as a new draft law moving to electing all members using open party lists failed to gather necessary support in the Rada.

National Deputies of Ukraine exercise their authority on a permanent basis. National Deputies shall not have another representative mandate or be in the civil service [art. 78]. Before assuming office, National Deputies take the oath before the Verkhovna Rada [art.79]. National Deputies are guaranteed parliamentary immunity [art. 80]. The powers of the National Deputies of Ukraine terminate with the termination of the powers of the Verkhovna Rada of Ukraine [art. 81].

The Verkhovna Rada of Ukraine works in sessions. It is competent on the condition that no less than two-thirds of its constitutional composition has been elected. The Verkhovna Rada assembles for its first session no later than on the thirtieth day after the official announcement of the election results.

Meetings of the Verkhovna Rada are conducted openly. A closed meeting is conducted on the decision of the majority of the constitutional composition of the Verkhovna Rada. Decisions of the Verkhovna Rada are adopted exclusively at its plenary meetings by voting. Voting at the meetings of the Verkhovna Rada is performed by a National Deputy in person [art. 84].

The authority of the Verkhovna Rada comprises: introducing amendments to the Constitution of Ukraine within the limits and by the procedure envisaged by Chapter XIII of this Constitution; designating an All-Ukrainian referendum on issues determined by Article 73 of this Constitution; adopting laws; approving the State Budget of Ukraine and introducing amendments to it; controlling the implementation of the State Budget; determining the principles of domestic and foreign policy; approving national programs of economic, scientific and technical, social, national and cultural development, and the protection of the environment; designating elections of the President within the terms envisaged by this Constitution; hearing annual and special messages of the President on the domestic and foreign situation of Ukraine; removing the President from office in accordance with the special procedure (impeachment); giving consent to the appointment of the Prime Minister by the President; exercising control over the activity of the Cabinet of Ministers in accordance with this Constitution; confirming the general structure and numerical strength, and defining the functions of the Armed Forces of Ukraine, the Security Service of Ukraine and other military formations, and also the Ministry of Internal Affairs of Ukraine; to approve decisions on granting loans and economic aid by Ukraine to foreign states and international organizations as well as decisions on receiving loans by Ukraine, other than those stipulated by the State Budget of Ukraine, from foreign countries, banks, and international financial organizations, and oversee the utilization of such loans [art. 85].

The Verkhovna Rada of Ukraine exercises other powers ascribed to its competence in accordance with the Constitution of Ukraine.

### Words and word combinations:

constitutional composition	конституційний склад
National Deputy	народний депутат
to elect; elections	обирати; вибори
on the basis of	на основі
by secret ballot	таємним голосуванням
mixed election system	виборча система
constituency	виборчий округ
first-past-the-post voting	система відносної більшості
to exercise authority	здійснювати повноваження
pre-term termination	дострокове завершення
representative mandate	представницький мандат
civil service	державна служба
to assume office	вступати на посаду
to take the oath	складати присягу
parliamentary immunity	парламентська недоторканість
session	сесія
competent	правомірний
to announce	оголошувати
to conduct	проводити
to vote; voting	голосувати; голосування
to comprise	включати в себе, складатись з
to introduce amendment	вносити поправки / доповнення
to approve	схвалювати
implementation	реалізація, виконання
domestic and foreign policy	внутрішня і зовнішня політика
to envisage	передбачати
annual message	щорічне звернення

in accordance with	у відповідності до, згідно з
to designate	призначати
impeachment	імпічмент
to give consent	давати дозвіл
to appoint; appointment	призначати; призначення
to confirm	підтверджувати
to ascribe	приписувати
competence	компетенція

**1. Answer the following questions:**

1. What is the sole body of legislative power in Ukraine?
2. What does the constitutional composition of the Verkhovna Rada consist of?
3. How long does the term of a National Deputy last?
4. Who can become a National Deputy of the Verkhovna Rada of Ukraine?
5. How often do regular elections of the Verkhovna Rada take place?
6. What do you know about meetings of the Verkhovna Rada?
7. What do you know about sessions?
8. Enumerate the main functions of the Verkhovna Rada of Ukraine.

**2. Make up word combinations using words from right and left columns:**

universal, equal and direct	meetings
the right	announcement
plenary	results
official	to vote
election	of the environment
the protection	formations
military	suffrage

**3. Match the words from the right and left columns:**

to live	to predict
to envisage	to happen
reject	to propose
to take place	ability
authority	to reside
permanent	growth
competence	power, control
majority	constant, lasting
annual	allowance, approval
consent	plurality
development	done yearly
issue	to ratify, validate, prove
to confirm	affair, matter, problem
to suggest	veto

**4. Match the word with its definition:**

<b>A constitution</b>	is a person appointed or empowered to act for another; a representative in a legislative body in certain countries.
<b>A deputy</b>	is the quality or condition of being legally qualified to perform an act.
<b>An authority</b>	is the selection by vote of a person or persons from among candidates for a position, especially a political office; a public vote on an official proposition.

<b>A competence</b>	is a meeting of a legislative or judicial body for the purpose of transacting business.
<b>Elections</b>	is a formal expression of preference for a candidate for office or for a proposed resolution of an issue; a means by which such a preference is made known, such as a raised hand or a marked ballot.
<b>Voting</b>	is the power to enforce laws, exact obedience, command, determine, or judge.
<b>A session</b>	is the fundamental political principles on which a state is governed, especially when considered as embodying the rights of the subjects of that state.

**5. Choose the traits of character a statesman should possess and explain your choice:**

an ability to organize people;

an ability to choose a right person for a right job;

an ability to handle debates;

an ability to control the meetings;

an ability not to lose his (or her) temper or perspective;

to be flexible;

to be impartial;

to be honest;

to be responsible;

to be a good speaker;

a good knowledge of a parliamentary procedure;

high standards of personal behavior;

firmness of command;

the power of persuasion.

sense of humor

**6. Read and translate the text/ Do you agree with the conclusions? Express your point of view.**

**The Four Qualities of a True Statesman**

What qualities should citizens look for in the next leader of the free world? What core criteria might voters consistently use to evaluate any legislative or other candidate running for political office?

Professor J. Rufus Fears, Ph.D., sets a high standard in articulating the yardstick by which we should measure leaders of either gender. As a noted scholar specializing in the history of freedom, he emphasizes that the role of a politician and a statesman are not the same. A statesman, Fears attests, is a free leader of a free people and must possess four essential qualities.

**A Bedrock of Principles**

The statesman builds a platform on a foundation of firm, unchanging, fundamental truths that he believes at his very core comprises his overarching philosophy. In the face of changing times, opposition and challenges, this foundation will remain intact. A statesman may change the details of his policies and his methods, but only in as much as expedient tactics serve to further his bedrock principles in the long run.

**A Moral Compass**

A statesman does not govern by public opinion polls, but instead makes decisions by following his own moral compass that is rooted in a sense of absolute right and absolute wrong. He is not a relativist. When he believes something is wrong, he plainly says it is so and does everything in his power to fight against it. When something is right, he is willing to overcome any opposition to preserve and spread it.

The statesman is ambitious – he must be to obtain a position of power – but there are things he simply will and will not do to get to the top. He is a man of integrity; he speaks the truth. He leads by moral authority and represents all that is best in his countrymen.

## **A Vision**

A statesman has a clear vision of what his country and his people can become. He knows where he wants to take them and what it will take to get there. Foresight is one of his most important qualities, because he must be able to recognize problems on the horizon and find solutions good for both the short term and long term. The statesman keeps in mind not only the here and now, but the world that future generations will inherit.

### **The Ability to Build a Consensus to Achieve that Vision**

A politician may have a bedrock of principles, a moral compass and vision, but if he lacks the ability to build a consensus around them, his efforts to change policies, laws and the course of history will largely be in vain.

In enlisting others in government that serve with him to support his initiatives, he knows that their willingness to do so is based on the pressure they feel from their constituents to align themselves with the statesman's vision. Thus, success ultimately hinges on his ability to convince his country's citizens of the soundness of his philosophy.

To win their hearts, the statesman shuns media campaigns and instead harnesses the power of the written, and especially the spoken, word; he is a master orator. His lifelong study of great books and the lessons of history allow him to speak to the people with intelligent, potent, well-reasoned arguments.

Instead of tailoring his rhetoric to the public mood, he speaks to the very best that exists within people, understanding that powerful rhetoric can articulate, bring forth and activate sometimes deeply buried ideals. His authority derives from his belief in what he says. He does not make emotions soar and burn with empty promises, but instead keeps his word and does what he says he will do.

Based on a professional lifetime of research, Fears believes that the three greatest statesmen in history are Pericles, of Athens, Abraham Lincoln and Winston Churchill. Their bedrock principles rested on the ideals of freedom: democratic liberty, equality under the law and individual freedom – the freedom

to live as we choose. Each embraced a vision of expanding liberty for citizens, yet all courted controversy in some of the measures they deemed necessary to achieve their vision.

In Fears' estimation, the ultimate measuring rod of any true statesman and what matters most is that their leadership ultimately led to more freedom for more people in the long run.

**7. Read and translate the texts filling in the gaps using the words from the table:**

**Legislative branch in the United Kingdom**

<p><b>Purpose; debate; chamber; permission; changes; amendments; power; policy</b></p>
--

Parliament is the body of legislative power in the UK. It consists of the House of Commons and the House of Lords and the Sovereign (kings and queens). The House of Commons is the lower \_\_\_\_\_ of the British Parliament, it consists of 650 members (523 – for England; 72 – for Scotland; 38– for Wales; 17 – for Northern Ireland).

The main \_\_\_\_\_ of the House of Commons is to make laws of the land by passing various Acts, as well as to discuss current political issues. The House sits for five days each week. The House sits for about 175 days in the year, and has a maximum term of five years. The \_\_\_\_\_ take place in accordance with a program previously arranged. It often concerns a broad issue of foreign or home \_\_\_\_\_, or it may be the examination of the contents of a bill. The work of the House of Commons includes the following: legislation: the House of Commons spends nearly half of its time making laws; controlling finance: before the Government can raise or spend money, it must have \_\_\_\_\_ from the House of Commons; scrutinizing the Government by asking questions, by holding debates and by committee work.

The House of Lords consists of 1000 members. They are an unelected group of people, who have either inherited their seats or have been given seats by the Government. The House of Lords takes part in law-making process, the examination of the Government's work and in debating important matters of the day.

This chamber is not so powerful as the House of Commons. It can suggest \_\_\_\_\_ in laws, but is restricted to laws that have nothing to do with the finances of the country (for example, it cannot suggest any changes to the Budget). The House of Lords cannot reject laws that the House of Commons wants to pass, though it can amend them. Even then, the Commons can reject these \_\_\_\_\_.

The work of the House of Lords includes: legislation: reviewing and giving further consideration to Bills; examining the work of the Government by debate; examining European proposal; hearing legal debates. There is an ongoing debate concerning the role of the House of Lords in British politics and there have been attempts to limit its \_\_\_\_\_ further. One example of this which has come under frequent scrutiny is the system of hereditary peerage.

**Notes:** House of Commons – Палата Громад; the House of Lords – Палата Лордів.

### **Legislative branch in the United States of America**

<p><b>Powers; approval; session; role; representation; population; vice president; committees</b></p>
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Congress is the body of legislative power in the USA. It consists of the Senate and the House of Representatives. Representation in the Senate is fixed at two senators per state. Until passage of the 17th Amendment (1913), senators were appointed by the state legislatures; since then they have been elected directly. In the House of Representatives, \_\_\_\_\_ is proportional to each state's \_\_\_\_\_; total membership is restricted (since 1912) to 435 members.

Although the two chambers of Congress are separate, for the most part, they have an equal \_\_\_\_\_ in the enactment of legislation, and there are several aspects of the business of Congress that the Senate and the House of Representatives share and that require common action. Congress must assemble at least once a year and must agree on the date for convening and adjourning. The date for convening is January the third. The date for adjournment is voted on by the House and the Senate.

Congress must also convene in a joint \_\_\_\_\_ to count the electoral votes for the president and \_\_\_\_\_. Joint sessions are also held when the president or some visiting dignitary addresses both houses.

Of common interest to both houses of Congress are also such matters as government printing, general accounting, and the congressional budget. Congress has established individual agencies to serve these specific interests. Other agencies, which are held directly responsible to Congress, include the Copyright Royalty Tribunal, the Botanic Garden, and the Library of Congress.

Congressional business is processed by \_\_\_\_\_: bills are debated in committees in both houses, and reconciliation of the two resulting versions takes place in a conference committee. A presidential veto can be overridden by a two-thirds majority in each house.

Congress's constitutional \_\_\_\_\_ include the setting and collecting of taxes, borrowing money on credit, regulating commerce, coining money, declaring war, raising and supporting armies, and making all laws necessary for the execution of its powers. All finance-related legislation must originate in the House; powers exclusive to the Senate include \_\_\_\_\_ of presidential nominations, ratification of treaties, and adjudication of impeachments.

**Notes:** Legislature – законодавча влада кожного штату в США; Senate – Сенат; the House of Representatives – Палата Представників

**8. Fill in the table:**

<b>Country</b>	<b>Ukraine</b>	<b>The United Kingdom</b>	<b>The United States</b>
Name of legislative body			
What does it consist of?			
Names of chambers			
Total membership			
Are the members of the chamber elected or appointed?			
Their term of office			

## UNIT 4

### EXECUTIVE BRANCH

The Cabinet of Ministers of Ukraine is the highest body of the executive branch. It is responsible to the President and the Verkhovna Rada, under the control of, and accountable to the Verkhovna Rada within the limits stipulated by this Constitution [art. 113].

The Cabinet of Ministers is comprised of the Prime Minister, the Vice-Prime Minister, Vice-Prime Ministers and Ministers. The Prime Minister is appointed by the Verkhovna Rada upon the submission of proposal by the President. The Prime Minister of Ukraine manages the work of the Cabinet of Ministers and directs such work at the implementation of the Program of Activity of the Cabinet of Ministers adopted by the Verkhovna Rada [art. 114].

The Cabinet of Ministers of Ukraine abdicates responsibility to the newly elected Verkhovna Rada of Ukraine [art. 115].

The functions of the Cabinet of Ministers of Ukraine are as follows: to ensure the state sovereignty and economic independence of Ukraine, the implementation of domestic and foreign policy of the State, and the execution of the Constitution, laws of Ukraine, and acts of the President; to ensure the implementation of financial, pricing, investment, and taxation policy, the policy in the areas of labor and employment, social security, education, science and culture, environmental protection, ecological safety, and exploitation of natural resources; to develop and implement national programs of economic, scientific and technical, social and cultural development of Ukraine; to ensure equal conditions of development of all forms of ownership; to elaborate a draft law on the State Budget of Ukraine, ensure the implementation of the State Budget of Ukraine approved by the Verkhovna Rada, and submit a report on its implementation to the Verkhovna Rada [art. 116].

The Cabinet of Ministers issues directives and resolutions mandatory for execution. Acts of the Cabinet of Ministers are signed by the Prime Minister.

Regulatory legal acts of the Cabinet of Ministers, ministries and other central executive authorities are subject to registration in compliance with a procedure established by law [art. 117].

The executive power in oblasts and rayons, and in the cities of Kyiv and Sevastopol is exercised by the local state administrations. Particular aspects of exercising executive power in the cities of Kyiv and Sevastopol are determined by special laws of Ukraine. Local state administration bodies are formed by the heads of the local state administrations. Heads of local state administrations are responsible to the President and to the Cabinet of Ministers, and are accountable to, and under the control of, executive authorities of a higher level [art. 118].

Local state administrations in their respective territory ensure: the execution of the Constitution and laws of Ukraine, acts of the President, acts of the Cabinet of Ministers and other executive power bodies; legality and legal order; the observance of rights and freedoms of citizens; the implementation of state and regional programs for socio-economic and cultural development, programs for environmental protection, programs for their national and cultural development; preparation and execution of respective oblast and rayon budgets; interaction with local self-government bodies [art. 119].

Members of the Cabinet of Ministers and heads of central and local executive power bodies have no right to combine their office with other work (except for teaching, research, and creative activities outside of working hours), or to be members of an administrative body or board of supervisors of an enterprise aimed at making profit.

The organization, powers, and operational procedure of the Cabinet of Ministers of Ukraine, and other central and local executive power bodies are determined by the Constitution and laws of Ukraine [art. 120].

### Words and word combinations:

to be responsible (to)	бути відповідальним (перед)
to be accountable to	бути підзвітним
to stipulate	обумовлювати
to be comprised of	складатись з
to appoint	призначати
submission	згода
to direct	керувати
implementation	реалізація, виконання
to abdicate responsibility	складати повноваження
to ensure	забезпечувати, гарантувати
state sovereignty	державна суверенність
economic independence	економічна незалежність
financial policy	фінансова політика
pricing policy	цінова політика
taxation policy	податкова політика
labor and employment	праця і працевлаштування
social security	соціальна безпека
ownership	власність
to elaborate	уточнювати, конкретизувати
draft law	проект закону
to submit	затверджувати
to issue a directive	видавати постанови
resolution	розпорядження
mandatory for execution	обов'язковий для виконання
in compliance	у відповідності; відповідно до
state administration	державна адміністрація
to determine	визначати

legality	законність
legal order	правопорядок
interaction	взаємодія
self-government body	орган самоврядування
to combine	поєднувати
to make profit	отримувати прибуток

**1. Answer the following questions:**

1. What is the highest body of the executive power in Ukraine?
2. What is the constitutional composition of the Cabinet of Ministers?
3. Who appoints the Prime Minister?
4. What are the Prime Minister's main functions and responsibilities?
5. Enumerate main functions of the Cabinet of Ministers of Ukraine?
6. Who exercises executive power in oblasts and rayons and in the cities of Kyiv and Sevastopol?
7. Who forms local state administration bodies?
8. What are the main authorities of local state administrations?

**2. Match the words from the right and left columns:**

proposal	in accordance
implementation	suggestion
conditions	circumstances
in compliance	rank, position, status
particular	application, performance
level	exact, specific
to manage	evolution, growth, expansion, enlargement, spread, progress
development	to be in charge, to control, to accomplish

**3. Say whether the statement is true or false, if the statement is false explain why:**

1. The Cabinet of Ministers is the highest body of the executive branch.
2. The highest body of the executive branch is responsible to the President of Ukraine and the Prime Minister within the limits stipulated by this Constitution.
3. The Prime Minister is appointed by the President of Ukraine upon the submission of proposal by the Verkhovna Rada.
4. The Cabinet of Ministers of Ukraine abdicates responsibility to the newly elected Verkhovna Rada of Ukraine.
5. The Cabinet of Ministers of Ukraine ensures the implementation of financial, pricing, investment, and taxation policy, the policy in the areas of labor and employment, social security, education, science and culture, environmental protection, ecological safety, and exploitation of natural resources.
6. Acts of the Cabinet of Ministers are signed by the Prime Minister and the President of Ukraine.
7. The executive power in oblasts and rayons, and in the cities of Kyiv and Sevastopol is exercised by the local state administrations and the Cabinet of Ministers.
8. Particular aspects of exercising executive power in the cities of Kyiv and Sevastopol are determined by the Prime Minister of Ukraine.
9. The heads of the local state administrations form local state administration bodies.
10. Local state administrations ensure the execution of the Constitution and laws of Ukraine, acts of the President, acts of the Cabinet of Ministers.
11. The heads of central and local executive power bodies have no right to combine their office with other work.
12. Members of the Cabinet of Ministers can be members of an administrative body or board of supervisors of an enterprise aimed at making profit.

#### 4. Read and translate the text, figure out the differences between Ukrainian and British governments:

##### The UK government

**Policy; departments; administration; majority; leader; recommendation**

The UK is governed by the Government – a body of ministers who are responsible for the \_\_\_\_\_ of national affairs. The ministers are the leading members of the political party which wins the \_\_\_\_\_ of seats in Parliament. The party which wins the second largest number of seats in Parliament becomes the official opposition.

**The Prime Minister**, the leader of the party with a majority, is appointed by the Queen (the Queen appoints but not select the Prime Minister. She has no choice). All other Ministers are appointed by the Queen on the \_\_\_\_\_ of the Prime Minister. The majority of Ministers are members of the Commons, although the Government is also fully represented by ministers in the Lords. The Lord Chancellor is always a member of the House of Lords.

**The Cabinet.** The most senior Ministers (usually about 20 in number) compose the Cabinet, which meets regularly (once or twice a week) under the chairmanship of the Prime Minister to decide government \_\_\_\_\_ on major issues, exercise supreme control of government and co-ordinate government departments. Ministers are responsible collectively to Parliament for all Cabinet decisions; individual ministers are responsible to Parliament for the work of their \_\_\_\_\_.

**The Shadow Cabinet.** The opposition party, which is not currently in power, under the direction of its \_\_\_\_\_ forms a “Shadow Cabinet”. The ministers in the Shadow Cabinet deal with the same matters as the Cabinet of Ministers in the current government, debating with the actual Cabinet ministers from the Government side.

## 5. What do you know about types of government? Read and translate:

**Absolute monarchy** – a form of government where the monarch rules unhindered, i.e., without any laws, constitution or legally organized opposition.

**Anarchy** – a condition of lawlessness or political disorder brought about by the absence of governmental authority.

**Authoritarian** – a form of government in which state authority is imposed onto many aspects of citizens' lives.

**Commonwealth** – a nation, state or other political entity founded on law and united by a compact of the people for the common good.

**Communist** – a system of government in which the state plans and controls the economy and a single – often authoritarian – party holds power; state controls are imposed with the elimination of private ownership of property or capital while claiming to make progress toward a higher social order in which all goods are equally shared by the people (i.e., a classless society).

**Confederacy** (Confederation) – a union by compact or treaty between states, provinces or territories that creates a central government with limited powers; the constituent entities retain supreme authority over all matters except those delegated to the central government.

**Constitutional** – a government by or operating under an authoritative document (constitution) that sets forth the system of fundamental laws and principles that determines the nature, functions and limits of that government.

**Constitutional democracy** – a form of government in which the sovereign power of the people is spelled out in a governing constitution.

**Constitutional monarchy** – a system of government in which a monarch is guided by a constitution whereby his/her rights, duties, and responsibilities are spelled out in written law or by custom.

**Democracy** – a form of government in which the supreme power is retained by the people, but which is usually exercised indirectly through a system of representation and delegated authority periodically renewed.

**Democratic republic** – a state in which the supreme power rests in the body of citizens entitled to vote for officers and representatives responsible to them.

**Dictatorship** – a form of government in which a ruler or small clique wield absolute power (not restricted by a constitution or laws).

**Emirate** – similar to a monarchy or sultanate, a government in which the supreme power is in the hands of an emir (the ruler of a Muslim state); the emir may be an absolute overlord or a sovereign with constitutionally limited authority.

**Federal (Federation)** – a form of government in which sovereign power is formally divided – usually by means of a constitution – between a central authority and a number of constituent regions (states, colonies or provinces) so that each region retains some management of its internal affairs; differs from a confederacy in that the central government exerts influence directly upon both individuals as well as upon the regional units.

**Federal republic** – a state in which the powers of the central government are restricted and in which the component parts (states, colonies, or provinces) retain a degree of self-government; ultimate sovereign power rests with the voters who chose their governmental representatives.

**Islamic republic** – a particular form of government adopted by some Muslim states; although such a state is, in theory, a theocracy, it remains a republic, but its laws are required to be compatible with the laws of Islam.

**Maoism** – the theory and practice of Marxism-Leninism developed in China by Mao Zedong (Mao Tse-tung), which states that a continuous revolution is necessary if the leaders of a communist state are to keep in touch with the people.

**Marxism** – the political, economic and social principles espoused by 19th century economist Karl Marx; he viewed the struggle of workers as a progression of historical forces that would proceed from a class struggle of the

proletariat (workers) exploited by capitalists (business owners), to a socialist “dictatorship of the proletariat”, to, finally, a classless society – Communism.

**Monarchy** – a government in which the supreme power is lodged in the hands of a monarch who reigns over a state or territory, usually for life and by hereditary right; the monarch may be either a sole absolute ruler or a sovereign - such as a king, queen or prince - with constitutionally limited authority.

**Oligarchy** – a government in which control is exercised by a small group of individuals whose authority generally is based on wealth or power.

**Parliamentary democracy** – a political system in which the legislature (parliament) selects the government - a prime minister, premier or chancellor along with the cabinet ministers – according to party strength as expressed in elections; by this system, the government acquires a dual responsibility: to the people as well as to the parliament.

**Parliamentary government** (Cabinet-Parliamentary government) – a government in which members of an executive branch (the cabinet and its leader – a prime minister, premier or chancellor) are nominated to their positions by a legislature or parliament, and are directly responsible to it; this type of government can be dissolved at will by the parliament (legislature) by means of a no-confidence vote or the leader of the cabinet may dissolve the parliament if it can no longer function.

**Parliamentary monarchy** – a state headed by a monarch who is not actively involved in policy formation or implementation (i.e., the exercise of sovereign powers by a monarch in a ceremonial capacity); true governmental leadership is carried out by a cabinet and its head – a prime minister, premier or chancellor – who are drawn from a legislature (parliament).

**Presidential** – a system of government where the executive branch exists separately from a legislature (to which it is generally not accountable).

**Republic** – a representative democracy in which the people’s elected deputies (representatives), not the people themselves, vote on legislation.

**Socialism** – a government in which the means of planning, producing and distributing goods is controlled by a central government that theoretically seeks a more just and equitable distribution of property and labor; in actuality, most socialist governments have ended up being no more than dictatorships over workers by a ruling elite.

**Sultanate** – similar to a monarchy, a government in which the supreme power is in the hands of a sultan (the head of a Muslim state); the sultan may be an absolute ruler or a sovereign with constitutionally limited authority.

**Theocracy** – a form of government in which a Deity is recognized as the supreme civil ruler, the Deity’s laws are interpreted by ecclesiastical authorities (bishops, mullahs, etc.); a government subject to religious authority.

**Totalitarian** – a government that seeks to subordinate the individual to the state by controlling not only all political and economic matters, but also the attitudes, values and beliefs of its population.

**Provide Ukrainian equivalents for the following words and word combinations:**

to rule	
unhindered	
opposition	
political disorder	
governmental authority	
to impose	
political entity	
compact	
to hold power	
elimination	
private ownership of property	
constituent entities	
to retain	

to set forth	
to determine	
system of representation	
clique	
to exert influence	
to be compatible with	
to keep in touch	
classless society	
hereditary right	
to acquire	
dual responsibility	
legislature	
policy formation / implementation	
distribution of property and labor	
to subordinate	

**6. Read the following texts, fill in the table below:**

**The President of the USA**

The power of the Executive Branch is vested in the President of the United States, who also acts as a head of state and Commander-in-Chief of the armed forces. The President is responsible for implementing and enforcing the laws written by Congress and appoints the heads of the federal agencies, including the Cabinet. The Vice President is also a part of the Executive Branch, ready to assume the Presidency should the need arise.

The President is both the head of state and the head of government of the United States of America, and Commander-in-Chief of the armed forces. The President is responsible for the execution and enforcement of the laws created by Congress [art. 2]. Fifteen executive departments – each led by an

appointed member of the President's Cabinet – carry out the day-to-day administration of the federal government. They are joined in this by other executive agencies such as the CIA and Environmental Protection Agency, the heads of which are not a part of the Cabinet, but who are under the full authority of the President. The President also appoints the heads of more than 50 independent federal commissions, such as the Federal Reserve Board or the Securities and Exchange Commission, as well as federal judges, ambassadors, and other federal offices. The Executive Office of the President (EOP) consists of the immediate staff to the President, along with entities such as the Office of Management and Budget and the Office of the United States Trade Representative.

The President has the power either to sign legislation into law or to veto bills enacted by Congress, although Congress may override a veto with a two-thirds vote of both houses. The Executive Branch conducts diplomacy with other nations, and the President has the power to negotiate and sign treaties, which also must be ratified by two-thirds of the Senate. The President can issue executive orders, which direct executive officers or clarify and further existing laws. The President also has unlimited power to extend pardons and clemencies for federal crimes, except in cases of impeachment.

The Constitution lists only three qualifications for the Presidency: the President must be 35 years of age, must be a natural born citizen, and must have lived in the United States for at least 14 years. And though millions of Americans vote in a presidential election every four years, the President is not, in fact, directly elected by the people. Instead, on the first Tuesday in November of every fourth year, the people elect the members of the Electoral College. Apportioned by population to the 50 states – one for each member of their congressional delegation (with the District of Columbia receiving 3 votes) – these Electors then cast the votes for President. There are currently 538 electors in the Electoral College.

## **The President of Ukraine**

President is due to prevent any actions of the legislative, executive and judicial branches of power that directly or indirectly infringe the fundamental Law of Ukraine. With the aim of fulfilling this duty the President is vested with corresponding authorities. He is empowered to suspend decisions of government bodies and veto laws passed by the Verkhovna Rada.

President is the Guarantor of state sovereignty and territorial integrity of Ukraine. In these terms his powers are stipulated by Article 102 of the Constitution of Ukraine and impose on him the duty to make decisions and act in order to defend and consolidate the state sovereignty, to secure the integrity and inviolability of Ukraine's territory within the limits of the existing borders. According to Article 102 of the Constitution, as the Guarantor of citizens' rights and freedoms, the President is empowered to revoke acts of government bodies and branches of power in order to protect citizens' rights and freedoms.

Presidential powers within domestic policy are stipulated by Article 106 of the Constitution of Ukraine. According to the Constitution and the laws of Ukraine the President of Ukraine issues decrees and orders, which are binding on the territory of Ukraine. President cooperates with all branches of power, appoints and dismisses Government officials and executive authorities, attends the Government's meetings and has his/her representatives in the Constitutional Court of Ukraine and the Verkhovna Rada.

The President of Ukraine is elected by the citizens of Ukraine for a five-year period on the basis of universal, equal, and direct suffrage by secret ballot. The Constitution lists the following qualifications for a President: a citizen of Ukraine, having attained the age of thirty-five, having the right to vote, residing in Ukraine for the past ten years prior to the day of elections, and having command of the state language, may be elected the President of Ukraine.

## UNIT 5

### JUSTICE AND COURTS IN UKRAINE

On 29 June 2016 the Law of Ukraine “On Amendments to the Constitution of Ukraine on Justice” (hereinafter “Law on Justice”) was officially published became effective on 30 September 2016, except for provisions regarding the possibility of recognition by Ukraine of the International Criminal Court jurisdiction on terms defined in the Rome Statute, which shall enter into force three years after publication of this law.

#### **Changes in the court system**

The Law on Judicial System implements three-tier judicial system, which includes local courts, courts of appeal and the Supreme Court, carrying out the functions of cassation. In order to consider specific categories of cases, high specialized courts will function within the judicial system. The Supreme Court consists of the Supreme Court Grand Chamber, the Administrative Court of Cassation, the Commercial Court of Cassation, the Criminal Court of Cassation, and the Civil Court of Cassation.

#### **Specialization**

Given the specificity of certain categories of cases, the reform introduces the High Court on Intellectual Property and the High Anti-Corruption Court that will act as first instance courts hearing specific categories of cases assigned to their jurisdiction.

Furthermore, additional specialization is introduced at the level of cassation review. Thus, in the Administrative court of cassation the separate chambers will be created for consideration of cases concerning taxes and other mandatory payments, protection of social rights, electoral process and the referendum, as well as protection of citizens’ political rights.

## **New procedure for appointment, dismissal and responsibility of judges**

Within the framework of judicial reform the minimum age of judges has been raised to 30 years, and a maximum of 65 years has been introduced. The procedure of appointing judges on the basis of public competition and qualification assessment was also described in the new legislation. Such appointment shall be performed by the President upon the proposal of the High Council of Justice (formerly the permanent election of judges was carried out by the Parliament). To ensure the independence of judges, they are appointed for indefinite period of time. However, in order to prevent abuse, established grounds for dismissal were extended and the scope of immunity was narrowed.

The exhaustive list of grounds for dismissal of judges covers, in particular, such grounds as a significant disciplinary misconduct committed by a judge, or systematic negligence of their duties, which is incompatible with the status of a judge or reveals their discrepancy of a post, as well as a violation of the duty of the judge to confirm the legality of the source of origin of funds.

Notably, the Law on Justice provides that the powers of the judges previously appointed for a period of five years shall terminate in the end of the term for which they were appointed. Subsequently, such judges can be appointed under general established procedure. Judges, previously elected for indefinite period shall continue exercising their powers. However, the Law on Justice provides for the assessment of compliance for all the judges. Identification of the judge's unsuitability for his/her role based on criteria of competence, professional ethics or integrity, resulting from such assessment, or a refusal from assessment, constitute valid grounds for dismissal of judges from office.

On Amendments to the Constitution of Ukraine on Justice – Про внесення змін до Конституції України (щодо правосуддя)

On Judicial System and Status of Judges – закон України про судоустрій і статус суддів

### Words and word combinations:

provision	положення, норми
recognition	визнання
on terms	на умовах
to define	визначати
to enter into force	вступити в силу
to implement	реалізовувати, запроваджувати, вводити в дію
three-tier judicial system	трьохступева судова система
local court	місцевий суд
courts of appeal	апеляційний суд
Supreme Court	Верховний суд
to carry out	виконувати
cassation	касація
high specialized court	вищий спеціалізований суд
taxes	податки
mandatory payments	обов'язкові платежі
protection of social rights	захист соціальних прав
electoral process	виборчий процес
referendum	референдум
procedure of appointing judges	процедура призначення суддів
public competition	відкритий конкурс
to ensure	забезпечити
to prevent abuse	протидіяти зловживанню
dismissal	звільнення
scope of immunity	сфери дії імунітету
exhaustive	вичерпний
grounds for dismissal	підстави для звільнення
disciplinary misconduct	дисциплінарний проступок

systematic negligence of their duties	систематичне невиконання обов'язків
discrepancy	протиріччя
to terminate	припиняти
competence	компетенція
professional ethics	професійна етика
integrity	непідкупність

**1. Provide the Ukrainian equivalents:**

- the Supreme Court Grand Chamber –
- the Administrative Court of Cassation –
- the Commercial Court of Cassation –
- the Criminal Court of Cassation –
- the Civil Court of Cassation –
- the High Court on Intellectual Property –
- the High Anti-Corruption Court –

**2. Complete the table:**

Noun	Verb
publication	to publish
	to amend
provision	
	to enter
recognition	
	to implement
	to consider
	to introduce
specialization	
protection	

	to appoint
competition	
assessment	
	to describe
	to prevent
dismissal	
	to extend
violation	
refusal	

**3. Match the words and phrases with their definition:**

<b>Justice</b>	hear criminal and civil cases as well as cases on administrative offences.
<b>The Supreme Court</b>	is a law.
<b>Equality</b>	is the highest judicial body of general jurisdiction.
<b>Local courts</b>	means a violation or breach of a law, custom, rule.
<b>Legislation</b>	can connote respect for another's commitment to the common purpose and ability to work toward it.
<b>Offence</b>	is a concept of moral rightness based on ethics, rationality, law, natural law, religion, or equity.
<b>Collegiality</b>	means the quality or state of being equal.

**4. Read and translate the texts filling in the gaps using the words from the table:**

<p style="text-align: center;"><b>Request; citizens; duty; decision; access</b></p>
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**Introduction of additional requirements for the judges**

The Law on Judicial System establishes the \_\_\_\_\_ of the judge to confirm the legality of the source of origin of funds in the course of evaluation of judge's suitability to the position or during disciplinary proceedings initiated in the circumstances causing doubts of legality of the source of origin of the funds or integrity of the conduct of the judge. Moreover, the judge is now obliged to submit a Declaration of Judge's Integrity and a Declaration of Judge's Related Persons, which shall be open to public \_\_\_\_\_ and published on the official website of the High Qualification Commission of Judges of Ukraine.

In addition, there is a profound check of the Declarations of each judge at least once in five years, or at special \_\_\_\_\_ of the High Qualification Commission of Judges of Ukraine or High Council of Justice.

**A constitutional complaint**

The reform introduced eligibility for all \_\_\_\_\_ and legal entities to file the constitutional complaint to the Constitutional Court regarding compliance with the Constitution of Ukraine (constitutionality) of the law, where the complainant believes that the law of Ukraine, applied in the final \_\_\_\_\_ of the case they were involved in, contradicts the Constitution of Ukraine. A constitutional complaint may be filed exclusively when all other domestic remedies have been exhausted.

## 5. Read and translate the text, answer the questions below:

### The USA court system

Being the federal republic, the USA has both a federal and a state court system. The federal court system is responsible for interpreting and applying the laws created by the federal government under the authority of the US Constitution. Article III of the US Constitution requires the establishment of a Supreme Court and permits the US Congress to create other federal courts, and place limitations on their jurisdiction.

The Supreme Court is the highest judicial body, the court of last resort and leads the federal judiciary. It meets in Washington, D.C. It is mainly an appellate court and hears only federal appeals which it has chosen. Most of the cases involve the interpretation of the Constitution. It also has the “power of *judicial review*”, i.e. the right to declare laws and actions of the federal, state, and local governments unconstitutional. Besides, the Court has limited original jurisdiction in cases *involving* foreign diplomats and in those, in which a state is a party. In practice, the only original jurisdiction cases heard by the Court are disputes between two or more states. It consists of the Chief Justice and eight Associate Justices, who serve “during good behavior”, that is while they obey the law. Cases are decided by majority vote of the Justices.

The federal Courts of Appeals (*or circuit courts*) are the intermediate appellate courts, and must hear all appeals from the district courts within their federal judicial circuits, and in some cases from other designated federal courts and administrative agencies. Now there are thirteen judicial circuits with one court of appeals. They review decisions of trial courts for *errors* of law and their decisions are *binding precedents*. An appeal is almost always heard by a panel of three judges who are selected from the available judges but in some cases all judges decide an appeal.

The District Courts are the federal trial courts. They hear both civil and criminal cases, and oft en decide *claims* based on state law. There are 94 federal judicial districts with at least one district court for each state, the District of

Columbia and Puerto Rico. There is a US bankruptcy court as a unit of the district court.

Besides, some federal courts of special jurisdiction, such as the Tax Court, the Court of International Trade, Courts of Federal Claims and others administer justice in the country. All federal judges *are appointed* for life by the President with the *approval* of the Senate.

Each state has an independent system of courts operating under the constitution and laws of the state. The names and jurisdiction of the courts differ from state to state but as a rule they have general jurisdiction. The highest court is the state supreme court (known by various names in various states), which hears appeals of legal disputes. In most states the lowest courts are the magistrates' courts or police courts.

The relationship between state courts and federal courts is quite complicated. Although the United States Constitution and federal laws override state laws where there is a conflict between federal and state law, state courts are not subordinate to federal ones. Rather they are two parallel sets of courts with different oft en overlapping jurisdiction.

**Answer the following questions:**

What are the tasks of the federal court system?

What types of courts have been created according to the US Constitution?

What body created other federal courts?

What types of cases does the US Supreme Court hear?

What do the federal Courts of Appeals do?

What is the jurisdiction of the federal District Courts?

What is the term of office for federal court judges?

Are state courts inferior to federal courts or not?

**Choose the meaning of the following words in which they are used in the text.**

**1. state**

- the physical or mental condition that someone or something is in;
- a country considered as a political organization;
- one of the areas with limited law-making powers that together make up a country controlled by a central government.

**2. justice**

• the system by which people are judged in courts of law and criminals are punished;

- the fair treatment of people;
- a judge in a law court.

**3. case**

- a question or problem that will be dealt with by a law court;
- a special box used as a container for holding or protecting something;
- all the reasons that one side in a legal argument can give against the other side.

**4. party**

- a social event when a lot of people meet together to enjoy themselves;
- a political organization with particular beliefs and aims, which you can vote for in elections;
- one of the people or a group of people involved in a legal argument.

**5. precedent**

- an official action or decision that can be used to give support to later actions or decisions;
- something of the same type that has happened or existed before;
- the way that things have always been done.

**TEXTS**

**FOR**

**INDIVIDUAL WORK**

## **Text 1**

### **The origin of law (part 1)**

The history of law is the history of our race, and the embodiment of its experience. It is the most unerring monument of its wisdom and of its frequent want of wisdom. The best thought of a people is to be found in its legislation; its daily life is best mirrored in its usages and customs, which constitute the law of its ordinary transactions.

There never has existed, and it is entirely safe to say that there never will exist, on this planet any organization of human society, any tribe or nation however rude, any aggregation of men however savage, that has not been more or less controlled by some recognized form of law. Whether we accept the fashionable, but in this regard wholly unsupported and irrational theory of evolution that would develop civilization from barbarism, barbarism from savagery, and the existence of savage men from a simian ancestry, or whether we adopt the more reasonable theory, sustained by the uniform tenor of all history, that barbarism and savagery are merely lapses from a primordial civilization, we find man at all times and under all circumstances, so far as we are informed by the records which he has left, living in society and regulating his conduct and transacting his affairs in subordination to some rules of law, more or less fixed, and recognized by him to be binding upon him, even though he has oftentimes been in rebellion against some of their provisions.

## **Text 2**

### **The origin of law (part 2)**

The recognition of the existence of law outside of himself, and yet binding upon him, is inherent in man's nature, and is a necessity of his being. And this is as much as to say that the very existence of human society is dependent upon law imposed by some superior power. While from our present standpoint the ultimate finite existence is that of the individual, and all true philosophy recognizes that society exists for the individual, and not the individual for

society, yet it is also true that the individual is intended to exist in society, and that he must in many things subordinate his own will to that of society, and inasmuch as society cannot exist without law, it is a necessary deduction of reason that the existence of law is coeval with that of the human race.

For, if the origin of law were to be sought in compact, a similar compact would suffice to abrogate it; and if it depended on the force of the majority, the wrongfulness of disobedience to its behests would depend entirely upon its discovery and manifestation to the world.

Suppose two shipwrecked men thrown upon a desert island, far removed from all human society, far removed from all its agencies and instrumentalities for the prevention and punishment of crime, and one in wantonness kills the other, is the act any less a crime, because it may never be discovered, because it may never be reached by the avenging arm of justice, because the social compact has never been in force in that remote region of the earth. Our conscience and our common sense rebel against the inference of any distinction between such a crime and that of the ordinary murderer within the pale of civilization.

### **Text 3**

#### **Classifications of Law**

In order to understand many different aspects of law, it is helpful to look at various areas or classifications of law. Law is sometimes classified as substantive or procedural. The law that is used to actually decide disputes may be classified as substantive law. On the other hand, the legal procedures that provide how a lawsuit is begun, how the trial is conducted, how appeals are taken, and how a judgment is enforced are called procedural law. Substantive law is the part of the law that defines rights, and procedural law establishes the procedures whereby rights are enforced and protected. For example, A and B have entered into an agreement, and A claims that B has breached the agreement. The rules that provide for bringing B to court and for the conduct of the trial are rather mechanical and they constitute procedural law. Whether the

agreement was enforceable and whether A is entitled to damages are matters of substance and would be determined on the basis of the substantive law of contracts.

Law is also frequently classified into areas of public and private law. Public law includes those bodies of law that affect the public generally; private law includes the areas of the law that are concerned with the relationships between individuals. Public law may be divided into 3 general categories: (1) constitutional law which concerns itself with the rights, powers and duties of federal and state governments under the US Constitution and the constitutions of various states (2) administrative law, which is concerned with the multitude of administrative agencies, such as the Interstate Commerce Commission, the Federal Trade Commission, and the National Labor Relations Board; and (3) criminal law, which consists of statutes that forbid certain conduct as being detrimental to the welfare of the state or the people generally and provides punishment for their violation. Private law is that body of law that pertains to the relationships between individuals in an organized society. Private law encompasses the subject of contracts, torts and property. Each of these subjects includes several bodies of law. For example, the law of contracts may be subdivided into the subjects of sales, commercial paper, agency and business organizations. The law of torts is the primary source of litigation in their country and is also a part of the total body of law in such areas, as agency and sales. A tort is a wrong committed by one person against another or his property. The law of torts is predicated upon the premise that in a civilized society people who injure other persons or their property should compensate them for their loss. The law of property may be thought of as a branch of the law of contracts, but in many ways our concept of private property contains much more than the contract characteristics. Property is the basic ingredient in our economic system, and the subject matter may be subdivided into several areas, such as wills, trusts, estates in land, personal property, bailments and many more.

## Text 4

### Common Law and Continental Law: Two Legal Systems

The historical roots of two legal systems critically influence the major differences. Let's compare for example the concepts of the state and human rights in each law system.

According to the Common Law tradition, the state has limited sovereignty. Government is perceived only as a moderator of individuals and social groups to the extent minimally needed to protect individual liberty. Men are governed by law and not by men.

In the Continental law tradition authority or sovereignty is the true and only source of law and justice. The main holder of sovereignty is the legislature as the only law maker. The "*pouvoir constituant*" instituting the state can be seen as the "big bang" out of which the universe of justice, law and legitimate state authority including the rule of law and human rights is evolving. This universe is defined by the territory of the state and its authority. The state is conceived as a collective unit containing all elements of justice and law and established by the social contract.

In the Common Law system human rights are considered as pre-constitutional rights limiting the entire state authority. The individual pursuit of happiness is on the same level as individual liberty. Welfare is not a responsibility of the state or the political community.

Human rights are created by the constitution. Rights are given by the state or the political authority. The continental Europeans believe that the pursuit of happiness depends on the common welfare and thus depends on the policy of the state.

## Text 5

### The structure of the legal profession in Ukraine

Presently, the legal profession in Ukraine is divided into advocates and “lawyers-entrepreneurs”. This dual structure of the legal profession remains from early 1990s and is characterized by different regulatory frameworks applied to advocates and lawyers-entrepreneurs. The two groups are distinct not only by virtue of specialization or areas of practice, but they are also subject to different regulation of access to the practice of law and professional responsibility.

In terms of specialization, advocates continue to enjoy monopoly over criminal defense. This traditional notion, however, was undermined in 2000 when the Constitutional Court of Ukraine issued a controversial judgment in the *Soldatov* case allowing non-advocates to represent clients in criminal and administrative proceedings. The Court abolished advocates’ criminal defense monopoly by holding that: *“everyone is free to choose the defender of their rights”, ... should be construed as the constitutional right of a suspect, accused, and defendant, as well as a person brought to administrative liability, for the purpose of receiving legal assistance, to appoint as a defender of their rights such person, who is a specialist in the field of law and who is authorized by law to provide legal aid in person or on instructions of a legal entity”*.

Shortly after the ruling was pronounced, amendments were introduced into the Criminal Procedure Code allowing specialists in the field of law to appear before criminal tribunals upon presentation of an agreement with the client or a written instruction of a company. As a result, for nearly three years advocates lost their monopoly over criminal litigation.

The *Soldatov* decision attracted much criticism from Ukrainian legal community, especially from advocates, but the issue remained unresolved until 2003, when the Plenum of the Supreme Court of Ukraine issued a Resolution, in which it gave a restrictive interpretation of the Constitutional Court’s holding.

The Plenum stated *inter alia* that in order to be allowed to defend a client in a criminal case, specialists in the field of law had to provide documents which, according to the law, authorized them to participate in criminal cases. The Plenum added that in deciding whether a specialist in the field of law has the right to participate in a criminal case, judges should determine which particular law grants them with such right. It concluded that until such special law is passed by the Parliament, specialists in the field of law should not be admitted to participate in criminal cases.

## **Text 6**

### **Entry to the legal profession in Ukraine**

In Ukraine only advocate are subject to mandatory entry requirements. Thus, a person who wishes to practice law as an advocate must:

- obtain a law degree from a Ukrainian university or a foreign law degree pursuant to an international treaty;
- possess at least two years of professional experience in the field of law;
- know Ukrainian language; successfully complete a qualifications examination;
- receive an advocate's license; and make an advocate's oath.

A person with a criminal record may not be an advocate and advocates may not work as judges, prosecutors, public notaries, security services or police officers and public officials.

The requirement of the law degree was further specified by the HQC, which stated that only those persons could sit for the bar exam who have obtained a "specialist" (4 years of study) or "masters" (5 years of study) degree in law specializing in "jurisprudence" from a university of 3rd or 4th level of accreditation could sit for the bar.

There are two options for satisfying the two-year professional experience requirement. Firstly, the applicants may demonstrate that they have at least two years of professional experience working as a judge, a prosecutor, an investigator, an in-house counsel, or occupying other positions the terms of

reference for which require higher legal education. Professional experience of bailiffs and enforcement (controlled) operations officers does not constitute “professional experience in the field of law” for the purposes of admission to the bar examination. Additionally, specialists in the field of law who have been self-employed and provided legal services as a matter of commercial activity will satisfy the professional experience requirement only if they “produce sufficient and objective evidence of continuous entrepreneurial legal practice. Secondly, the applicant may demonstrate that he or she has completed a two-year apprenticeship period as advocate’s assistant.

The examination consists of two parts: written and oral. First, the applicant is offered to draft three procedural documents (suits, appellate briefs, motions etc). One of the procedural documents deals with criminal or administrative or criminal procedure law; one – with commercial or commercial procedure law; and one – with civil or family or employment or land or civil procedure law. The applicant is given three hours to complete the written assignment and is allowed to use the official texts of Ukrainian legal Codes provided by the AQDC. The written part of the examination is evaluated by the qualifications chamber according to two criteria – satisfactory or unsatisfactory.

If the chamber decides by the majority of vote that the result of the written examination is unsatisfactory, the applicant is not allowed to take the oral examination.

## **Text 7**

### **The American legal professions**

The American legal profession, like American law, has its roots in England, but with significant differences. In England, the legal profession is divided between office lawyers, known as solicitors, and courtroom lawyers, known as barristers. 8 In the United States, there is no division of the profession, and a lawyer frequently does both office work and courtroom work. There is, however, a great deal of variety in the types of work done by lawyers.

Attorney. Depending upon the circumstances and the needs of the client, the lawyer may be a counselor, a negotiator, and/or a litigator. In each of these roles, the lawyer will need to engage in factual investigation.

With respect to each of these roles, the lawyer will do the following:

Counselor: Attorney will help advise the client how to order the client's affairs.

Negotiator: Lawyer will work with opposing counsel to try to get a favorable resolution for the client. The art of negotiation involves many techniques individual to particular attorneys and the circumstances. The client always retains the right to accept or reject a settlement negotiated or offered by the opposing party.

Litigator: In litigating, the attorney will help pick a jury and participate in pre-trial motions.

Fact Investigator: All of the lawyer's roles require the investigation of relevant facts, including locating and interviewing witnesses.

A lawyer is to be a zealous advocate of the client, in this respect the lawyer must advocate on the client's behalf and avoid conflicts of interest. The lawyer is also an officer of the court and is required to deal fairly and honestly with the court and with its other officers, including the lawyer's opponents.

Judge The judge is the final arbiter of the law. The judge is charged with the duty to state, as a positive matter, what the law is.

In addition, the judge is to maintain order in the courtroom. Judges in federal courts are appointed by the President with the "advice and consent" of the Senate.

Many state court judges are elected by popular vote. Jury The jury, a group of local citizens, is the fact-finder in most trials. The jury will receive instructions from the judge as to the law, and its members will assess the facts as they perceive them in light of the law, as instructed, to return a verdict.

## **Text 8**

### **Legislature**

A Legislature is a kind of deliberative assembly with the power to pass, amend, and repeal laws. The law created by a legislature is called legislation or statutory law. In addition to enacting laws, legislatures usually have exclusive authority to raise or lower taxes and adopt the budget and other money bills. Legislatures are known by many names, the most common being parliament and congress, although these terms also have more specific meanings.

In parliamentary systems of government, the legislature is formally supreme and appoints a member from its house as the prime minister which acts as the executive. In a presidential system, according to the separation of powers doctrine, the legislature is considered an independent and coequal branch of government along with both the judiciary and the executive.

The primary components of a legislature are one or more chambers or houses: assemblies that can debate and vote upon bills. A legislature with only one house is called unicameral. A bicameral legislature possesses two separate chambers, usually described as an upper house and a lower house, which often differ in duties, powers, and the methods used for the selection of members. Much rarer have been trilateral legislatures; the Massachusetts Governor's Council still exists, but the most recent national example existed in the waning years of caucasian-minority rule in South Africa.

In most parliamentary systems, the lower house is the more powerful house while the upper house is merely a chamber of advice or review. However, in presidential systems, the powers of the two houses are often similar or equal. In federations, it is typical for the upper house to represent the component states; the same applies to the supranational legislature of the European Union. For this purpose, the upper house may either contain the delegates of state governments, as is the case in the European Union and in Germany and was the case in the United States before 1913, or be elected according to a formula that grants equal

representation to states with smaller populations, as is the case in Australia and the modern United States.

Because members of legislatures usually sit together in a specific room to deliberate, seats in that room may be assigned exclusively to members of the legislature. In parliamentary language, the term seat is sometimes used to mean that someone is a member of a legislature. For example, saying that a legislature has 100 “seats” means that there are 100 members of the legislature, and saying that someone is “contesting a seat” means they are trying to get elected as a member of the legislature. By extension, the term seat is often used in less formal contexts to refer to an electoral district itself, as for example in the phrases “safe seat” and “marginal seat”.

## **Text 9**

### **Parliamentary system**

A Parliamentary System is a system of government in which the ministers of the Executive Branch get their legitimacy from a Legislature and are accountable to that parliament body, such that the Executive and Legislative branches are intertwined.

The origins of the modern concept of prime ministerial government go back to the Kingdom of Great Britain (1707–1800) and The Parliamentary System in Sweden (1721–1772), which coincided with each other.

Georg Ludwig of Hanover Germany ascended the throne as the Protestant ruler of England after his cousin Queen Anne died with no heirs despite seventeen pregnancies. As King George the 1st he chaired the cabinet and chose ministers of the government but the problem was he spoke no English. This shifted a balance of his power to the leading minister, or first minister, who had the responsibility for chairing the cabinet. During his reign a gradual democratization of parliament with the broadening of the voting franchise increased the parliament’s role in controlling government, and in deciding who the king could ask to form a government. Towards the end of his reign, actual power was held by Sir Robert Walpole, Britain’s first de facto prime minister.

By the nineteenth century, the Great Reform Act of 1832 led to parliamentary dominance, with its choice invariably deciding who was prime minister and the complexion of the government.

### **Text 10**

#### **Executive branch in Canada**

Executive branch: **head of state:** Queen Elizabeth (since 6 February 1952); represented by Governor General David Johnston (since 1 October 2010)

**Head of government:** Prime Minister Stephen Joseph Harper (since 6 February 2006)

**Cabinet:** Federal Ministry chosen by the prime minister usually from among the members of his own party sitting in Parliament

**Elections:** the monarchy is hereditary; governor general appointed by the monarch on the advice of the prime minister for a five-year term; following legislative elections, the leader of the majority party or the leader of the majority coalition in the House of Commons generally designated prime minister by the governor general

**Definition:** This entry includes several subfields. Chief of state includes the name and title of the titular leader of the country who represents the state at official and ceremonial functions but may not be involved with the day-to-day activities of the government. Head of government includes the name and title of the top administrative leader who is designated to manage the day-to-day activities of the government. For example, in the UK, the monarch is the chief of state, and the prime minister is the head of government. In the USA, the president is both the chief of state and the head of government. Cabinet includes the official name for this body of high-ranking advisers and the method for selection of members. Elections include the nature of election process or accession to power, date of the last election, and date of the next election.

Election results include the percent of vote for each candidate in the last election.

## Text 11

### Executive branch in Australia

Executive branch: **chief of state:** Queen of Australia Elizabeth II (since 6 February 1952); represented by Governor General Quentin Bryce (since 5 September 2008)

**Head of government:** Prime Minister Julia Eileen Gillard (since 24 June 2010); Deputy Prime Minister Wayne Maxwell Swan (since 24 June 2010)

**Cabinet:** prime minister nominates, from among members of Parliament, candidates who are subsequently sworn in by the governor general to serve as government ministers

**Elections:** the monarchy is hereditary; governor general appointed by the monarch on the recommendation of the prime minister; following legislative elections, the leader of the majority party or leader of a majority coalition is sworn in as prime minister by the governor general

**Definition:** This entry includes several subfields. Chief of state includes the name and title of the titular leader of the country who represents the state at official and ceremonial functions but may not be involved with the day-to-day activities of the government. Head of government includes the name and title of the top administrative leader who is designated to manage the day-to-day activities of the government.

For example, in the UK, the monarch is the chief of state, and the prime minister is the head of government. In the USA, the president is both the chief of state and the head of government. Cabinet includes the official name for this body of high-ranking advisers and the method for selection of members.

Elections include the nature of election process or accession to power, date of the last election, and date of the next election.

## **Text 12**

### **Judiciary**

The judiciary is the system of courts that interprets and applies the law in the name of the state. The judiciary also provides a mechanism for the resolution of disputes. Under the doctrine of the separation of powers, the judiciary generally does not make law or enforce law (which is the responsibility of the executive), but rather interprets law and applies it to the facts of each case. This branch of the state is often tasked with ensuring equal justice under law. It usually consists of a court of final appeal (called the “Supreme court” or “Constitutional court”), together with lower courts.

In many jurisdictions the judicial branch has the power to change laws through the process of judicial review. Courts with judicial review power may annul the laws and rules of the state when it finds them incompatible with a higher norm, such as primary legislation, the provisions of the constitution or international law. Judges constitute a critical force for interpretation and implementation of a constitution, thus de facto in common law countries creating the body of constitutional law.

During last decades the judiciary became active in economic issues related with economic rights established by constitution because “economics may provide insight into questions that bear on the proper legal interpretation”. Since many a country with a transitional political and economic system continues treating its constitution as an abstract legal document disengaged from the economic policy of the state, practice of judicial review of economic acts of executive and legislative branches began to grow.

Budget of the judiciary in many transitional and developing countries is almost completely controlled by the executive. The latter undermines the separation of powers, as it creates a critical financial dependence of the judiciary.

## **Text 13**

### **John F. Kennedy**

John F. Kennedy was the 35th President of the United States (1961-1963), the youngest man elected to the office. On November 22, 1963, when he was hardly past his first thousand days in office, JFK was assassinated in Dallas, Texas, becoming also the youngest President to die.

On November 22, 1963, when he was hardly past his first thousand days in office, John Fitzgerald Kennedy was killed by an assassin's bullets as his motorcade wound through Dallas, Texas. Kennedy was the youngest man elected President; he was the youngest to die.

In 1956 Kennedy almost gained the Democratic nomination for Vice President, and four years later was a first-ballot nominee for President. Millions watched his television debates with the Republican candidate, Richard M. Nixon. Winning by a narrow margin in the popular vote, Kennedy became the first Roman Catholic President.

His Inaugural Address offered the memorable injunction: "Ask not what your country can do for you—ask what you can do for your country." As President, he set out to redeem his campaign pledge to get America moving again. His economic programs launched the country on its longest sustained expansion since World War II; before his death, he laid plans for a massive assault on persisting pockets of privation and poverty.

Responding to ever more urgent demands, he took vigorous action in the cause of equal rights, calling for new civil rights legislation. His vision of America extended to the quality of the national culture and the central role of the arts in a vital society.

He wished America to resume its old mission as the first nation dedicated to the revolution of human rights. With the Alliance for Progress and the Peace Corps, he brought American idealism to the aid of developing nations. But the hard reality of the Communist challenge remained.

Shortly after his inauguration, Kennedy permitted a band of Cuban exiles, already armed and trained, to invade their homeland. The attempt to overthrow the regime of Fidel Castro was a failure. Soon thereafter, the Soviet Union renewed its campaign against West Berlin. Kennedy replied by reinforcing the Berlin garrison and increasing the Nation's military strength, including new efforts in outer space. Confronted by this reaction, Moscow, after the erection of the Berlin Wall, relaxed its pressure in central Europe.

Instead, the Russians now sought to install nuclear missiles in Cuba. When this was discovered by air reconnaissance in October 1962, Kennedy imposed a quarantine on all offensive weapons bound for Cuba. While the world trembled on the brink of nuclear war, the Russians backed down and agreed to take the missiles away. The American response to the Cuban crisis evidently persuaded Moscow of the futility of nuclear blackmail.

Kennedy now contended that both sides had a vital interest in stopping the spread of nuclear weapons and slowing the arms race—a contention which led to the test ban treaty of 1963. The months after the Cuban crisis showed significant progress toward his goal of “a world of law and free choice, banishing the world of war and coercion.” His administration thus saw the beginning of new hope for both the equal rights of Americans and the peace of the world.

#### **Text 14**

#### **Donald J. Trump**

Donald J. Trump is the 45th President of the United States. He believes the United States has incredible potential and will go on to exceed even its remarkable achievements of the past. His campaign slogan for President was, “Make America Great Again,” and that is exactly what he is doing.

Donald J. Trump defines the American success story. Throughout his life he has continually set the standards of business and entrepreneurial excellence, especially in real estate, sports, and entertainment. Mr. Trump built on his success in private life when he entered into politics and public service. He remarkably won the Presidency in his first ever run for any political office.

A graduate of the University of Pennsylvania's Wharton School of Finance, Mr. Trump followed in his father's footsteps into the world of real estate development, making his mark New York City. There, the Trump name soon became synonymous with the most prestigious of addresses in Manhattan and, subsequently, throughout the world.

Mr. Trump is also an accomplished author. He has written more than fourteen bestsellers. His first book, *The Art of the Deal*, is considered a business classic.

Mr. Trump announced his candidacy for the Presidency on June 16, 2015. He then accepted the Republican nomination for President of the United States in July of 2016, having defeated seventeen other contenders during the Republican primaries.

On November 8, 2016, Mr. Trump was elected President in the largest Electoral College landslide for a Republican in 28 years. Mr. Trump won more than 2,600 counties nationwide, the most since President Ronald Reagan in 1984. And he received the votes of more than 62 million Americans, the most ever for a Republican candidate. These voters, in delivering a truly national victory and historic moment, rallied behind Mr. Trump's commitment to rebuilding our country and disrupting the political status quo that had failed to deliver results.

Mr. Trump won, in part, because he campaigned in places Republicans have had difficulty winning – Flint, Michigan, charter schools in inner-city Cleveland, and Hispanic churches in Florida. He went there because he wanted to bring his message of economic empowerment to all Americans. Millions of new Republicans trusted Mr. Trump with their vote because of his commitment to delivering prosperity through a reformed tax code, an improved regulatory environment, and better trade deals. President Trump's victory has brought Americans of all backgrounds together, and he is committed to delivering results for the Nation every day he serves in office.

President Trump has been married to his wife, Melania, for twelve years, and they are parents to their son, Barron. Mr. Trump also has four adult children, Don Jr., Ivanka, Eric, and Tiffany, as well as nine grandchildren.

## **Text 15**

### **Evidence-based Access to Justice in Ukraine**

HiiL listened to more than 6500 people from all over the country to understand their justice needs and experiences. The main findings are that millions of people need more accessible, affordable, effective and fair justice journeys. Particularly acute are the justice needs of the internally displaced people (IDPs). Better access to justice can be achieved through continuous focus on the users, re-design of existing justice journeys and encouragement of innovative approaches to justice. In 2016 and 2017 our project continues with turning the justice evidence into actions that improve the justice journeys available to the people of Ukraine.

Millions of people in Ukraine need more accessible, effective and fair justice journeys for their legal problems. HiiL's justice needs and satisfaction study clearly shows that significant improvements can and have to be made on the existing justice journeys. Clearly, the people need justice journeys in which they can express their positions, where their voice is heard by unbiased third parties who treat them with respect and explain the process. Improvements are also needed in terms of the costs of justice, and particularly in the dimension of stress and negative emotions. For many people, stress and emotions are the most disheartening barrier to justice.

More than half of the citizens of Ukraine encountered one or more serious legal problems in the past four years. Consumer problems, employment disagreements, issues around claiming and receiving welfare benefits and housing are just the most frequently occurring domains of legal problems. Particularly serious and frequent are the needs for justice of the internally displaced people who fled the war in the East of Ukraine. Two out of three of the interviewed IDPs said that they experienced difficult problems around ID

documents, property, housing, employment and other vital categories. These huge needs for justice are among the main findings of the study conducted by HiiL in 2015.

The next stage of our project is about setting up a process for improving people's experiences on their justice journeys. We start from the evidence about the quality of the procedures, the quality of the outcomes and the costs of the justice journeys. By using an inclusive methodology we will engage justice leaders from Ukraine in the quest to improve justice journeys. Based on the data, we will identify what works and what does not work for the users. Next, we will involve state of the art dispute resolution knowledge and technologies to redesign and improve justice journeys that are used by many people. At the end, we will evaluate the impact and will continue facilitating a process in which Ukrainian justice leaders use bottom-up evidence to creatively improve the justice journeys that the people use to resolve their problems in fair and just manner.

## **Text 16**

### **The Ministry of Justice of Ukraine**

The **Ministry of Justice of Ukraine** is the main body in the system of central government that regulates state legal policy. It is often abbreviated as “Minijust” [of Ukraine]. It is one of the oldest ministerial offices of the country tracing its history back to the beginning of 20th century.

#### **Main objectives:**

- Ensuring realization of the state legal policy and the policy in the sphere of adaptation of the legislation of Ukraine to the legislation of the European Union.
- Preparation of propositions in conducting legal reforms and promoting development of a legal science.
- Ensuring the protection of rights and freedoms of a human and a citizen in the specific field.

- Preparation of propositions in improvement of legislation, its systematization, development of projects of legal acts and international agreements of Ukraine in legal affairs, conducting a legal expertise of projects of legal acts, state registration of legal acts, maintaining the Unified state registry of such acts.
- Planning by the proposals of other central bodies of executive power of legislative proceedings and actions in adaptation of the legislation of Ukraine to the legislation of the European Union.
- Coordination of actions in implementation of the National program in adaptation of the legislation of Ukraine to the legislation of the European Union.
- Organization of implementing the decisions of judges and other authorities (officials) according to the laws, working with human resources, expert support of justice.
- Organization of notary performance and the authorities in registration of acts of civil status.
- Developing a legal informativeness and forming in citizens a legal outlook.
- Fulfilling an international legal cooperation.

The ministry consists of the central body of ministry headed by its leadership composed of a minister, his/hers first deputy, and other deputies in assistance to the minister. To the central body of ministry also belongs the *government official in affairs* of the European Court of Human Rights, who represents Ukraine in the mentioned international institution. The ministry regulates and controls activities of *notaries* (legal law representatives and executives) in Ukraine.

## UNIT 6

### CRIMES

In modern criminal law the term “crime” does not have any simple and universally accepted definition, though statutory definitions have been provided for certain purposes. The most popular view is that crime is a category created by law; in other words, something is a crime if declared as such by the relevant and applicable law. One proposed definition is that a crime or offence (or criminal offence) is an act harmful not only to some individual but also to a community, society or the state (“a public wrong”). Such acts are forbidden and punishable by law. In other words a crime can be defined as an action or omission which constitutes an offence and is punishable by law.

According to the severity of punishment crimes are generally graded into four categories: felonies, misdemeanors, felony-misdemeanors, and infractions. Often the criminal intent element affects a crime’s grading. *Malum in se* crimes, murder, for example, are evil in their nature and are generally graded higher than *malum prohibitum* crimes, which are regulatory, like a failure to pay income taxes.

**Felonies** are the most serious crimes. They are either supported by a heinous intent, like the intent to kill, or accompanied by an extremely serious result, such as loss of life, grievous injury, or destruction of property. Felonies are serious, so they are graded the highest, and all sentencing options are available. Depending on the jurisdiction and the crime, the sentence could be execution, imprisonment, a fine, or alternative sentencing such as probation and home confinement. Potential consequences of a felony conviction also include the inability to vote, own a weapon, or even participate in certain careers.

**Misdemeanors** are less serious than felonies, either because the intent requirement is of a lower level or because the result is less extreme. Misdemeanors are usually punishable by jail time of one year or less per

misdemeanor, a fine, or alternative sentencing like probation, rehabilitation, or community service.

**Felony-misdemeanors** are crimes that the government can prosecute and punish as *either* a felony or a misdemeanor, depending on the particular circumstances accompanying the offense. The discretion whether to prosecute the crime as a felony or misdemeanor usually belongs to the judge, but in some instances the prosecutor can make the decision.

**Infractions**, which can also be called **violations**, are the least serious crimes and include minor offenses such as jaywalking and motor vehicle offenses that result in a simple traffic ticket. Infractions are generally punishable by a fine or alternative sentencing such as traffic school.

When informal relationships and sanctions prove insufficient to establish and maintain social order, a government or a state may impose more formalized or stricter systems of social control. With institutional and legal machinery at their disposal, agents of the State can compel populations to conform to codes and can opt to punish or attempt to reform those who do not conform.

Authorities employ various mechanisms to regulate certain behaviors in general. Governing or administering agencies may for example codify rules into laws, police citizens and visitors to ensure that they comply with those laws, and implement other policies and practices that legislators or administrators have prescribed with the aim of preventing crime.

In addition, authorities provide remedies and sanctions, and collectively these constitute a criminal justice system. Legal sanctions vary widely in their severity; they may include (for example) incarceration of temporary character aimed at reforming the convict.

Usually, a natural person perpetrates a crime, but legal persons may also commit crimes. Conversely, nonpersons such as animals cannot commit crimes.

## Words and word combinations

crime	злочин
offence	порушення
action	дія
omission	бездіяльність
severity	суворість
to grade	класифікувати
felony	кримінальний злочин
misdemeanor	кримінальний проступок
infraction	правопорушення
malum in se crime	діяння, злочинне за своїм характером
malum prohibitum crime	діяння неправомірне в силу заборони законом
heinous intent	злісний умисел
sentence; to sentence	вирок; виносити вирок
execution	страта
imprisonment	ув'язнення
fine	штраф
probation	випробувальний термін
home confinement	домашній арешт
intent requirement	наявність наміру
community service	громадські роботи
prosecute	переслідувати в судовому порядку
discretion	розсуд
judge	суддя
prosecutor	прокурор
to establish	встановлювати
maintain	підтримувати

social order	громадський порядок
institutional and legal machinery	інституційний і правовий механізм
to compel	примушувати
to conform to	дотримуватись чогось
to police	контролювати
remedies	засоби правового захисту
sanctions	санкції
incarceration	позбавлення волі
convict	засуджений
natural person	фізична особа
legal person	юридична особа
to perpetrate/ to commit	здійснювати

**1. Answer the following questions:**

1. How can the term “crime” be classified?
2. What are four main categories of crimes?
3. What is felony? Give your own example.
4. What is misdemeanor? Give your own example.
5. What is infraction? Give your own example.
6. In what way can social order be maintained in the country?

**2. Say whether the statement is true or false, if the statement is false explain why:**

1. A crime or offence or criminal offence is an act harmful only to some individual but not to a community, society or the state (“a public wrong”).
2. According to the severity of punishment crimes are generally graded into three categories: felonies, misdemeanors and infractions.
3. Felonies are serious, so they are graded the highest, and all sentencing options are available.

4. Potential consequences of an infraction conviction also include the inability to vote, own a weapon, or even participate in certain careers.
5. Misdemeanors are usually punishable by jail time of one year or less per misdemeanor, a fine, or alternative sentencing like probation, rehabilitation, or community service.
6. The discretion whether to prosecute the crime as a felony or misdemeanor usually belongs to the jury, but in some instances the prosecutor can make the decision.
7. Infractions, which can also be called violations, are the least serious crimes and include minor offenses such as jaywalking and motor vehicle offenses that result in a simple traffic ticket. Infractions are generally punishable by a fine or alternative sentencing such as traffic school.
8. With institutional and legal machinery at their disposal, agents of the State can compel populations to conform to codes and can opt to punish or attempt to reform those who do not conform.
9. Authorities provide remedies and sanctions, and collectively these constitute a administrative system.
10. Legal sanctions vary widely in their severity; they may include (for example) incarceration of temporary character aimed at reforming the convict.

**3. Read and translate the text, do a task bellow:**

**Classification of crimes**

**Different classes of felonies**

Typically, felonies are divided according to what is threatened: people or property.

**Crimes against persons**

**Assault:** An assault is the unlawful attempt or offer to direct violence at someone with the purpose of hurting them. Definitions of assault vary from state to state but are close to the common law definition. Assault is an overt act that makes the victim feel scared. An open threat coupled with perceived ability to carry out the threat can be assault even if the victim is never physically harmed.

An assault becomes a felony when a person attempts to cause serious injury to another or a deadly weapon is used as part of the assault.

**Criminal Battery:** Battery is defined as the use of force against another person resulting in harmful and unlawful contact. Battery is different than assault since with assault, contact is not necessary.

**Domestic violence:** This is when one member of a household abuses another. Domestic violence has many forms from direct physical aggression to sexual abuse, emotional abuse and stalking. Though instantly thought of as between spouses, this can apply to any relationship in the same home, including roommates. Whether or not this is a felony depends on the frequency and severity of the act in many states.

**Drug-related crimes:** Whether or not a drug crime is classified as a felony depends on the amount of the drug a person has and what they intend to do with it. Additionally, possession of more potent drugs, like cocaine, may result in a felony citing, even if it's a slight amount. Possession is not restricted to what is found on the person. It can include what's discovered in an area that the person owns, such as their home. If a person is found with a large amount of drugs, they may be convicted of "drug trafficking" as it will be assumed that they have intent to sell.

**Kidnapping:** This felony happens when one person takes another against their will or forces them to stay somewhere against their will with ill-willed intentions. It happens in the movie sense, where a person is snatched for a ransom, but it also happens when a child is held by a parent without custodial rights to the child.

**Manslaughter:** There are two forms of manslaughter, involuntary and voluntary. Involuntary manslaughter happens when someone is accidentally killed because of negligence (no intent to kill), like when driving under the influence causes another person's death. Voluntary manslaughter is the killing of another person following a heated interaction which caused an otherwise reasonable person to become emotionally or mentally distraught. The timing is

also important. In order to qualify as voluntary manslaughter, the violence needs to occur within a time frame that coincides with the initial heated interaction.

**Murder (1st and 2nd degree):** First degree murder is the intentional killing of another person after planning to do so. This is when the oft-heard term “premeditated” is applicable. Second degree murder is separated from first degree murder by the prior intent. Whereas some form of planning or prior purpose is shown to qualify as first degree murder, second degree murder is a non-premeditated killing. Instead it may arise from a crime such as arson, rape, or armed robbery.

**Rape:** This is when one person forces another into a sex act without consent. All rapes are felony acts.

**Robbery:** Robbery is the taking of property from a person with force. The force can be very slight to elevate the crime from theft to robbery.

### **Crimes against property**

**Arson:** This is the crime of voluntarily setting a fire to a building or another form of property for an illegal purpose. For example, burning down a building for the insurance money. This can also apply to setting wildfires.

**Burglary:** Burglary is the unlawful entry into a building structure with the intent to commit a criminal offense. Burglary is much more serious than theft particularly where the structure is inhabited.

**Fraud:** Felony Fraud is the most serious type of fraud. It usually involves a governmental agency, valuable assets or large sums of money. Insurance fraud is an example of a felony.

**Theft:** Theft is simply the unlawful taking of another person's property without the intent to return it. This is the lowest in seriousness compared to robbery and burglary. The value of the “property” taken determines whether or not this crime is a felony.

**Vandalism on Property:** Destruction or disfigurement of national parks, monuments, historic sites, and military installations has a rather severe punishment in comparison to other property.

**Provide the Ukrainian equivalents for the following words and word combinations:**

assault	
direct violence	
victim	
criminal battery	
domestic violence	
drug-related crimes	
drug trafficking	
kidnapping	
Involuntary manslaughter	
voluntary manslaughter	
murder	
rape	
robbery	
arson	
burglary:	
fraud	
theft	
vandalism on property	

**4. Do the Crime and Punishment Quiz (the British style). Then check your answers.**

### **Crime and punishment quiz**

**1.** According to the 2002 British Crime Survey, what was your average risk of being burgled in 2001?

A: One in 20

B: One in 50

C: One in 5 D:

One in 500



10. How often does a crime take place in England and Wales?

A: Every 2 seconds

B: Every 5 seconds

C: Every 12 seconds

D: Every 20 seconds

**5. How well do you know Phrasal Verbs on the topic “Crimes and Punishment”? Read the definitions and choose the corresponding phrasal verbs. Then check your answers.**

1. To get into a building or car using force is to \_\_\_\_\_.

a. break out b. break down c. break in

2. To steal money from a bank by using force is a \_\_\_\_\_.

a. hold in b. hold down c. hold up

3. To steal or take something without asking is to \_\_\_\_\_.

a. run off with b. do without c. do over

4. To hurt someone badly by hitting or kicking is to \_\_\_\_\_.

a. pull them over b. beat them up c. put one over

5. To kill someone in informal English is to \_\_\_\_\_ with them.

a. do away b. have away c. stay

6. To destroy something with a bomb is to \_\_\_\_\_.

a. beat it up b. blow it up c. knock it over

7. To take a criminal to the police is to \_\_\_\_\_.

a. turn them over b. turn them in c. turn them down

8. To put someone in prison is to \_\_\_\_\_.

a. lock them up b. do them in c. blow them up

9. To not punish someone for their crime is to \_\_\_\_\_.

a. give them over b. let them off c. put them away

10. To succeed in not being punished for a crime is to \_\_\_\_\_ it

a. get away with b. make off with c. pick through

## **6. What do you know about white-collar criminals? Read the following text**

Sociologist Edwin Sutherland was the first person to use the term *white-collar crime*. Sutherland used the phrase *white-collar* because most of the criminals that he studied were white-collar workers—people with occupations that don't require manual labor. These included business people, government workers, doctors, and lawyers. He compared white-collar crime with street crime. In one basic way these criminals are the same—people commit these crimes for money. However, they are different in another important way. Street crime is often physically violent. White-collar criminals usually hurt people's finances, but they don't often hit them.

Before Sutherland, sociologists believed that poverty was the cause of most crime; they thought that people committed crimes because they were poor. Sutherland argued that wealthy people were often criminals, too. They weren't poor. They were just greedy. They were people who had a lot, but wanted more. Sutherland also believed that white-collar crime was more dangerous than street crime, even though it was nonviolent. Why? Because it made people distrust important social institutions such as government and business organizations.

### **What Do White-Collar Criminals Do?**

#### **Fraud**

Many white collar crimes are frauds. Fraud is a general type of crime which generally involves deceiving someone for monetary gain. One common type of white collar fraud is securities fraud. Securities fraud is fraud around the trading of securities (stocks, for example).

Securities fraud comes in many flavors, but one common type is “insider trading”, in which someone with inside information about a company or investment trades on that information in violation of a duty or obligation. For example, an executive knows confidential information about an upcoming company earnings report decides to sell off a chunk of his stock in the company. That would be considered securities fraud, specifically, insider trading.

Another type of securities fraud occurs when someone seeks investment in a company by knowingly misstating the company's prospects, health or finances. By luring an investor to put up money based on false or misleading information, the company and individuals within it commit securities fraud. False or misleading statements in public reports from publicly traded companies also can constitute securities fraud. To commit securities fraud, those speaking on behalf of the business must make these false statements with knowledge that they are false, or at least reasonably should know them to be false.

### **Other White Collar Frauds**

Many types of fraudulent schemes, including mortgage fraud and insurance fraud, are amongst the more common white collar crimes. These can be as common as an individual embarking on an insurance scheme to improperly collect on an insurance policy after lying in application materials. They can also extend to larger scale schemes by businesses to defraud their customers or others in the marketplace.

Ponzi schemes and other business related scams to fraudulently take money from investors have been some of the most famous white collar crimes. These can take all shapes and sizes.

### **Embezzlement**

Embezzlement is improperly taking money from someone to whom you owe some type of duty. The most common example is a company employee that embezzles money from his employer for example by siphoning money into a personal account.

Embezzlement can take many forms, however. Lawyers who improperly use client funds commit embezzlement. So do investment advisers who improperly use client funds they have been entrusted to protect.

### **Tax Evasion**

Criminal tax evasion is a white collar crime through which the perpetrator attempts to avoid taxes they would otherwise owe. Tax evasion can range from simply filing tax forms with false information, to illegally transferring property

so as to avoid tax obligations. Individuals, as well as businesses can commit criminal tax evasion. As with fraud, there are perhaps infinite ways to commit tax evasion.

### **Money Laundering**

Money laundering is the criminal act of filtering illegally obtained (“dirty”) money through a series of transactions designed to make the money appear legitimate (“clean”). Money laundering often involves three steps. First, the money is deposited typically into a financial institution such as a bank or brokerage. Next, the money is separated from its illegal origin by layers of often complex transactions, making it more difficult to trace the “dirty” money. The third step is integration. This is where the freshly “cleaned” money is mixed with legally obtained money, often through the purchase or sale of assets.

fraud	шахрайство
securities fraud	шахрайство з цінними паперами
insider trading	внутрішня/інсайдерська торгівля
fraudulent schemes	шахрайські схеми
embezzlement	привласнення, розтрата майна або заволодіння ним шляхом зловживання службовим становищем
tax evasion	ухилення від сплати податків
money laundering	відмивання грошей

## 7. Read and translate the text, do the tasks below:

### Definition and Elements of the Crime in English Law

In English legal tradition crime is defined as an act or omission that violates the law and is punishable by the state. Crimes are considered injurious to society or the community, as distinguished from torts and breach of contract.

As defined by law, a crime includes both the act, or actus reus, and the intent to commit the act, or mens rea. Actus reus is Latin for “guilty act” and is the physical element of committing a crime. It may be accomplished by an action, by threat of action, or exceptionally, by an omission to act. For example, a parent’s failure to give food to a young child also may provide the actus reus for a crime.

Where the actus reus is a failure to act, there must be a duty. A duty can arise through contract, a voluntary undertaking, a blood relation with whom one lives, and occasionally through one’s official position.

Mens rea is another Latin phrase, meaning ‘guilty mind’. A guilty mind means an intention to commit some wrongful act. Intention under criminal law is separate from a person’s motive. If Mr. Hood robs from rich Mr. Nottingham because his motive is to give the money to poor Mrs. Marion, his “good intentions” do not change his criminal intention to commit robbery.

Unless the act of which a defendant is accused is expressly defined by statute as a crime, no indictment or conviction for the commission of such an act can be legally sustained. This provision is important in establishing the difference between government by law and dictatorial government.

to violate	порушувати
injurious	шкідливий
tort	делікт, цивільне правопорушення
breach of contract	порушення контракту

defendant	звинувачуваний, підсудний
to accuse	звинувачувати
indictment [in' dɑ:tmənt]	висунення звинувачень
conviction	визнання вини
to sustain	підтримувати

**1. Answer the following questions using the information from the text:**

- 1) What is a crime?
- 2) What can be crimes dangerous for?
- 3) What does a crime include?
- 4) What is actus reus / mens rea?
- 5) Give an example of actus reus / mens rea.
- 6) How can the difference between government by law and dictatorial government be shown?

**2. Complete the sentences using the information from the text.**

- 1) Crimes are considered injurious to ...
- 2) Actus reus may be accomplished by ...
- 3) Where the actus reus is a failure to act...
- 4) A guilty mind means ...
- 5) Unless the act of which a defendant is accused is expressly defined by statute as a crime...

**3. In the text “Definition and Elements of the Crime” find the antonyms for the following words:**

- innocent
- harmless
- exclude
- right
- illegally
- liberal

#### 4. Choose the words which best complete the text below:

The criminal law generally prohibits undesirable 1)\_\_\_\_\_. Thus, proof of a 2)\_\_\_\_\_ requires proof of some act. Scholars label this the requirement of an actus reus or 3)\_\_\_\_\_ act. Some crimes require no more, and they are known as strict liability offenses. Nevertheless, because of the potentially severe consequences of criminal conviction, judges at common law also sought proof of an 4)\_\_\_\_\_ to do some bad thing, the 5)\_\_\_\_\_ *rea* or guilty mind. As to crimes of which both actus reus and mens rea are requirements, judges have concluded that the elements must be present at precisely the same moment and it is not enough that they occurred sequentially at different times.

1) a. acts b. thoughts c. words

2) a. law b. indictment c. crime

3) a. guilty b. motive c. innocent

4) a. crime b. intent c. wrongful

5) a. actus b. mens d. reus

#### 5. Read and translate the sayings of famous people about crimes. Comment on them:

“He who helps the guilty, shares the crime”. (Publilius Syrus).

“Pardon one offence and you encourage the commission of many”. (Publilius Syrus).

“Poverty is the parent of revolution and crime”. (Aristotele).

“One crime has to be concealed by another”. (Seneca the Younger).

“No crime can ever be defended on rational grounds”. (*Livy*).

“Crime is the price society pays for abandoning character”. (James Q. Wilson)

“A crime is born in the gap between the morality of society and that of the individual”. (Håkan Nesser).

“But from each crime are born bullets that will one day seek out in you where the heart lies”. (Pablo Neruda).

“Crime has always been a regrettably consistent element of the human experience”. (Mark Frost).

“Crime against the individual is the equivalent of crime against humanity”. (Mahmoud Ahmadinejad).

“Every society gets the kind of criminal it deserves. What is also true is that every community gets the kind of law enforcement it insists on”. (John Kennedy).

“Crime generally punishes itself”. (Oliver Goldsmith).

“There is one, and only one, thing in modern society more hideous than crime--namely, repressive justice”. (Simone Weil).

“Crime has always been a regrettably consistent element of the human experience”. (Mark Frost).

“Crimes exalted into laws become therefore the more odious; just as the false gods of heathenism, when set up of old on the altar of Jehovah, shocked his true worshippers the more by usurping so conspicuously the honors due to him alone”. (William Channing).

“Crime is as much a condition as an intention”. (Lewis Korn).

“I think there are certain crimes which the law cannot touch, and which therefore, to some extent, justify private revenge”. (Arthur Conan Doyle).

“The most difficult crime to track is the one which is purposeless”. (Arthur Conan Doyle).

“History is only the register of crimes and misfortunes”. (Voltaire)

“A good act does not wash out the bad, nor a bad act the good. Each should have its own reward”. (George R.R. Martin).

“A crime is a crime irrespective of the birth marks of the criminal”. (Narendra Modi).

“There are crimes that, like frost on flowers, in one single night destroy character and reputation”. (Henry Ward Beecher).

“Crime is the price society pays for abandoning character”. (James Q. Wilson).

## UNIT 7

### PUNISHMENT. TYPES OF PUNISHMENT

Criminal Punishment is a penalty imposed by the government on individuals who violate criminal law. People who commit crimes may be punished in a variety of ways. Offenders may be subject to fines or other monetary assessments, the infliction of physical pain (corporal punishment), or confinement in jail or prison for a period of time (incarceration). In general, societies punish individuals to achieve revenge against wrongdoers and to prevent further crime – both by the person punished and by others contemplating criminal behaviour. Some modern forms of criminal punishment reflect a philosophy of correction, rather than (or in addition to) one of penalty. Correctional programs attempt to teach offenders how to substitute lawful types of behaviour for unlawful actions.

Throughout history and in many different parts of the world, societies have devised a wide assortment of punishment methods. In ancient times, societies widely accepted the law of equal retaliation (known as *lex talionis*), a form of corporal punishment that demanded “an eye for an eye.” If one person’s criminal actions injured another person, authorities would similarly maim the criminal.

Certain countries throughout the world still practice corporal punishment. For instance, in some Islamic nations officials exact revenge-based corporal punishments against criminals such as amputation of a thief’s hand. Monetary compensation is another historic punishment method. In England during the early Middle Ages payments of “blood money” were required as compensation for death, personal injury, and theft.

Although some societies still use ancient forms of harsh physical punishment, punishments have also evolved along with civilization and become less cruel. Contemporary criminal punishment also seeks to correct unlawful behavior, rather than simply punish wrongdoers.

Certain punishments require offenders to provide compensation for the damage caused by their crimes. There are three chief types of compensation: fines, restitution, and community service.

A *fine* is a monetary penalty imposed on an offender and paid to the court. However, fines have not been widely used as criminal punishment because most criminals do not have the money to pay them. Moreover, fining criminals may actually encourage them to commit more crimes in order to pay the fines.

The term *restitution* refers to the practice of requiring offenders to financially compensate crime victims for the damage the offenders caused. This damage may include psychological, physical, or financial harm to the victim. In most cases, victims must initiate the process of obtaining restitution from the offender. Judges may impose restitution in conjunction with other forms of punishment, such as probation (supervised release to the community) or incarceration.

Alternatively, restitution may be included as a condition of an offender's parole program. Prisoners who receive parole obtain an early release from incarceration and remain free, provided they meet certain conditions.

Offenders sentenced to *community service* perform services for the state or community rather than directly compensating the crime victim or victims. Some of the money saved by the government as a result of community service work may be diverted to a fund to compensate crime victims.

The most serious or repeat offenders are incarcerated. Criminals may be incarcerated in jails or in prisons. Jails typically house persons convicted of misdemeanors (less serious crimes), as well as individuals awaiting trial. Prisons are state or federally operated facilities that house individuals convicted of more serious crimes, known as felonies.

The most extreme form of punishment is death. Execution of an offender is known as capital punishment. Like corporal punishment, capital punishment has been abolished in Ukraine.

### Words and word combinations:

punishment	покарання
penalty	покарання, кара
offender	порушник
to be subject to	підлягати
fine	штраф
monetary assessment	грошовий еквівалент
infliction of physical pain	завдання фізичних страждань
confinement	позбавлення волі
incarceration	ув'язнення
revenge	помста
to prevent	запобігати
to contemplate	розглядати можливість
correction	виправлення
to substitute	змінити
the law of equal retaliation	закон рівноцінної відплати
to maim	покалічити
corporal punishment	тілесне покарання
monetary compensation	грошова компенсація
community service	громадські роботи
to initiate the process	ініціювати процес
in conjunction	у взаємодії з
probation	умовний термін
release	звільнення
parole	умовно-дострокове звільнення
repeat offender	рецидивіст
trial	суд
capital punishment	смертна кара

**1. Say whether the statement is true or false, if the statement is false explain why:**

1. Criminal Punishment is imposed by the individuals who violate criminal law.
2. A fine is a kind of a monetary assessment.
3. Confinement in jail or prison for a period of time is called incarceration.
4. The only reason to punish offenders is to achieve revenge against wrongdoers.
5. At present societies widely accept the law of equal retaliation.
6. No societies use the forms of harsh physical punishment nowadays.
7. Community service is one of the three types of compensation for the damage caused by their crimes.
8. Fines are often used as criminal punishment.
9. Restitution may be included as a condition of an off ender’s parole program.
10. The most serious or repeat offenders are incarcerated.
11. Criminals may be incarcerated in courts or police office.
12. Both corporal and capital punishments have been abolished in Ukraine.

**2. Match the parts of the sentences.**

Corporal punishment	supervised release to the community;
Incarceration	less serious crimes;
Lex talionis	a monetary penalty imposed on an offender and paid to the court;
Fine	the practice of requiring offenders to financially compensate crime victims for the damage the offenders caused;
Restitution	the infliction of physical pain;
Probation	performing services for the state or community;
Parole	execution of an offender;
Community service	confinement in jail or prison for a period of time;

Capital punishment	more serious crimes;
Felonies	obtaining an early release from incarceration while remaining free, provided an offender meets certain conditions;
Misdemeanours	the law of equal retaliation, a form of corporal punishment that demanded “an eye for an eye”

### 3. Read and translate the text, do the tasks bellow:

#### **The Purposes of Punishment**

Punishment has five recognized purposes: *deterrence*, *incapacitation*, *rehabilitation*, *retribution*, and *restitution*.

#### **Specific and General Deterrence**

Deterrence prevents future crime by frightening the *defendant* or the *public*. The two types of deterrence are specific and general deterrence. Specific deterrence applies to an *individual defendant*. When the government punishes an individual defendant, he or she is theoretically less likely to commit another crime because of fear of another similar or worse punishment. General deterrence applies to the *public* at large. When the public learns of an individual defendant’s punishment, the public is theoretically less likely to commit a crime because of fear of the punishment the defendant experienced. When the public learns, for example, that an individual defendant was severely punished by a sentence of life in prison or the death penalty, this knowledge can inspire a deep fear of criminal prosecution.

#### **Incapacitation**

Incapacitation prevents future crime by removing the defendant from society. Examples of incapacitation are incarceration, house arrest, or execution pursuant to the death penalty.

#### **Rehabilitation**

Rehabilitation prevents future crime by altering a defendant’s behavior. Examples of rehabilitation include educational and vocational programs,

treatment center placement, and counseling. The court can combine rehabilitation with incarceration or with probation or parole.

### **Retribution**

Retribution prevents future crime by removing the desire for *personal* avengement (in the form of assault, battery, and criminal homicide, for example) against the defendant. When victims or society discover that the defendant has been adequately punished for a crime, they achieve a certain satisfaction that our criminal procedure is working effectively, which enhances faith in law enforcement and our government.

### **Restitution**

Restitution prevents future crime by punishing the defendant *financially*. Restitution is when the court orders the criminal defendant to pay the victim for any harm and resembles a civil litigation damages award. Restitution can be for physical injuries, loss of property or money, and rarely, emotional distress. It can also be a *fine* that covers some of the costs of the criminal prosecution and punishment.

### **Words and word combinations:**

deterrence	стримування; попередження;
incapacitation	обмеження прав і свобод особи, засудженої за вчинення злочину;
rehabilitation	реалібітація, виправлення;
retribution	покарання;
restitution	компенсація, відшкодування збитків;
criminal prosecution	кримінальне переслідування/ звинувачення;
house arrest	домашній арешт;
avengement	помста

**Provide English equivalents for the following expressions:**

запобігати злочину	
спеціальне попередження	
загальне попередження	
скоїти злочин	
пожиттєве ув'язнення	
смертна кара	
програми навчання і професійної підготовки	
судова тяжба	
втрата майна і грошей	

**4. Read and translate the text filling in the gaps using the words from the table:**

**beaten; committed; merchandise; difference; labor camp; forgery;  
damages; sentenced; crucified; banishment; criminal**

**Roman punishment and Roman criminal law**

Roman criminal law was a little – or rather a lot – harsher than criminal law today, at least in most western societies. When one thinks of punishment in Roman times, images of criminals being \_\_\_\_\_ or eaten alive by lions (*damnatio ad bestias* or Latin for “damnation to beasts”) in the coliseum directly come to mind.

**Roman punishment for slaves**

Roman punishment actually varied depending on one’s position in Roman society. A slave had no rights whatsoever and was literally treated as \_\_\_\_\_. A slave would commonly be \_\_\_\_\_ for various offenses.

Another form of Roman punishment was to mark a slave's forehead. A slave could also be forced to carry a piece of wood round his neck. This humiliating form of punishment was called the *furca*. A slave caught committing theft, adultery or \_\_\_\_\_ could be punished with death (sometimes by crucifixion).

It is worth noting that being a merchandise, the slave also had a cost and therefore the corporal punishment could never be too harsh in order not to permanently impair him. Often slaves would be sent to the equivalent of a \_\_\_\_\_ today to perform tasks such as turning a mill or grinding corn.

### **Law for Roman citizens**

Roman citizens were very rarely \_\_\_\_\_ to death. Actually by law, a Roman citizen could be condemned to death only if he committed treason or patricide. Furthermore, in all instances a Roman citizen could not be crucified.

There were different kinds of punishment, the most common being fines (*damnum*). The worst forms of punishment were infamy (*ignominia*) for theft, interdiction from fire and water, \_\_\_\_\_ from Roman society (*exilium*) which meant that a Roman lost all his privileges and property or even worse: slavery (*servitus*) or death, but only for treason or patricide. Banishment could occur for offenses such as forgery or false testimony.

For theft the common punishment for a Roman citizen was to pay damages usually many times the value of the object stolen. The Romans made the \_\_\_\_\_ between manifest and non-manifest theft, which depended on how close the thief was to the scene of the crime, manifest theft being the worst kind of theft. Initially, the penalty for manifest theft could be flogging, slavery or even death.

Later on it was changed to paying \_\_\_\_\_ amounting many times (usually four times) the value of the object stolen.

## Punishment by death

When we think of punishment by death in Roman times, images of people being crucified or eaten alive by lions come to mind. Actually there were various ways of inflicting death and they depended on the crime \_\_\_\_\_ . The punishment for treason during the time of Nero was to be stripped naked, having his head held up by a fork and being whipped to death.

The punishment for patricide was to be thrown into a river. Before being thrown into the river, the \_\_\_\_\_ would be blindfolded, stripped naked, whipped, bonded and then put in a bag (sometimes a serpent, a dog or a cock would also be placed in the bag). Other ways of inflicting death included: beheading, strangling, throwing a criminal off a high building / cliff, burying a criminal alive, crucifixion (reserved for slaves).

**Provide Ukrainian equivalents for the following expressions:**

to crucify	
theft, adultery	
theft, adultery	
forgery	
corporal punishment	
treason	
patricide	
infamy	
interdiction from fire and water	
banishment	
slavery	
false testimony	
beheading	
strangling	
throwing a criminal off a high building	

## UNIT 8

### CAPITAL PUNISHMENT

In modern law the most severe form of punishment is capital punishment. The usual alternative to the death penalty is long-term or life imprisonment.

Capital punishment, or the death penalty, is the lawful execution of a convicted criminal by the government. Those crimes punishable by death are known as “capital crimes”. Sixty-two countries, including India, Pakistan, Cuba, Japan, Iran, Iraq, China, Saudi Arabia, Singapore, Taiwan and the United States, retain the death penalty.

Throughout history people have been put to death for various forms of *wrongdoing*. Methods of execution have included such practices as crucifixion, stoning, drowning, burning at the stake, impaling, and beheading. Today capital punishment is typically accomplished by lethal gas or injection, electrocution, hanging, or shooting.

Many democracies have abolished the death penalty on the principle that executing any person is dehumanizing, even if that person was convicted of the worst kinds of crime. Ninety-one countries prohibit capital punishment, including Azerbaijan, Serbia, Ukraine, and the United Kingdom. The European Union’s Charter of Fundamental Rights states, “No one shall be condemned to the death penalty, or executed”. Protocol 6 of the European Convention on Human Rights states that the death penalty “shall be abolished” except in times of war.

Societies have varied purposes for punishing people found guilty of crimes. Debates about the death penalty usually cite three distinct but related purposes: retribution, deterrence, and incapacitation.

Retribution is the idea that criminals face punishments in proportion to the amount of damage they have caused society. This principle, sometimes called an “an eye for an eye”, was common in the ancient cultures of the Near East. It was part of Mesopotamian, Hebrew, and Greek law thousands of years ago. Proponents of capital punishment argue that, in order to prevent individuals

from resorting to private violence, the government must execute those who have murdered others.

Some proponents of capital punishment also view the death penalty as a means of closure for victims' families – executing the convicted murderer can end their ordeal.

Opponents of capital punishment believe retribution undermines the democratic principle of respecting the life of all citizens. They argue that there are certain things the government simply cannot be permitted to do, even if a majority of citizens feel it is appropriate.

All religious traditions have specific teachings about human dignity, and many address different forms of punishment, including the death penalty.

A second purpose of the death penalty is deterrence, or prevention of future crime. Deterrence is achieved by establishing a punishment that will discourage a potential criminal from breaking the law. Those who support the death penalty argue that potential murderers will not actually kill others out of fear of losing their own lives. According to Amnesty International, an organization that opposes the death penalty, murders “are often committed in moments of passion, when extreme emotion overcomes reason”. Fear of capital punishment, therefore, could not deter such a criminal.

A third reason that some people support the death penalty is incapacitation, or making it physically impossible for murderers to repeat their crimes. Proponents of capital punishment argue that executing a convicted murderer ensures that people like Timothy McVeigh or Ted Bundy or John Wayne Gacy cannot murder again. Opponents of capital punishment, however, argue that a sentence of life imprisonment incapacitates a prisoner just as well as the death penalty. Groups such as the Innocence Project also argue that the risk of executing an innocent person who was wrongly convicted is too great. Life imprisonment avoids such a risk.

As democracies decide how to deter future crimes and to punish the most heinous of criminals, the debate over capital punishment will continue.

**The European Union's Charter of Fundamental Rights** – Хартія основних прав Європейського Союзу

**The European Convention on Human Rights** – Конвенція про захист прав людини і основоположних свобод

**The Innocence Project** is a non-profit legal organization that is committed to exonerating wrongly convicted people through the use of DNA testing and to reforming the criminal justice system to prevent future injustice. The Innocence Project was founded in 1992 by Barry Scheck and Peter Neufeld.

**Timothy McVeigh**, the “Oklahoma bomber”, was executed in 2001 for killing 168 people and injuring hundreds more with a truck bomb outside the Alfred P Murrah Building in Oklahoma City. The blast was the worst terror attack on American soil prior to 9/11 but McVeigh showed no remorse, claiming that after his execution the score would be “168 to 1”.

**Ted Bundy** between 1974 and 1978 murdered more than 30 people across America, though some estimates claim his toll was more than 100. The victims were generally beaten and strangled to death, and the serial killer also committed sex offences against them. Bundy was executed in the electric chair in Florida.

**John Wayne Gacy** is a particularly chilling example of a sadistic individual. Gacy was convicted of the murder and rape of 33 boys and young men between 1972 and 1978, burying 28 of his victims in his home's crawl space and disposing of the rest across his property and a nearby river. Known as the “Killer Clown,” Gacy would perform charitable acts in his community dressed as Pogo the Clown. Gacy was executed by lethal injection in Illinois.

**Words and word combinations:**

infliction	накладання (покарання)
execution	страта
to retain	підтримувати
to abolish	скасовувати

convicted of	бути засудженим
to prohibit	забороняти
purpose	ціль
distinct	відмінний
retribution	відплата
deterrence	засіб залякування, стримування
incapacitation	позбавлення громадянських прав
to resort to violence	використовувати насилля
proponent	прихильник
closure	полегшення
ordeal	важке випробування
appropriate	відповідний, доречний
to discourage	відбивати бажання; відмовляти
to break the law	порушувати закон
to argue	стверджувати, доводити
passion	запал, пристрасність
to overcome	охопити
to deter	утримувати, зупиняти; відлякувати
to ensure	гарантувати
to incapacitate	позбавляти дієздатності; знешкодити
heinous	огидний, мерзенний, жахливий
to avoid	уникати

**1. Answer the following questions:**

1. What is the most severe type of punishment?
2. Which crimes are known as “capital crimes”?
3. How many countries retain the death penalty?
4. How many countries prohibit capital punishment?

5. What is the main principle of retribution?
6. Why does retribution undermine the democratic principle of respecting the life of all citizens?
7. How could future crimes be prevented according to the second purpose of the death penalty?
8. What makes it physically impossible for murderers to repeat their crimes?
9. What helps to avoid the risk of executing an innocent person?
10. Why will the debate over capital punishment continue?

**2. Make up word combinations using words from right and left columns:**

the European Convention on	war
times of	imprisonment
lawful	an eye
capital	Human Rights
death	principle
life	execution
to find	closure
an eye for	guilty
means of	punishment
democratic	person
innocent	penalty
religious	imprisonment
physically	criminals
life	traditions
potential	impossible

**3. Read and translate the text filling in the gaps using the words from the table:**

**Modern Methods of Execution**

<p>Hanging</p>	<p>One of the most common methods of execution, still in use in many countries, usually with a calculated drop to cause neck fracture and instant loss of consciousness. Notably used by India, Japan, and Singapore.</p>
<p>Shooting</p>	<p>Also a very common method. Can be applied:  <i>by a single shot</i> (such as the neck shot, as in China);  <i>by firing squad</i> (as in Indonesia).</p> <p>In the People’s Republic of China, shooting as a method of execution takes two typical formats, either a pistol shot in the back of the neck or a shot by an rifle in the back from behind.</p> <p>In India, during the Mughal rule, soldiers who committed crime were executed by being strapped to a cannon which was then fired. This was known as blowing from a gun.</p> <p>In Mongolia, the method of execution before abolition in 2012 was a bullet to the neck from a .38 revolver, a method inherited from Soviet legislation.</p> <p>In Taiwan, the customary method is a single shot aimed at the heart. Before the execution, the prisoner is injected with a strong anesthetic to leave them completely senseless.</p> <p>In Thailand from 1934 until 19 October 2001, a single executioner would shoot the convict in the back from a mounted machine gun.</p> <p>In North Korea, executions are carried out by firing</p>

	squad in public, making North Korea one of the last four countries to perform public executions
Lethal injection	First developed in the United States, it is now also a legal method of execution in China, Thailand, Guatemala, Taiwan, the Maldives, and Vietnam, though Guatemala has not conducted an execution since 2000 and the Maldives has never carried out an execution since its independence.
Electrocution	Only the United States and the Philippines have ever used this method. Now legal in some U.S. states only to replace injection at the request of the prisoner or if injection is impractical.
Gas inhalation	Only the United States and Lithuania have ever used this as a capital punishment method. Now legal in some U.S. states only to replace injection at the request of the prisoner or if injection is impractical. Also used in Nazi Germany during World War 2 as a weapon for mass murder. It has been recently proposed to use nitrogen hypoxia to replace injection.
Beheading	Has been used at various points in history in many countries. One of the most famous forms is execution by guillotine. Now used only in Saudi Arabia with a sword
Stoning	Sentences to death by stoning, or stoning without a sentence have occurred in Afghanistan, Nigeria, Iran, Pakistan, Sudan, Saudi-Arabia and the United Arab Emirates in recent years, according to the International Society of Human Rights.

**4. Read and translate the text, provide Ukrainian equivalents for the words and word combinations given below:**

**Why the Death Penalty should be abolished**

*The death penalty is a symptom of a culture of violence,  
not a solution to it*

(Salil Shetty)

**The risk of executing innocent people exists in any justice system**

There have been and always will be cases of executions of innocent people. No matter how developed a justice system is, it will always remain susceptible to human failure. Unlike prison sentences, the death penalty is irreversible and irreparable.

**The arbitrary application of the death penalty can never be ruled out**

The death penalty is often used in a disproportional manner against the poor, minorities and members of racial, ethnic, political and religious groups.

**The death penalty is incompatible with human rights and human dignity**

The death penalty violates the right to life which happens to be the most basic of all human rights. It also violates the right not to be subjected to torture and other cruel, inhumane or degrading treatment or punishment. Furthermore, the death penalty undermines human dignity which is inherent to every human being.

**The death penalty does not deter crime effectively**

The death penalty lacks the deterrent effect which is commonly referred to by its advocates. As recently stated by the General Assembly of the United Nations, “there is no conclusive evidence of the deterrent value of the death penalty” (UNGA Resolution 65/206). It is noteworthy that in many states, the effectiveness of the death penalty in order to prevent crime is being seriously questioned by a continuously increasing number of law enforcement professionals.

### **Public opinion is not a major stumbling block for abolition**

Public support for the death penalty does not necessarily mean that taking away the life of a human being by the state is right. There are undisputed historical precedents where human rights violations had had the support of a majority of the people, but which were condemned later on.

It needs to be pointed out that public support for the death penalty is linked to the desire of the people to be free from crime. However, there exist more effective ways to prevent crime.

**Provide Ukrainian equivalents for the following words and word combinations:**

justice system	
to be susceptible	
human failure	
prison sentences	
minority	
members of racial, ethnic, political and religious groups	
to be subjected to torture	
cruel, inhumane or degrading treatment	
inherent	
conclusive evidence	
deterrent value	
public support	
human rights violations	
to be condemned	
free from crime	
to prevent crime	

**5. What do you personally think of capital punishment? Read the following arguments and express your point of view:**

**Should our democracy ban the death penalty?**

**NO – Arguments**

1. Beginning in ancient civilizations, the death penalty has been accepted as a justified and proportional means of retribution. The government needs to be able to use this ultimate punishment for murder, which is the worst of crimes. Use of this punishment also prevents individuals from resorting to private violence. Retribution provides victims' families with a sense of closure.

2. Potential criminals stop themselves from committing crimes when they fear punishment. This is called deterrence. The death penalty provides such deterrence for would-be murderers. Since people fear death, then the threat of death deters at least some people who might otherwise become murderers.

3. Prison incapacitates convicted criminals by physically separating them from society. Some convicted murderers are likely to repeat their crime once they are released from imprisonment. Therefore, the death penalty is an effective means of incapacitation. It makes it physically impossible for murderers to repeat their crimes.

4. When convicted murderers on death row are exonerated (found innocent), it becomes even more unlikely that the injustice of executing an innocent person will occur. Along with the safeguards of an appeals process and guaranteed access to an attorney, DNA testing and advances in forensic science ensure that only the guilty will suffer the death penalty.

5. Support for the death penalty is strong in many democratic countries.. If the people decide the death penalty is an appropriate punishment, democratic governments should make it available to punish the worst crimes.

## **YES – Arguments**

1. The concept of “an eye for an eye” undermines the democratic principle of respecting the life of all citizens. Taking a life for a life harkens back to humanity’s more barbaric past. Like slavery, retribution is incompatible with democracy. Thus, it should be outlawed. Some religious traditions share this view and call for abolition of the death penalty.

2. The effectiveness of capital punishment as deterrence is a myth. Credible evidence that the death penalty deters people from committing murder is lacking. Moreover, murders are often crimes of passion carried out by people who are overwhelmed by emotion. Fear of death cannot deter them.

3. The most effective way to incapacitate a person – to keep a murderer from killing again – is life imprisonment, not capital punishment. Resorting to execution is too drastic. Keeping a person isolated from society in prison accomplishes the same result. Life imprisonment also avoids the risk of putting to death a wrongly convicted person.

4. Despite the existence of an appeals process, the justice system is too flawed to determine whether a person should live or die. The fact that more than 120 death row inmates in the United States have been found to be innocent since 1973 only proves that the legal safeguards are inadequate to prevent wrongful conviction. The risk of even one innocent person being executed outweighs any benefit of ridding society of the worst criminals.

5. There is no consensus in democratic nations that the death penalty is a just punishment. Relatively few citizens support the death penalty in Italy, Great Britain, and in certain states in the United States. The European Union and Council of Europe both require abolition of the death penalty in their member nations.

## UNIT 9

### JUVENILE DELIQUENCY

Juvenile delinquents are minors, usually defined as being between the ages of 10 and 18, who have committed some act that violates the law. These acts aren't called "crimes" as they would be for adults. Rather, crimes committed by minors are called "delinquent acts." Instead of a trial, the juvenile has an "adjudication," after which they receive a "disposition" and a sentence. However, juvenile proceedings differ from adult proceedings in a number of ways.

Delinquent acts generally fall into two categories. The first type of delinquent act is one that would be considered a crime had an adult committed it. For particularly serious crimes, some jurisdictions will even try children as adults. When children are tried as juveniles, on the other hand, parents are often required to pay the court costs for the child.

The second type of delinquent act is one that wouldn't normally be a crime had an adult performed it. These are typically known as "age-related" or "status" offences. The most common examples of age-related crimes are staying out past curfew and "truancy," which is the continued failure to attend school.

The involvement of children and adolescents in serious crimes is a global concern, and juvenile delinquency is increasing day after day. Youngsters' delinquency is now wide spread and endemic to the whole world. It begins with petty infraction of codes at family level, through breach of legal codes of state, leading to international crimes (e.g. terrorism) and breaching of international conventions and charters. The media have frequently been reporting different acts done by young people causing problems to the society. Most of these acts are offences labeled as crime and /or delinquency.

Juvenile crime and delinquency intensity and gravity depend mostly on socio-economic, political and cultural conditions in each country and specific localities. It often occurs when families are having difficulties in adjusting to

different scenarios shaped by labour market, rapid social changes and the requirement of childhood education.

Besides, social exclusion due to long periods of unemployment or marginalization, dropping out of school or illiteracy and lack of socialization within the family seem to be the key factors amongst the causes of delinquency.

Age is also fundamental to crime rate and crime structures. Most individuals peak in crime in their late teen years and go on during the younger years and decline as age advances. The majority perpetrators and victims of urban violence are young men who are between 15-25 years. That is the age which for both women and men is of greatest risk of exploitation, crime and victimization.

It is a long-standing belief that the countryside is a crime-free place to live. Compared with urban areas, very little is known about rural crime or policing. Statistics suggests that the frequency of urban crime is higher than rural crime.

The extent of crime is provided according to crime typology (type of crime committed). This is due to the fact that the trend of rural crime indicates the exporting of urban problems to rural areas. The gap between rural and urban crime is mostly in violence and property crimes. The order of property crime is roughly the same in rural and urban areas. In other countries crimes such as theft and burglary are higher in rural areas. Robbery is higher in urban areas whereas sexual offences and domestic violence are more in rural areas but are less reported.

Some of offenses committed by juveniles can be quite serious, such as drug-related offenses, property crimes or crimes against another person. Delinquency prevention and intervention efforts primarily are comprised of identifying the risk factors that contribute to delinquency, addressing those factors early, and building on protective factors to offset the risks. There are a growing number of non-profit programs designed to assist youth and help guide them to a better path.

Governments should give priority to issues and problems of juvenile delinquency and youth criminality, with particular attention to preventive programmes.

**Words and word combinations:**

juvenile delinquent	малолітній злочинець
to violate the law	порушувати закон
adjudication	судовий розгляд
disposition	рішення справи
sentence	вирок
juvenile proceeding	ювенальне судочинство
to try	судити
“status” offences	статусні правопорушення
staying out past curfew	порушення комендантської години
truancy	прогул
involvement	залучення
infraction of codes	порушення правил/кодексів
breach of legal codes of state	порушення кодексів держави
international crimes	міжнародні злочини
labour market	ринок праці
social changes	соціальні зміни
requirement	вимога
social exclusion	соціальне відчуження
unemployment	безробіття
marginalization	маргіналізація
illiteracy	неграмотність
socialization	соціалізація
key factor	ключовий фактор
crime rate	рівень злочинності
crime structure	структура злочину

exploitation	експлуатація
victimization	віктимізація
rural areas	сільські райони
urban areas	міські райони
prevention	запобігання
to offset	компенсувати, нейтралізувати
to assist	допомагати
to guide	керувати

**1. Answer the following questions:**

1. Who is considered to be a juvenile delinquent?
2. What are two types of delinquent acts? What is the difference between them?
3. Is the involvement of children and adolescents in serious crimes a global concern or is it a problem of some countries? Explain your point of view?
4. What are the potential reasons of juvenile crime and delinquency?
5. Why is age factor fundamental to crime rate and crime structures?
6. What can you tell about delinquency prevention and intervention efforts?

**2. Complete the table:**

Noun	Verb
	to violate
	to require
	to perform
failure	
	to label
change	
education	
exploitation	
socialization	
	to indicate

violence	
prevention	
intervention	
	to identify
	to contribute
	to guide

**3. Complete the following sentences:**

1. Juvenile delinquents are \_\_\_\_\_, usually defined as being between the ages of 10 and 18, who have committed some act that violates the law.
2. Delinquent act is one that wouldn't normally be a crime had an adult performed it is known as "\_\_\_\_\_" or "\_\_\_\_\_" offences.
3. The \_\_\_\_\_ have frequently been reporting different acts done by young people causing problems to the society.
4. Social exclusion due to long periods of unemployment or marginalization, dropping out of school or illiteracy and lack of socialization within the family seem to be the \_\_\_\_\_ amongst the causes of delinquency.
5. The majority perpetrators and victims of urban violence are young men who are between \_\_\_\_\_ years.
6. Compared with urban areas, very little is known about \_\_\_\_\_ or policing.
7. Statistics suggests that the frequency of \_\_\_\_\_ is higher than\_\_\_\_\_.
8. Robbery is higher in urban areas whereas sexual offences and domestic violence are \_\_\_\_\_ in rural areas but are \_\_\_\_\_ reported.
9. There are a growing number of non-profit programs designed to assist youth and help \_\_\_\_\_ them to a better path.

**4. Read and translate the text filling in the gaps using the words from the table:**

**Juvenile Crimes**

<p><b>Violations; agencies; time; association; behavior; situations; criminality; decades; reason; rehabilitation; values</b></p>
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Different crimes have different offender types causing disparity within the system. Those offenders who commit violent crimes are not the same as those who commit property crimes or status offenses.

Knowing what types of juveniles commit what crimes can help with \_\_\_\_\_ of those juveniles. Understanding what type of juvenile you are dealing with will help in providing programs to keep juveniles from partaking in these crimes in the first place.

**Status Offenses** are behaviors that are considered violations of the law because of age. When committed by a minor these \_\_\_\_\_ are considered status offenses while remaining legal for the adult population. Violations include, but are not limited to truancy, running away, and underage drinking. Most cases under status offenses go to family crisis centers and social service \_\_\_\_\_. Juvenile courts try to stay away from these offenses as they are considered minor offenses.

**Property Crimes:** include burglary, larceny, theft, and arson.

**Violent Crimes:** include murder, forcible rape, robbery, and aggravated assault. Nearly a quarter of all violent crimes were committed by someone under the age of eighteen. Most violent crimes are committed between 3:00 p.m. and 5:00 p.m. which is right around the time school is getting out.

**Factors that increase Juvenile Delinquency**

Although juvenile arrest rates have declined in the last several \_\_\_\_\_ there are still valuable aspects of the community, programs, and even protective factors that can decrease the likelihood of juvenile delinquency.

In order to reduce the risks of juveniles turning to crime, it is important to understand and recognize the different risk factors and what can be done to prevent and eliminate these risks.

**Individual Risk Factors** include early aggressive \_\_\_\_\_ towards others and animals; substance abuse; \_\_\_\_\_ with antisocial or delinquent peers.

**Family and Community Risk Factors** include childhood maltreatment; parental \_\_\_\_\_; poverty

These are some of the top indicators that a juvenile is more prone to delinquent acts. Spotting these risk factors and providing intervention early on, can greatly help reduce the negative effects of these risk factors.

### **Factors to Help Protect Children From Risk of Delinquency**

These are just a few factors that can help prevent children from turning to delinquent acts even if they show risk factors for delinquency. These factors work because they provide youth with a positive role model, community, and family outlook.

Having good attachments to family, friends, and positive role models gives children a \_\_\_\_\_ to do the right thing, so as not to disappoint those they are attached to.

When our youth are committed to positive activities they are more likely to protect their school and activities from other delinquents. Commitments to extra curricular activities, school, or even church give children a positive outlet for all their energy and allows them to do something constructive with their \_\_\_\_\_.

Beliefs or \_\_\_\_\_ teach children in the way they should go. With positive role models and religious backgrounds children and young adults are better apt to react in a positive way to stress and hard to manage \_\_\_\_\_.

**5. What do you know about street children? What can be done to help street children? Read and translate the following text, express your opinion about this notion:**

### **Street kids and crime**

The term ‘street-connected’ is now more widely used to describe the broad range of experiences children and youth have on the streets: some live on the street; some work on the street; some street children maintain relationships with their family whereas others break all contact; some are on the streets currently and some are off the streets but could be easily drawn back there. All of them have strong connections to the street.

According to media reports there are about a million children living in the streets of Bangladesh. As many as seventy per cent of them live in the capital. In order to survive in the harsh conditions that street life entails, many of the street children are increasingly choosing a life of crime. According to research findings by BIDS and the ministry of social welfare about 41 per cent of the street children have no sleeping beds, 84 per cent have no warm clothes, 54 per cent don’t get nursing and 75 per cent can’t go to the doctor when sick. About 44 per cent street children are victims of addiction, 40 per cent don’t take a bath every day and 35 per cent have no access to toilet facility.

Becoming derailed without any sort of parental guidance they are indulging in theft, pick pocketing, drug peddling and even more serious crimes. The street urchins, commonly referred to as ‘tokai’ are recruited by the major political parties to act as foot soldiers in violent political programmes like hartal. Faced by oppressive poverty it is easy to get these kids to join rallies, torch public transports, carry and throw bombs which are as much a risk to themselves as to the intended victims. Though street children are paid a small sum of money to carry out such activities but they pay a very heavy price including jail time, injury and death. The lives of these children are far removed from the ideal childhood envisioned in the Convention on the Rights of the Child.

Psychologists say that getting paid to indulge in criminal acts may apparently seem empowering to them. They also find an outlet to vent their frustrations caused by poverty and hopelessness of growing up in the slums. These children begin to have a perverted sense of self-worth. These street kids are growing up being totally desensitised to the gory and gruesome aspects of life. The sanctity of human life fast loses to those who repeatedly indulge in such acts. As adults they are likely to emerge as hardened perpetrators of criminal activities.

If the authorities who should be concerned start taking prompt steps, the solution to the problem may not be too difficult. When the government takes the initiative there are reasons to believe that many individuals and organisations will come forward to support the worthy cause. The commercial banks and other big corporate houses can also do their bit to alleviate the pitiable condition of the street children under their CSR (corporate social responsibility) programmes.

**6. What do you know about the defense of infancy and age of criminal responsibility in different countries?.**

**Defense of infancy** is a form of defense known as an excuse so that defendants falling within the definition of an “infant” are excluded from criminal liability for their actions, if at the relevant time, they had not reached an age of criminal responsibility. After reaching the initial age, there may be levels of responsibility dictated by age and the type of offense committed.

COUNTRY	NAME OF LEGISLATION	AGE OF CRIMINAL RESPONSIBILITY
Canada	Youth Criminal Justice Act-2003 (Most recent amendment)	“No person shall be convicted of an offence in respect of an act or omission on his or her part while that person was under the age of twelve”.

<b>USA</b>	Juvenile Justice and Delinquency Prevention Act (JJDP A 1974)	The lowest age is six, in North Carolina. Several states have no set standard, and thus rely on the common law age of seven.
<b>England &amp; Wales</b>	A number of Acts, dating back to 1933, provide for the system of juvenile justice in England and Wales and attempt to ensure that a fair trial and fair treatment is given to children accused of crimes.	12 years. Those below this age are considered <i>doli incapax</i> and thus incapable of forming criminal intent.
<b>Republic of Ireland</b>	Children Act 2001	7 and above. There is a presumption of <i>doli incapax</i> for children from the age of 7 to 14 years, however, this can be rebutted by proof beyond reasonable doubt that the child knew what he or she was doing was seriously wrong  The age of criminal responsibility in Northern Ireland is 10 years old.
<b>Italy</b>	Italian Penal Code Code of Penal Procedure DPR 448/1988	Article 97 of the Italian Penal Code states that a person who has not yet reached the age of 14 at the moment when he /she commits a crime must not be punished.
<b>Netherlands</b>	1 Children's Rights Act and Code of Criminal Procedure of the Netherlands	Children under the age of 12 cannot be held criminally responsible.  Similarly juvenile law can be applied

	2 Amendment to the Juvenile Criminal Law (1995) 3 Youth Custodial Institutions Act (Sept 2001)	to young people aged 18–20 years who function mentally at a much younger age.
<b>Germany</b>	The Juvenile Welfare Act (JWA)	Minimum age of criminal responsibility has been 14 years since 1923. A juvenile offender older than 14 and less than 18 years of age can be punished, if he or she has reached a level of moral and intellectual maturity sufficient to enable him/her to understand the wrongfulness of the act and to conduct himself in accordance with such understanding.
<b>Belgium</b>	Youth Protection Act of 1965 <i>modified May 15 th 2006.</i> Law of June 13 <sup>th</sup> 2006 amending the legislation relating to the protection of youth and takes charge of minors who have committed an act qualified as an offence.	Children aren't criminal responsible below the age of eighteen. The youth court imposes no punishments like in adult courts, but 'educational measures'.
<b>Pakistan</b>	Juvenile Justice System Ordinance, 2000	Section 82 of the Pakistan Penal Code sets the age of criminal responsibility for most offences at seven, while Section 83 lays out provisions for

		most offences for children between seven and 12 years of age.
<b>Maldives</b>	Law on the protection of the rights of children. Article 9 of this law requires the establishment of a special procedure in cases involving juvenile delinquents.	Minimum age of criminal responsibility, is set at 10 years.
<b>China</b>	It has adopted two independent laws: the <i>Law on the Protection of Minors</i> (adopted at the 21st session of the Seventh National People's Congress in September 1991) and the <i>Law on the Prevention of Juvenile Crimes</i> (adopted at the 10th session of the Ninth National People's Congress in June 1999).	14 years.
<b>Japan</b>	Juvenile law 1949 (amended in 2000, 1007, 2008)	Age of criminal responsibility 14 years or older. Treatment of cases of delinquent children under-14, therefore, is in accordance with educational and welfare perspectives. Children under fourteen years old, however, are handled primarily by the

		child guidance center, as provided by the Child Welfare Law, when they have committed acts, which, if committed by a person aged fourteen or over, would constitute a crime.
<b>Israel</b>		Children under the age of twelve are not criminally liable. Generally, such children are put in the care of the child protection services, and their acts are likely to constitute grounds for determining that the minor needs protection under the Youth (Care and Supervision) Law 5720-1960.
<b>UAE</b>	The main federal laws governing juvenile justice are the Penal Code 1987, amended 2005, the Criminal Procedure Code 1992, amended 2005, the Law of Evidence 1992, and the Juvenile Delinquents and Vagrants Act 1976.	The minimum age of criminal responsibility under criminal law is seven. The Juvenile Delinquency and Vagrants Act defines a juvenile as a person under 18 at the time of the offence  Under <i>Shari'a</i> law, persons typically become liable for Islamic punishments at the onset of puberty
<b>Bolivia</b>	Code on Children and Adolescents – Protection, Responsibility and Jurisdiction	12 is the age of social responsibility, 16 of criminal responsibility

## UNIT 10

### TERRORISM

The word *terrorism* was first used in France to describe a new system of government adopted during the French Revolution (1789–1799). It was intended to promote democracy. However, the oppression and violent excesses of the *terreur* transformed it into a feared instrument of the state. From that time on, *terrorism* has had a negative connotation.

Terrorism is by nature political because it involves the use of power for the purpose of forcing others to submit, or agree, to terrorist demands. A terrorist attack, by generating publicity and focusing attention on the organization behind the attack, is designed to create this power. It also fosters an environment of fear and intimidation that the terrorists can manipulate. As a result terrorism's success is best measured by its ability to attract attention to the terrorists and their cause and by the psychological impact it exerts over a nation and its citizenry. It differs in this respect from warfare, where success is measured by the amount of military assets destroyed, the amount of territory seized, and the number of enemy dead.

Terrorists typically attempt to justify their use of violence by arguing that they have been excluded from, or frustrated by the accepted processes of bringing about political change. They say that terrorism is the only option available to them, although their choice is a reluctant – even a regrettable – one. Whether someone agrees with this argument or not often depends on whether the person sympathizes with the terrorists' cause or with the victims of the terrorist attack.

The aphorism “One man's terrorist is another man's freedom fighter” underscores how use of the label *terrorism* can be highly subjective depending upon one's sympathies.

At the same time terrorist acts – including murder, kidnapping, assassination, hijacking and arson – have long been defined in both national and international law as crimes. Even in time of war, violence deliberately directed against innocent civilians is considered a crime. Similarly, violence that spreads beyond an acknowledged geographical theater of war to violate the territory of neutral or noncombatant states is also deemed a war crime.

Terrorism has occurred throughout history for a variety of reasons. Its causes can be historical, cultural, political, social, psychological, economic, or religious – or any combination of these. Some countries have proven to be particularly susceptible to terrorism at certain times, as Italy and West Germany were during the 1970s. Terrorist violence escalated in those two countries for a decade before declining equally dramatically. Other countries, such as Canada and The Netherlands, have proven to be more resistant, and have experienced only a few isolated terrorist incidents.

In general, democratic countries have provided more fertile ground for terrorism because of the open nature of their societies. In such societies citizens have fundamental rights, civil liberties are legally protected, and government control and constant surveillance of its citizens and their activities is absent. By the same token, repressive societies, in which the government closely monitors citizens and restricts their speech and movement, have often provided more difficult environments for terrorists. But even police states have not been immune to terrorism, despite limiting civil liberties and forbidding free speech and rights of assembly. Examples include Russia under tsarist rule and the Communist-ruled Union of Soviet Socialist Republics.

Finally, some terrorists are motivated by very specific issues, such as opposition to legalized abortion or nuclear energy, or the championing of environmental concerns and animal rights. They hope to pressure both the public and its representatives in government to enact legislation directly reflecting their particular concern.

### Words and word combinations:

terrorism	тероризм
to promote	сприяти
to intend	мати намір
oppression	гніт, пригнічення
excess	надлишок
connotation	значення
to involve	залучати
to force	змушувати
to submit	висувати
to focus attention	фокусувати увагу
to foster	сприяти
intimidation	залякування
to manipulate	маніпулювати
to attract attention	привертати увагу
psychological impact	психологічний вплив
citizenry	цивільне населення
to justify	виправдати
violence	насилля
military assets	військові ресурси
to seize	захоплювати, конфісковувати
to justify	виправдати
to exclude from	виключати з
to frustrate	розчаровуватись
option	вибір
reluctant	небажаний
victim	жертва
to depend on	залежати від
murder	вбивство

kidnapping	викрадення людей
assassination	вбивство
hijacking	угон / викрадення літака
arson	підпал
civilian	цивільний
non-combatant [nonkəm'batnt] states	країни, що не беруть участі в конфлікті; країни, де не ведуться бойові дії
to deem	вважати
susceptible	схильний
to decline	скорочуватись, спадати
to escalate	загострюватись
resistant	стійкий
surveillance	нагляд
to monitor	перевіряти
to restrict	обмежувати
to limit	обмежувати
to forbid	забороняти
opposition	опозиція
to pressure	чинити тиск

**1. Answer the following questions:**

1. What is the origin of the word *terrorism*?
2. Why is terrorism political by nature?
3. What is the difference between terrorism and warfare?
4. How do you understand the aphorism “One man’s terrorist is another man’s freedom fighter”?
5. What kinds of terrorist acts do you know?
6. What is the nature of terrorist reasons?

**2. Match the words from the right and left columns:**

to intend	influence
country	to support
connotation	reason
to limit	aim, goal
purpose	state
to pressure	meaning
impact	to aid
to monitor	to be going to
to promote	to restrict, restrain,
cause	to prohibit
to forbid	to force
to help	to check

**3. Make up word combinations using words from right and left columns:**

to promote	of a state
instrument	fertile ground
environment	speech and movement
to provide	states
police	democracy
to restrict	rights
isolated	of fear and intimidation
particularly susceptible	equally dramatically
declining	of assembly
free	to terrorism
rights	speech
animal	terrorist incidents

**4. Match the word with its definition:**

<b>murder</b>	taking away people by force and demanding money for their return
<b>arson</b>	killing of political or public people for a reward or ideological reasons
<b>kidnapping</b>	deliberate creation and exploitation of fear for bringing about political change, involving violence
<b>hijacking</b>	killing someone deliberately
<b>bombing</b>	setting fire to property intentionally
<b>assassination</b>	taking control of a plane by force and demanding the pilot to change the course
<b>terrorism</b>	putting a bomb in a public place

**5. Read and translate the text filling in the gaps using the words from the table:**

**citizens; attention; vehicles; embassies; property; position; scope**

**Targets of Terrorism**

Terrorism often targets innocent civilians in order to create an atmosphere of fear, intimidation, and insecurity. Some terrorists deliberately direct attacks against large numbers of ordinary \_\_\_\_\_ who simply happen to be in the wrong place at the wrong time.

More selective terrorist attacks target diplomats and diplomatic facilities such as \_\_\_\_\_ and consulates; military personnel and military bases; business executives and corporate offices; and transportation \_\_\_\_\_ and facilities, such as airlines and airports, trains and train stations, buses and bus terminals, and subways.

Terrorist attacks on buildings or other inanimate targets often serve a symbolic purpose: they are intended more to draw \_\_\_\_\_ to the terrorists and their cause than to destroy \_\_\_\_\_ or kill and injure persons, although death and destruction nonetheless often result.

Despite variations in the number of attacks from year to year, one feature of international terrorism has remained constant: The United States has been its most popular target. Since 1968 the United States of America has annually led the list of countries whose citizens and property were most frequently attacked by terrorists. Several factors can account for this phenomenon, in addition to America's \_\_\_\_\_ as the sole remaining superpower and leader of the free world. These include the geographical \_\_\_\_\_ and diversity of America's overseas business interests, the number of Americans traveling or working abroad, and the many U.S. military bases around the world.

**Provide Ukrainian equivalents for the following words and word combinations:**

diplomats	
diplomatic facilities	
embassy	
consulate	
military personnel	
military base	
business executive	
corporate office	
transportation vehicle	
airlines	
subway	
superpower	
diversity	

**6. Match the forms of terrorism with the relevant vocabulary.**

bombing	hostages, seize control, ultimatum
assassination	detonator, suicide bomber, to defuse
kidnapping	disease, virus, epidemic
hijacking	rifle, hit man, bodyguard
chemical attack	ransom, hide-out, abduct
biological warfare	poisonous gas, toxic fumes

**7. What do you know about the following terrorist organizations? Match the name of the organization with its goal.**

<b>al Qaeda</b>	creation of a Palestinian state
<b>Palestine Liberation Front (PLF)</b>	establish an independent homeland based on Marxist principles in the northern Spanish provinces of Vizcaya, Guipuzcoa, Alava, and Navarra and the southwestern French departments of Labourd, Basse-Navarra, and Soule
<b>Aum Shinrikyo</b>	establishing an Islamic Palestinian state in place of Israel
<b>Basque Fatherland and Liberty (ETA)</b>	establish a pan-Islamic Caliphate throughout the world by working with allied Islamic extremist groups to overthrow regimes it deems “non- Islamic”, and expelling Westerners and non-Muslims from Muslim countries
<b>Irish Republican Army</b>	increasing its political power in Lebanon, and opposing Israel and the Middle East peace negotiations
<b>Hamas</b>	removing British forces from Northern Ireland and unifying Ireland
<b>Hezbollah</b>	to take over Japan and then the world

**TEXTS**

**FOR**

**INDIVIDUAL WORK**

## TEXT 1

### Crimes

At the basic level, crime and crime rates in the U.S. are reported under two general categories. One is “violent crime” (against individuals) and the other is “property crime”. Violent crime includes murder and manslaughter, rape, robbery, and assault. Property crimes include burglary, larceny and theft, and motor vehicle theft. There is however enormous variation within the U.S. in crime and crime rates – geographically, economically, and socially. 15 There are figures, and many studies, which show who in the U.S. is most affected by crime. Such “victim studies” indicate differences by race or ethnic group, sex and age. Again, there are great differences, some extreme. Taking murder and manslaughter as an example, it can be seen that black males are much more likely to be murdered than black females, white males, or white females.

First actual research has focused on a large number of possible causes. Among the most frequently studied are unemployment, poverty, education level and educational opportunity, drug abuse and drug dealing, racism, ethnic and cultural attitudes, easy availability of weapons, consumerism and the media, ineffective courts and policing, poor prisons, single-parent families and unwed mothers, youth gangs. Each of these possible causes is the subject of serious debate. There are many scholarly works which try to identify the causes of crime in America, and to determine what must, could, or can be done.

## TEXT 2

### What Are The Different Levels of Seriousness for Different Crimes?

Crimes are often classified according to the level of seriousness, such as the distinction between felony and misdemeanor crimes. Generally, the differences are: **felony** (more serious crimes such as murder, kidnapping and robbery).

Carries a year or more in state prison.

**Misdemeanor** (Less serious crimes such as shoplifting or a DUI (Alcohol-related crimes such as drunk driving (DUI)). Usually carries a fine and jail sentence of less than a year, if at all.

State laws may further divide the categories of crimes into subcategories. For example, Offenses against the Person may be divided into the categories of “Violent Crimes” and “Non-Violent Crimes”. Some states also place sexual crimes in their own category. These categories are also developed for the purpose of sentencing.

Finally, crimes can also be divided according to criminal intent. The major intent categories are General Intent Crimes and Specific Intent Crimes. These labels refer to the state of mind that a defendant must have in order to be found guilty of a crime. This is a difficult concept to master, but can be very important to your defense if you are charged with a crime.

### **TEXT 3**

#### **Crimes in modern society**

Civilized societies have created various systems of defending an individual from violence. Unfortunately, crime rate is increasing practically all over the world. So, the police of any country should protect the citizens, their homes and property. Some crimes, however, are considered more serious than others. For example, in the United States, those, who commit the crime of treason, are usually punished by life imprisonment or death. Scholars and lawyers have tried to find out the reasons for crime. Some of them say that sometimes a person’s greed, jealousy or frustration may lead to committing a crime. Others believe that many crimes against a particular person are committed by the poor. These people can steal money or goods, and they are capable of injuring or killing their victims. But if such offenders are caught by the police, they still have the right to be defended by a lawyer in court. As a rule, the police and investigators do their best to provide the court with meaningful evidence.

However, there are cases which only seem to be simple. For instance, sometimes it is pretty hard to deal with a car theft, especially if the suspect is young. He usually says that he just wanted to use the car for fun, and then return it to its proper place. In the United States, anyone accused of a crime has certain rights that are guaranteed by the Bill of Rights. This document consists of the

first ten amendments to the US Constitution. For example, everyone has the right to a fair trial or he can keep silent without testifying against himself.

Besides, under American law, a person is considered innocent unless he is proved guilty in court. In modern society, every citizen should be aware of the legislation in force as well as of his or her right under the law.

#### **TEXT 4**

##### **Types of crimes (part 1)**

Crimes are defined by criminal law, which refers to a body of federal and state rules that prohibit behavior the government deems harmful to society. If one engages in such behavior, they may be guilty of a crime and prosecuted in criminal court.

In today's society, criminal behavior and criminal trials are highly publicized in the media and commonly the storyline in hit television shows and movies. As a result, people may consider themselves well-informed on the different types of crimes. However, the law can be quite complicated.

There are many different types of crimes but, generally, crimes can be divided into four major categories, personal crimes, property crimes, inchoate crimes, and Statutory Crimes:

**Personal Crimes** – “Offenses against the Person”: These are crimes that result in physical or mental harm to another person. Personal crimes include: assault; battery; false imprisonment; kidnapping; homicide – crimes such as first and second degree, murder, and involuntary manslaughter, and vehicular homicide; rape, statutory rape, sexual assault and other offenses of a sexual nature

**Property Crimes** – “Offenses against Property”: These are crimes that do not necessarily involve harm to another person. Instead, they involve an interference with another person's right to use or enjoy their property. Property crimes include: larceny (theft); robbery (theft by force) – Note: this is also considered a personal crime since it results in physical and mental harm; burglary; arson; embezzlement; forgery.

## TEXT 5

### Types of crimes (part 2)

Crimes are defined by criminal law, which refers to a body of federal and state rules that prohibit behavior the government deems harmful to society. If one engages in such behavior, they may be guilty of a crime and prosecuted in criminal court.

There are many different types of crimes but, generally, crimes can be divided into four major categories, personal crimes, property crimes, inchoate crimes, and Statutory Crimes:

**Inchoate Crimes** – “Inchoate” translates into “incomplete”, meaning crimes that were begun, but not completed. This requires that a person take a substantial step to complete a crime, as opposed to just “intend” to commit a crime. Inchoate crimes include: Attempt – any crime that is attempted like “attempted robbery”; Solicitation; Conspiracy.

**Statutory Crimes** – A violation of a specific state or federal statute and can involve either property offenses or personal offense. Statutory crimes include: Alcohol-related crimes such as drunk driving (DUI); Selling alcohol to a minor.

The crimes listed above are basically prohibited in every state, but each state is different in how the law is written, how the behavior is regulated and the penalties that each crime potentially carries. Also, the list is far from complete because behavior may be prohibited in one state and not in others. For example, prostitution is legal in some parts of Nevada, but is a crime in every other state. Likewise, carrying a concealed firearm is only legal in certain states.

## TEXT 6

### Some old forms of punishment

The stocks, the pillory and the ducking-stool are forms of punishment that were common in the seventeenth and eighteenth centuries. Fortunately for wrong-doers today they were abolished a long time ago.

Stocks were wooden boards with holes in which a person's ankles were made fast. The top board could be lifted and then lowered, after which the two boards were locked together.

The pillory was a larger frame of wood on a wooden post. In this frame there were holes through which a person's head and arms were put.

Stocks and pillories were set up in public places, often in a market place. The purpose of this form of punishment was not only to make the criminal suffer physical discomfort, but also to put him to shame, and to allow the neighbours to make fun of him for hours.

The ducking-stool was a seat at the end of a long board. The person to be punished was tied into the seat, and then lowered into the water of a river or lake suddenly, or "given a ducking". This punishment, it is said, was used for dishonest tradesmen, and also for women who were continually finding fault with their husbands. There are no records that the ducking-stool was ever used for punishing husbands who treated their wives badly. Pillories may still be seen in some English towns and villages, and the word pillory is still used as a verb. If a politician, for example, is pilloried in the press, it means that the newspapers write about him in a way that brings him into contempt.

## **TEXT 7**

### **Civil and criminal penalties**

There are several kinds of punishment available to the courts.

In civil cases, the most common punishment is a fine, but specific performance and injunctions may also be ordered. For criminal offences fines are also often used when the offence is not a very serious one and when the offender has not been in trouble before.

Another kind of punishment available in some countries is community service. This requires the offender to do a certain amount of unpaid work, usually for a social institution such as a hospital.

For more serious crimes the usual punishment is imprisonment. Some prison sentences are suspended: the offender is not sent to prison if he keeps out of trouble for a fixed period of time, but if he does offend again both the suspended sentence and any new one will be imposed. The length of sentences varies from a few days to a lifetime. However, a life sentence may allow the prisoner to be released after a suitably long period if a review (parole) board agrees his detention no longer serves a purpose.

In some countries, such as the Netherlands, living conditions in prison are fairly good because it is felt that deprivation of liberty is punishment in itself and should not be so harsh that it reduces the possibility of the criminal re-educating and re3 forming himself.

In other countries, conditions are very bad. Perhaps because of an increase in crime or because of more and longer sentences of imprisonment, some prison cells have to accommodate far more people than they were built to hold and the prisoners are only let out of their cells once a day. Britain and the United States are trying to solve the shortage of space by allowing private companies to open prisons.

In some countries there is also corporal punishment (physical). In Malaysia, Singapore, Pakistan, Zambia, Zimbabwe, among others, courts may sentence offenders to be caned or whipped.

## **TEXT 8**

### **Types of sentences. Incarceration**

Sentences are punishments for convicted defendants. Prescribed punishments for crimes can be found in state and federal statutes.

**Jails** are short-term lock-up centers normally run by counties and operated by county sheriffs. Inmates housed in jails include unconvicted defendants awaiting trial who are unable to make bail, convicted misdemeanants, and felons serving jail time as a result of probation violations.

**Prisons** are long-term penal facilities operated by state and federal governments. Most prison inmates are convicted felons serving sentences of more than one year.

**House arrest and electronic monitoring.** An offender sentenced to house arrest must spend all or most of the day at home. Compliance is enforced in some states by requiring the offender to wear a small transmitter on the wrist or ankle, which sends electronic signals to monitoring units. House arrest can stand alone as a sanction or be used with electronic monitoring. It can also be coupled with fines, community service, and other sanctions. Some electronic monitoring devices can analyze an offender's breath to see if the offender has drunk any alcohol in violation of conditions of the house-arrest sentence.

**Fines.** Fines are common for first-time offenders convicted of crimes such as shoplifting, minor drug possession, and traffic violations. In more serious cases, judges combine fines with incarceration or other punishments. If fines aren't paid, offenders go to jail. Fines discriminate against the poor.

**Day fines** are a creative response to this problem. They require offenders to pay a percentage of their weekly or monthly earnings, thus attempting to equalize the financial impact of the sentence on the offender.

## TEXT 9

### **Types of sentences. Incarceration**

Sentences are punishments for convicted defendants. Prescribed punishments for crimes can be found in state and federal statutes.

**Probation**, the most frequently used criminal sanction, is a sentence that an offender serves in the community in lieu of incarceration. Probationers are required to adhere to conditions of probation, such as obeying all laws, paying fines or restitution, reporting to a probation officer, abstaining from drug usage, refraining from travel out of the area where the offender lives, and avoiding certain people (for example, other criminals or victims) and places. If a probationer violates any condition of probation or commits a new crime, the

judge can revoke (take away) probation and incarcerate the offender. Probation officers monitor offenders and hook them up with various services in the community.

Probation is the preferred sentence when the crime is nonviolent, the offender isn't dangerous, the convicted criminal isn't a repeat offender, and/or the criminal is willing to make restitution. Due to prison overcrowding, judges have been forced to place more felons on probation.

### **Intensive supervision probation (ISP)**

Intensive supervision probation is used for offenders needing more supervision. It allows offenders to live in the community but under severe restrictions. ISP offenders can be required to meet with their probation officers as often as five times a week, to submit to random drug urinalysis tests, to work, to attend drug treatment, and to be under tight surveillance. In 1994, the average ISP caseload was 29 cases for each probation officer. At least one jurisdiction in each state has implemented ISP, primarily for those convicted of crimes against property.

## **TEXT 10**

### **Types of sentences. Restitution**

**Restitution** requires an offender to pay money to a victim, whereas a **fine** requires an offender to pay money to the government. The idea behind restitution is to make the offender pay the victim back for economic losses caused by the crime. The offender may, for example, be required to pay the victim's medical bills or pay a sum of money equal to the value of property stolen. The biggest problem with restitution is collecting the money. To enforce restitution orders, a judge can attach, or garnish, an offender's assets or wages. Another way to enforce restitution is possible in cases in which restitution is a condition of probation. If the offender fails to pay restitution, a judge can revoke the probation and incarcerate the offender.

### **Community service**

Paying the community back for harm done, through doing work that benefits the public, is the essence of community service. Offenders can be required, for example, to pick up trash in parks, plant trees, and wash away graffiti.

### **“Scarlet-letter” punishments**

Punishing by shaming provides a cheap and morally satisfying alternative to punishment. Courts have ordered people convicted of assault or child molestation to put signs in their yards, announcing their crimes. Still other judges have ordered chronic drunk drivers to put bright orange bumper stickers on their cars, announcing their problem and urging other drivers to report erratic driving to the police. Critics say this form of punishment is unlikely to succeed in changing the behavior of repeat offenders because those people are used to breaking society's rules anyway.

## **TEXT 11**

### **Capital punishment**

The ultimate penalty is death (capital punishment). It is carried out by hanging (Kenya, for example); electrocution, gassing or lethal injection (U. S.); beheading or stoning (Saudi Arabia); or shooting (China). Although most countries still have a death penalty, 62 (including almost every European nation) have abolished it; 18 retain it only for exceptional crimes such as wartime offences; and 27 no longer carry out executions even when a death sentence has been passed. In other words, almost half the countries of the world have ceased to use the death penalty.

The UN has declared itself in favour of abolition, Amnesty International actively campaigns for abolition, and the issue is now the focus of great debate. Supporters of capital punishment believe that death is a just punishment for certain serious crimes. Many also believe that it deters others from committing such crimes. Opponents argue that execution is cruel and uncivilized.

Capital punishment involves not only the pain of dying (James Autry took ten minutes to die of lethal injection in Texas, 1984) but also the mental anguish of waiting, sometimes for years, to know if and when the sentence will be carried out. Opponents also argue that there is no evidence that it deters people from committing murder any more than imprisonment does.

A further argument is that, should a mistake be made, it is too late to rectify it once the execution has taken place. In 1987, two academics published a study showing that 28 innocent people had been executed in the United States. Research has shown that capital punishment is used inconsistently.

During a crime wave in China in the 1980s, cities were given a quota of executions to meet; in a city where there weren't very many murders, people convicted of lesser crimes were more likely to be executed. In addition, while in some countries young people are not sent to prison but to special juvenile detention centres, in Nigeria, Iran, Iraq, Bangladesh, Barbados and the United States children under 18 have been legally put to death. As the debate about capital punishment continues, the phenomenon of death row (people sentenced but still alive) increases. The debate also involves the question of what punishment is for. Is the main aim to deter? This was certainly the case in the 18-th century in England when the penalty for theft was supposed to frighten people from stealing and compensate for inabilities to detect and catch thieves. Is it revenge or retribution? Is it to keep criminals out of society? Or is it to reform and rehabilitate them?

## **TEXT 12**

### **Capital punishment (an essay)**

There are various ways to punish criminals all around the world in order to reduce criminality and provide security to civilians. Some people accept that capital punishment is necessary, other – believe that death sentences are not fruitful in decreasing crime, violence and other offenses

In one hand, supports say that capital punishment deters crime effectively as people have fear of the death penalty which stops them from committing offences. Moreover, capital punishment defines seriousness of offence so before committing such offence person will think twice.

Also, Death sentence is a form of revenge which gives a feeling of peace for victim. Otherwise many times a victim converted into offender in order to take revenge and punish accuse by own. Additionally, capital punishment is a way to avoid imprisonment cost which can otherwise be used by government in development.

On other hand innocent people could be wrongly convicted and executed. There is no evidence about the reduction of crime rates due to the way of death penalty. Many criminals do not think they will be caught therefore they do not have fear of this kind of punishment. Capital punishment is not a good deterrent. Rehabilitation and education is good way in order to prevent or minimise offensive acts. Executing prisoners creates a violent culture and encourages revenge which can increase crime.

## **TEXT 13**

### **Street kids**

#### **Where are they?**

It's a common misconception that street children only exist in the developing world. In a recent survey we conducted, 61% of people said they only associated street children with Africa and Asia. In fact, across the globe there are large numbers of children surviving on the streets. In the UK, they are more commonly known as homeless, rough sleeping or detached youth. Whether they are a runaway from Derby or a street child in Delhi the factors that drive children to the streets and the issues they face there are often similar.

#### **Why are they on the streets?**

There are many factors which can push children onto the street including poverty, family breakdown, violence, war, natural disasters and forced marriage.

There are also factors which can pull children to the street such as financial independence, friendships, adventure and city glamour. It is often a combination of these push and pull factors that keeps children connected to the street.

### **How do they survive?**

Although children are vulnerable to the dangers of life on the street, they are also resourceful and resilient. They often adopt tactics necessary to survival, such as begging, stealing, rough sleeping and substance misuse. In criminalising such behaviours, society alienates street children and stigmatises them. Street children actively make connections with the street – they build homes, friendships and earn a living on the street. These connections are vital to their everyday survival.

### **What are the risks?**

Substance misuse is a common way for children to numb the reality of their experience on the streets. In many countries this presents itself as glue or solvent sniffing as this is the most economical option.

Street children often experience direct exposure to violence. It can be a factor in pushing them onto the street, perhaps through family violence or war. Once on the street, violence is also a challenge – street children have repeatedly reported suffering violence at the hands of adults, the police and other street children.

Girls on the street are at particular risk of sexual violence – from adults in the community, those in positions of authority and other street children. They are also at particular risk of being trafficked into a brothel or a household for domestic work. As a result, street girls are particularly vulnerable to contracting HIV and other sexually-transmitted diseases. There are many young mothers on the streets – giving rise to second and third generations of children born into these circumstances.

## TEXT 14

### Juvenile Crime

**Juvenile delinquency** refers to antisocial or illegal behavior by children or adolescents and is considered a serious problem all over the world. It is caused by social, economic and cultural factors. This juvenile criminality is apparent in marginal sectors of urban areas where children are exposed to violence in their immediate social environment, either as observers or as victims. Because delinquents basic education, if they have any, is poor they have been marginalized from society and destitute of any dignity or self esteem. Although most legal systems prescribe specific procedures for dealing with young criminals, such as juvenile detention centers and suppression, approaches to prevent youth from becoming delinquent should also include measures to instill equality and justice, fight poverty and create an atmosphere of hope and peace among youth. These preventive policies should be given priorities over any coercive measures.

Socioeconomic opportunities and administrative services should be provided in rural areas to discourage young people from migrating to urban areas. Similarly, youth from poor urban settings should benefit from plans that focus on education, employment and access to leisure programs, especially during long school holidays.

Young people who drop out of school or come from broken families should have access to specific social programs that help them become responsible adults.

Information campaigns should be planned to sensitize youth to be aware of the detrimental effects of violence on the family, community and society, to teach them how to communicate without violence. Focus on the importance of family should become a priority because it is the primary institution of socialization of youth and continues to play an important role in the prevention of juvenile delinquency and underage crime.

## TEXT 15

### Juvenile delinquency (part 1)

Childhood is a time of joy and innocence for most people: for others, life turns violent and so do they. Criminal acts of young persons are referred to broadly as juvenile delinquency. The age at which juveniles legally become adults varies from country to country, but it generally ranges from 15 to 18. Clearly the problem has skyrocketed: for example, in 1990 rates of arrest in California for burglary, theft, car theft, arson and robbery are higher among juveniles than among adults.

Sociological research has established such bases for predicting delinquent behavior as the nature of a child's home environment, the quality of the child's neighborhood, and behavior in school. It has never been conclusively proved, however, that delinquency can be either predicted or prevented. It is far likelier that delinquency is an integral part of society and probably part of the maturation process that some children go through.

In the USA, Europe, and Japan, most delinquents are boys, though since the early 1980s the number of delinquents who are girls has risen dramatically. Most of these in the US come from the lower middle class and the poorest segments of society. One reason for this is the low esteem in which education is often held in these groups. Schooling seems boring, and the delinquent rebels against it by cutting classes and eventually may drop out altogether. Such youths find in each other's company a compensation for their educational failure by rejecting the social values to which they are supposed to adhere.

Many parents, educators, and others blame the violence found in many movies and television shows, rap music and heavy-metal rock lyrics, and comic books, as well as the economic-aspirations and goals of society itself. The signs of affluence that children in the poor and working classes see about them-money, power, and a large array of consumer goods-make them desperately want some of these things even though they may feel they will never be able to afford them.

## TEXT 16

### Juvenile delinquency (part 2)

Delinquency among middle-class youth has not been adequately researched, therefore its causes are even less clear. One theory suggests that for some boys it is a form of masculine protest against the mother figure in many middle-class homes. This may be true when the father is away at work most of the time and has little contact with his children in free time. In places where drug abuse has become more common, crime has often increased.

Society tries to deal with youthful offenders in a variety of ways. The most common unofficial means are through school counseling and sessions with psychologists and psychiatrists. Social workers who deal with family problems also attempt to sort out the differences of young potential delinquents.

Serious offences are dealt with officially by the police and the courts. Because of the nature of some of the offences committed by juveniles, there has been a tendency to try them in court as adults for certain crimes, especially for murder. The juvenile courts attempt to steer young people away from a life of crime, though the most serious offences normally result in periods of confinement in juvenile halls or prisons for younger criminals. If possible, however, the courts try more lenient methods of probation, juvenile aftercare, or foster care.

Probation means that the court suspends sentence and releases the offender on the condition of good behavior, subject to certain rules and under the supervision of the court. Probation is frequently granted to first-time offenders. Probation has proved to be the most successful way of dealing with very young offenders.

Juvenile aftercare is the equivalent of parole for an older criminal; it takes place after the young person has been released from an institution and is supervised by a youth counselor.

## **Text 17**

### **Terrorism and Internet**

The internet has become a central tool for terrorists, largely replacing print and other physical media. It has allowed terrorist organisations to costlessly communicate their message and aims to the world, allowing them to recruit new members, coordinate global attacks and better evade surveillance. The terrorist group known as the Islamic State (also, ISIS and ISIL) are arguably the first to harness the power of the internet and social media. Their well-organised online propaganda campaign has seen them recruit thousands of foreign fighters.

The increasing use of the internet was noted by Bruce Hoffman in *Inside terrorism* as early as 2006. He argues that “terrorists are now able to bypass traditional print and broadcast media via the Internet, through inexpensive but professionally produced and edited videotapes, and even with their own dedicated 24/7 television and radio news stations. The consequences of these developments [are] far-reaching as they are still poorly understood, having already transformed the ability of terrorists to communicate without censorship or other hindrance and thereby attract new sources of recruits, funding, and support that governments have found difficult, if not impossible, to counter.”

One major consequence of the rise of international terrorism, particularly Islamic extremist groups, has been the global War on Terror. The War on Terror, which began in 2001, has so far seen the full-scale invasion of Iraq and Afghanistan, as well as other operations in Yemen, Pakistan and Syria.

## **TEXT 18**

### **Terrorism. Rational motives?**

Martha Crenshaw, professor of Political Science at Stanford, argues that terrorist groups make calculated decisions to engage in terrorism, and moreover, that terrorism is a “political behavior resulting from the deliberate choice of a basically rational actor”. In addition to this, she suggests “Terrorism is a logical choice ... when the power ratio of government to challenger is high”.

Crenshaw breaks down the causes of terrorism into three layers:

- **Situational factors:** This can be subdivided into two parts:

(1) conditions that allow the possibility of radicalisation and motivate feeling against the 'enemy';

(2) specific triggers (events) for action.

- **Strategic aims**

- Long-run; political change, revolution, nationalists fighting an occupying force, minority separatist movements

- Short-run; recognition or attention to advertise their cause

- Discredit the process of government

- Influence public attitudes; fear or sympathy

- Provoke a counter-reaction to legitimise their complaints

- **Individual motivations:** This is concerned with psychology and the character traits of terrorists; why do individuals turn to terrorism in the first place? does a 'terrorist personality' or 'terrorist predisposition' exist?

## TEXT 19

### Does terrorism work?

Measuring the effectiveness of terrorism requires us to have both a well defined set of objectives for a given terrorist organisation as well as a definite way to determine success and failure. Consider the example of 9/11 and whether Al-Qaeda achieved its objectives: If the objective was to destroy America, then it clearly failed. Yet if goal was to intimidate America and publicise the cause, it may be considered a success.

With respect to the question of effectiveness, there are two opposing views in the literature. The first posits that terrorists are able to influence policy and public opinion and that terrorism is increasing worldwide simply because it is effective. The second view argues that terrorists hardly ever achieve their main objectives and that terrorist groups tend to be unstable and disintegrate over time.

Robert Pape, professor of Political Science at the University of Chicago, is a major proponent of the view that terrorism can be effective and his research focusses on suicide terrorism. Pape finds that suicide attacks targeted at democracies tend to be more effective at influencing policy. Recent research by Eric Gould and Esteban Klor support this view; they find that terrorist attacks in the Arab-Israeli conflict influence public opinion and “cause Israelis to be more willing to grant territorial concessions to the Palestinians”. Jakana Thomas, by focussing on other markers of success, finds that in African conflicts between 1989-2010 “rebel groups are both more likely to be granted the opportunity to participate in negotiations and offered more concessions when they execute a greater number of terror attacks during civil wars”.

Max Abrahms argues that terrorism never succeeds. Abrahms analysed 28 groups designated as terrorist organisations by the US State Department in 2001. He finds that the groups only achieved 7 percent of their 42 policy objectives. Moreover, Abrahms suggests that his findings “challenge the dominant scholarly opinion that terrorism is strategically rational behavior”.

Further support for the idea that terrorism never succeeds comes from Audrey Cronin’s research on the collapse of terrorist groups. Cronin also finds that terrorist groups fail to achieve their objectives and that these groups only last between 5-9 years on average.

## **TEXT 20**

### **Terroristic organizations (part 1)**

#### **Al-Qaeda (“the base”)**

Al-Qaeda (also al-Qa'ida) was established c. 1990 by Osama bin Laden to bring together those who fought in Afghanistan against the Soviet invasion. The organization helped finance, recruit, transport, and train Sunni Islamicist extremists for the Afghan resistance. Its current goal is to “reestablish the Muslim State” throughout the world by overthrowing regimes it deems “non-Islamic” and removing Westerners from Muslim countries.

In 1998 al-Qaeda issued a statement under the banner of the “World Islamic Front for Jihad Against The Jews and Crusaders” declaring that it is the duty of all Muslims to kill U.S. citizens and their allies. The group comprises several hundred to several thousand members and serves as an umbrella organization for numerous radical Islamicist organizations.

**Activities:** Bombings of the U.S. embassies in Nairobi, Kenya, and Dar Es Salaam, Tanzania; claims to have shot down U.S. helicopters and killed U.S. servicemen in Somalia in 1993; linked to plans for attempted terrorist operations, including the assassination of the Pope; linked to the bombing of the USS Cole in Aden, Yemen; and suspected in the 2001 attack on the World Trade Center and Pentagon.

**Support:** Bin Laden, the son of a billionaire Saudi family, uses his own money to finance the group. In addition, al-Qaeda also maintains money-making businesses, collects donations, and illicitly siphons funds from donations to Muslim charitable organizations. Bin Laden and top al-Qaeda members are currently hosted by the Taliban in Afghanistan.

### **Hamas**

Formed in late 1987 to pursue the goal of establishing an Islamic Palestinian state in place of Israel. Loosely structured, with some elements working openly through mosques and social service institutions. Militant elements of Hamas, operating clandestinely, have advocated and used violence. Hamas also has engaged in peaceful political activity, such as running candidates in West Bank Chamber of Commerce elections.

**Activities:** Many attacks, including large-scale suicide bombings, against Israeli civilian and military targets, suspected Palestinian collaborators, and Fatah rivals.

**Support:** Palestinian expatriates, Iran, and private benefactors in Saudi Arabia and other moderate Arab states.

## TEXT 21

### **Basque Fatherland and Liberty (ETA)**

Spanish separatist group established in 1959 with the aim of establishing an independent Basque homeland.

**Activities:** Bombings and assassinations of Spanish government officials, as well as some attacks on French interests. Appears to have ties to the Irish Republican Army through the two groups' legal political wings.

**Support:** Has received training at various times in the past in Libya, Lebanon, and Nicaragua. Some ETA members allegedly have received sanctuary in Cuba.

### **The Liberation Tigers of Tamil Eelam (LTTE)**

The most powerful Tamil group in Sri Lanka. Uses overt and illegal methods to raise funds, acquire weapons, and publicize its cause of establishing an independent Tamil state. Began its armed conflict with the Sri Lankan government in 1983. Insular and highly organized, with its own intelligence service, naval element (the Sea Tigers), and women's political and military wings.

**Activities:** Political assassinations, including the suicide bomber attacks against Sri Lankan president Ranasinghe Premadasa in 1993 and Indian prime minister Rajiv Gandhi in 1991. Two massive truck bombings, one at the Central Bank in Jan. 1996 and another at the Colombo World Trade Center in Oct. 1997.

**Support:** Funds and supplies from large Tamil communities in North America, Europe, and Asia. Information obtained since the mid-1980s indicates that some Tamil communities in Europe are also involved in narcotics smuggling.

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