

**UNIVERSITA' DI FERRARA**  
**Facoltà di Giurisprudenza**  
**sede Rovigo**

**Conoscenza Lingua Inglese**  
**Corso integrativo per Lingua Inglese giuridica**  
**Corso di Studio: Giurisprudenza**

**Dispensa 2010-2011: *Tasks for Law Students***  
**Docente: Patricia SOURS**

**I semestre - A.A. 2010-2011**

## Introduction

**Questa dispensa e' indirizzata agli studenti della *Laurea Magistrale Giurisprudenza*, corso integrativo di Lingua Inglese Giuridica: Conoscenza lingua inglese (18 ore).**

### **Questo il programma:**

Tutti gli studenti che necessitano di un'ulteriore preparazione linguistica sono consigliati di partecipare al corso. Gli obiettivi principali di questo corso integrativo sono:

- 1) migliorare la capacità d'uso della lingua inglese (nelle quattro abilità di base: ascoltare, parlare, leggere e scrivere);
- 2) favorire l'acquisizione di strategie per analizzare e comprendere testi autentici (*prediction, skimming, scanning, context, inference, global comprehension*), necessarie nell'inglese standard e nell'inglese giuridico;
- 3) esercitazione della pronuncia (*intonation/rhythm/stress*) con particolare attenzione al contesto giuridico;
- 4) introdurre strategie per consolidare il lessico specifico dal testo *Legal English and the Common Law & Legal Grammar Handbook*.

Nel complesso questo corso è indirizzato allo studente che ha bisogno di migliorare l'inglese parlato. Si prefigge di migliorare l'attuale conoscenza dell'inglese (il lessico e la grammatica) e sviluppare le capacità comunicative (un linguaggio appropriato e spontaneo) in lingua inglese per poter comprendere e discutere i testi proposti dalla prof.ssa Alison Riley nel Corso di Lingua inglese giuridica.

Useremo in classe il libro *Legal English and the Common Law & Legal Grammar Handbook* e pure la dispensa *English Tasks for law students* a.a. 2010-2011. La dispensa offre un ventaglio di esercizi pratici sulla grammatica, strategie di apprendimento e un *focus* importante sulle terminologie specifiche trattate dal programma nel Corso di Lingua inglese giuridica.

Frequentare il corso è essenziale per 'allenare l'orecchio', per acquisire strategie per la comprensione e per sviluppare le capacità comunicative che potete aver perso negli anni per la mancanza dell'uso della lingua inglese parlata. Imparare una lingua (in questo caso l'inglese) non significa mandare a memoria le regole grammaticali. Solo attraverso l'*uso* di una lingua si può comprendere come essa funzioni. .

Il corso viene tenuto in lingua inglese e prevede la partecipazione *attiva* degli studenti, sempre in lingua inglese, in lavori di gruppi sia orali che scritti.

### ***COPYRIGHT notice***

*The course materials used in this booklet have been developed for your use during this academic year. If the pages are marked with a © at the top of the page, they are the intellectual property of Patricia Sours © Rovigo 2010-2011.*

## **LEARNING STRATEGIES**

## Some useful language for spoken English

## Polite requests

## 1) Asking if you can do things (asking permission)

<i>Asking</i>	<i>Saying 'yes'</i>	<i>Saying 'no'</i>
Can I...? / Could I possibly...? / Could I...?	Yes, sure. Yes, of course.	Well, I'm afraid...( + reason)
Is it alright/ Ok if I...?	Yes, that's fine.	Well, the problem is.
Do you think I could?	Certainly.	Sorry, but...( + reason)
Do you mind if I...?	No, not at all.	Sorry but... ( + reason)

## 2) Asking other people to do things (making requests)

<i>Asking</i>	<i>Saying 'yes'</i>	<i>Saying 'no'</i>
Can you? / Could do? / Could you possibly...?	OK. / Yes, sure. No problem.	Well, I'm afraid...( + reason) I'm sorry, but I can't at this time.
Do you think you could...? / Will you...?	Yes, that's fine. / Certainly. All right.	Well, the problem is... Not at this time, sorry.
Would you...?		
Would you / Do you mind + -ing?	Of course not! (meaning yes) No problem.	I'm sorry, I can't.

\*We use 'Do you mind if...?', 'Could I possibly...?', 'Could you possibly...?', 'Do you think you could...?' *when we want to sound particularly polite.*

\***Could** you.../ **Would** you...? Are a little more polite than Can you...? / Will you...?

► In ALL these questions, *intonation* is often more important for showing politeness.

## Suggestions for agreeing and disagreeing

<i>Agreeing and Disagreeing</i>	<i>useful phrases</i>
<b>introducing opinion</b>	It seems to me that; In my opinion; Personally, I think that....
<b>agreement</b>	I agree; That's an <i>excellent/great/good</i> idea; I couldn't agree more; I <i>quite/totally/completely/absolutely</i> agree.
<b>disagreement (direct)</b>	I don't agree; I <i>completely/totally</i> disagree; I don't agree at all!
<b>disagreement: polite, indirect</b> <i>Americans tend to be more indirect when they disagree.</i>	Yes, but don't you think...; I agree with you, but...; Yes, but on the other hand, ...; I see your point, but...; I'm sorry, I don't see it that way. <i>Practice using this indirect method when you disagree. Generally speaking, Italians tend to be more direct when they disagree.</i>
<b>stating opinions</b>	I think that ...; I think it should/shouldn't be allowed because...; I really have no strong opinions..."

## Suggestions for transitions/linking words for fluidity and coherence

<i>Transitions/linking words</i>	<i>for fluidity and coherence</i>
to add and idea	in addition, furthermore, moreover
to show a time sequence	at this time, afterwards, first, finally, then, while
to show result	therefore, thus, consequently, as a result, so
to show unexpected result	however, nevertheless, still
to show contrasting situations	however, on the other hand, in contrast, in spite of, but
to show similarity	likewise, in a similar way
to emphasize	in fact, of course, indeed, certainly, obviously
to provide example	for example, for instance, to demonstrate
to conclude	in conclusion, finally

## LISTENING STRATEGIES

## I. Cognitive aspect

- elaboration of prior knowledge      use what you know  
stimulate your experiential knowledge  
make analogies/association
- listen for main ideas      try to get the global meaning
- listen for details      use selective attention: focus only  
on the specific information you are searching for.
- make inferences      draw conclusions (which are usually based on our  
previous experiences)
- make predictions      try to anticipate what will happen next by guessing at  
contextual clues.
- use key words      listen for key words that will help  
you comprehend the whole message

## II. Listening techniques

- cognates      try to guess at meaning through the  
use of similar words in L1
- association      make associations with images, rhymes, etc.

## III. Listening and other skills

- pronunciation      important aspects of stress, intonation, register, and linking

## IV. Social aspects

- self-talk      be positive - "Don't worry, be happy !"
- cooperation      work with your colleagues, coach each other, cooperate !
- clarification      ask questions, verify comprehension

## THE GOOD LANGUAGE LEARNER

The main variables for language learning are cited as: **aptitude, motivation, and opportunity.**  
According to various studies, the 'good language learner' has the following characteristics:

1. adopts an active approach to the learning task;
2. has a positive attitude towards the language and its speakers;
3. has sufficient linguistic knowledge (knows about language);
4. is good at making inferences\* and discovering rules;
5. attends to meaning and form;
6. searches for meaning constantly instead of giving up and 'switching off';
7. is willing to practice and seeks opportunities for practice;
8. is willing to try to communicate, to take 'risks' and is not inhibited;
9. pays attention (i.e. self-monitors) to his or her own attempts to communicate or otherwise use the target language;
10. develops the target language as a separate system and learns to think in it;
11. develops positive learning strategies.

➔ **Task :** is there another characteristic you would add to the list above ? Do you agree with the main variables cited for language learning ? Why ? Can you order the list in some way, e.g. hierarchically (which are the most/least important in your opinion) ? Discuss in groups your choices and why.

My classification of the top three

- 1)
- 2)
- 3)

\*An inference is something that you can find out indirectly from what you already know (forming an opinion based on evidence).

*Adapted from: H.H. Stern. Institute for Studies in Education, Toronto, Canada and Joan Rubin.*

## READING STRATEGIES

### 1. Asking questions – cognitive aspect (elaboration of prior knowledge)

- a. **before you read** - study the title, any headings, the pictures - what is the article about ? What do I already know about this subject ? What do I want to find out about the topic ?
- b. **while you read** - stop frequently and pose questions - what is the paragraph about ? What is the writer saying here ? What is your reaction to the paragraph ?
- c. **after you read** - ask questions about what you read - what was the article about ? What was the main idea ? What was interesting to me ? What did I learn ?

### 2. Skimming

Understanding the central idea or “gist” of what you are reading. A story may have many related ideas, but usually only one or two that are usually the most important. “Skim” over all the ideas while you search for that main idea that the writer wants to communicate.

#### *Method*

1. Let your eyes move quickly down the page. DON'T read every word !
2. Slow down when you see words or phrases that might be important to you.
3. Put a check (✓), highlight or underline, if you think they are important.

*Task:* Choose an article from the readings. *Skim* the whole article for a few minutes. What is central idea in the article?

### 3. Making inferences

An inference is a reasonable conclusion based on evidence.

Example : evidence (it is visible) - Your friend has a broken a leg.

► inference - Your friend has had an accident.

Writers often use details and examples to suggest what they mean rather than stating it directly.

Example : detail - Dr. Smith gave a lot of money to support programs for the arts, education, and medical care.

► inference: Dr. Smith was a very generous person.

► Dr. Smith wants to “write off” (detract) some money for tax purposes.

### Making inferences through contextual clues

*Task:* Read the following paragraph and try to guess the meaning of the word ‘zip’.

What a difference **zip** has made to our lives. It keeps people connected. With the tap of a key, **zip** can put you in contact with not only personal friends but also business opportunities around the world. A multitude of information (both useful and useless) is at your fingertips. In this age of globalization, it is hard to think of a world without **zip**.

☆One can also make inferences through past experience, previous knowledge or what we call “background knowledge” that is activated while we read.

### 4. Paraphrasing

When you paraphrase, you put information and ideas into your own words. Paraphrasing is a good way to check your understanding of the material; it helps you remember the information and facilitates later use during conversation.

*Task in pairs* Paraphrase the following words: a holiday, a Master, a head of state, police, a crime, immunity, globalization.

### 5. Predicting

What is this article about? What is the next paragraph going to be about? When you make a prediction, you use what you already know about a topic, event, or idea. Using what you already know helps you make a logical prediction; in this way, prediction is very similar to inference. From the title, can you tell what type of text it is? Do you know the author or the publisher of the text? All of these elements facilitate prediction and thus aid in comprehension.

*Task:* Choose an article from our readings in the *dispensa*. Based on the above criteria (the title or headline, the publisher, the author) plus any visual elements in the text such as photographs or charts, can you predict what this article is about?

### 6. Scanning

Scanning means to look “**quickly for specific information**”. Scanning saves time if you are collecting specific information & ideas. For example if you are taking a ‘timed’ test and are given the questions, you can then search for the specific answers within the text without reading it completely.

**Task** Scan the text – *The European Union at a glance* – and answer the following questions:

- 1) What date every year is celebrated annually as “Europe Day”? .....
- 2) What six countries were the first members of the European Union?  
.....  
.....
- 3) When did Denmark, Ireland and the United Kingdom join the EU? .....
- 4) How many new countries joined the EU in 2004? .....

### 7. Taking notes in a chart

Taking notes as you read helps organize and remember important information. Charts are particularly useful to make contrasts and comparisons (see the ‘false cognate’ chart).

### 8. Using context

Sometimes you can figure out the meaning of a difficult word by **looking at the context**, for example by examining the other words in the sentence or surrounding sentences. The context helps you to interpret the meaning.

**Task:** Read the following sentences and try to determine the correct meaning. The word in bold is the lexical unknown, the underlined word is the word that helps you determine its meaning (called the ‘clue’ in English).

1. Many local authorities in the UK have huge problems with **waste**. The amount of household rubbish is expected to rise to more than 40m tons a year by the year 2020.
2. Italian magistrates have used Mafia collaborators to convict hundreds of fellow **mobsters** and dozens of corrupt politicians.
3. If European citizens feel they are not involved in the way Europe is changing, they will become even more **disengaged** than they are today.

**9. Cognates** - are words that have the same meaning in your language and in English (their linguistic from is historically derived from the same source). Examples: university / università; collaboration / collaborazione; criminology / criminologia; poverty / povertà; difference / differenza; numerous / numeroso etc.

**Task:** Underline the cognates in the following sentences. Do they have the same meaning in Italian?

1. Lack of food is just one cause of famine. Inequality is just as important. In famines, it is the poor that die, not the rich. In practice, good development also combines raising food production and reducing population growth.
2. The real issue facing Europe is multiculturalism – using that word not as a policy position but as a fact.
3. What Africa needs is sustained development, homegrown where possible, assisted by the outside world when that makes sense. It also needs investment in human capital, in women’s health and education, in infrastructure, and in trading regimes that enable African nations to export their products.
4. The atrocities committed by the Nazi regime against its citizens led the international post-war community to decide that no longer could the observance of human rights be left solely to an individual state.
5. Mrs. Hussein has been charged in Khartoum, Sudan’s capital, with indecent dress, a crime that carries \$100 fine and 40 lashings. She was arrested in July, 2009 along with 12 other women, who were caught at a café wearing pants.

**Make a hypothesis about its meaning.** Remember utilizing cognates aids in comprehension even though sometimes the meaning isn’t exactly the same. In the second reading, you should use dictionaries (monolingual or specialized) to comprehend the full meaning.

Here is a list of some common false cognates. Can you think of any others? As you encounter other false cognates in your readings, add them to the list below after you have looked them up in a dictionary. Remember that both true and false cognates tend to have a *similar spelling*.

For example, in true cognates such as contract = contratto or university = università;

or with false cognates such as actually ≠ attualmente or gentle ≠ gentile; their spelling is very similar.

ENGLISH	Correct Italian	False cognate Italian	English translation
to control	dirigere	controllare	to check
gentle	dolce	gentile	nice
sympathy	condoglianze	simpatia	to be nice
to rest	riposare	restare	to stay
noise	rumore	noioso	boring
to pretend	fingere	pretendere	to claim
stranger	sconosciuto	straniero	foreigner
library	biblioteca	libreria	bookstore
magazine	revista	magazzino	store
factory	fabbrica	fattoria	farm
parent	genitore	parente	relative

sensible	ragionevole	sensibile	sensitive
actually	infatti	attualmente	now
notice	avviso	notizia	news
to advise	consigliare	avvisare	to warn
convenient	comodo	conveniente	cheap
argument	litigio	argomento	topic
nervous	agitato	nervoso	bad-tempered
to support	sostenere	sopportare	to put up with
to record	registrare	ricordare	to remember
assist	aiutare	assistere	to attend
discreet	prudenza	discreto	acceptable

### LEGAL COGNATES

**Task: What is the Italian cognate for these words in legal English? Write in the table provided.**

English legal terminology	Italian translation
constitution	
legislature	
legislative decrees	
state	
administration of justice	
civil proceedings	
civil jurisdiction	
public officer	
admissibility	
inadmissibility	
European Parliament	
European Commission	
Court of Justice	
European Economic and Social Committee	
Committee of the Regions	
European Central Bank	

► After guessing what a legal term might mean, always check in a legal bilingual dictionary to confirm your hypothesis. Recommended: *De Franchis – Dizionario Giuridico* (English-Italian, Italian-English). See definitions from *De Franchis* regarding vocabulary taken from Criminal Law in the next page.

### 10. Interpreting the meaning of prefixes and suffixes

Recognizing and interpreting the meaning of the root word + the meaning of the prefixes (at the beginning of the word) or suffixes (at the end of the word) can aid in understanding meanings.

Prefixes that mean 'the quality or condition of being without' or meaning 'no' or 'not':

asexual, anonymous, illegal, immoral, invalid, irreverent, unskilled

#### Suffixes

Adding the suffix: **-ity** to the end means 'the condition or quality of being \_\_\_\_\_'.

capable (root word) capable + **ity** means the condition of being capable.

flexible (root word) flexible + **ity** means the quality of being flexible.

Adding suffix **-ive** means doing or tending toward doing some action.

extend + **ive** means doing something large in range or amount

select + **ive** means tending to select.

**Task:** Choose one of the readings in the *dispensa*. Highlight or underline any prefixes or suffixes. Do you understand their meanings? (see 'Vocabulary strategies').

### 11. Summarizing

When you summarize, you restate ideas and information as briefly and concisely as possible and IN YOUR OWN WORDS. A summary gives you the most important ideas or information: eliminate the *optional* information and concentrate on the *essential*. Ask yourself the 5 journalistic 'W's': Who, what, when, where, why (and sometimes how) as a technique to synthesize as quickly as possible. If you cannot summarize it out loud in about one minute, then you are still uncertain about what it is about!



## 12. Intensive reading

This involves detailed reading of a text in order to understand it clearly and completely. For example, a lawyer would read a case judgment intensively if he wanted to understand the *ratio decidendi* (Latin "the reason for deciding") of the judge. If you are preparing a paper on a specific area of research, you will need to comprehend everything, not just the "gist" (skimming) or the "specific details" (scanning).

**Judge.** Giudice o, in genere, chiunque eserciti attività giurisdizionale; talvolta, i termini *judge*, *justice* e *court* sono impiegati come sinonimi e in maniera intercambiabile. Nel richiamare l'introduzione (I: III, 10, 12, 16, 18, 29) e le V. APPEAL, COURT e JURY, si osserva che l'organo giudiziario di cui il giudice fa parte comporta, di volta in volta, una assai vasta serie di titoli e qualifiche che, anche in virtù della diversa strutturazione dell'ordinamento costituzionale e giudiziario inglese, non trovano equivalenza in quello italiano e dei paesi di *civil law*.

**Jury.** Giuria in genere; antichissimo istituto di origine anglosassone avente in passato funzioni di accertamento dei fatti, non solo nell'ambito del processo, ma anche in una vasta serie di casi extragiudiziali, previsti sia dalla *common law*, sia dalla *statute law*. Privo di equivalenza nell'ordinamento italiano e negli altri di *civil law*, esso ha determinato l'attuale struttura del processo penale e civile inglese, che non si può intendere senza tener conto della sua partecipazione, attuale o presunta, al *trial* (v.). E infatti da questa partecipazione che derivano le caratteristiche fondamentali del *trial* inglese e nordamericano consistenti nell'oralità, concentrazione e immediatezza, il carattere accusatorio del processo di *common law* e il ruolo del giudice, le caratteristiche regole sulla prova e le note *exclusionary rules* (v.). La giuria ha altresì influenzato la diversa struttura della decisione giudiziale della *common law*.

**Prosecutor.** Questo termine viene spesso erroneamente tradotto con pubblico ministero. Ma, in effetti, alla concezione del processo penale e civile di *common law* ripugna profondamente l'ufficio del pubblico ministero, che non esiste. Il termine indica, invece, l'organo pubblico o privato che promuove l'azione penale e, in tal senso, si parla di *public* o *private prosecutor*, ovvero anche, nel processo civile, l'attore in giudizio, detto più spesso *plaintiff* (v.). Com'è stato osservato, «l'abbinatezza: inquisitore + promotore fiscale del processo del Sant'Uffizio, anticipa di un paio di secoli la trovata "liberale": giudice istruttore + pubblico ministero dei codici moderni» (Mereu 1979: 230; cfr. Cordeiro 1966, ed. 1979: 831); ma v. PROSECUTION. (SPEAKING WITH THE P.)

**Plaintiff.** Attore in giudizio, ai sensi della s. 225 del Judicature Act 1925; è detto *petitioner* (v.) l'istante nelle cause davanti alla *Chancery Division* e in quelle di divorzio, fallimentari o in qualsiasi altra disciplinata almeno in parte dalle regole dell'*equity* (v.). Ma si noti che — come ri- sso di una concezione che fa discendere il diritto sostanziale dall'ammissibilità dell'azione in giudizio — nell'azione di risarcimento per atto illecito si parla spesso di *plaintiff* per indicare il danneggiato che agisce in giudizio e di *defendant* (v.) per indicare il presunto responsabile. (ACTION; COUNSEL FOR P.; JUDGMENT FOR THE P.; PARTY; PETITION; PROSECUTION; RESPON- DENT)

**Defendant.** Convenuto in un giudizio civile, o imputato o accusato in un giudizio penale: quest'ultimo è detto anche *accused* o, erroneamente, *prisoner* (v.). qualora sia in stato di arresto (*custody*). In materia civile, è detto *defendant* la persona contro cui è proposta un'*action* (v.) (PLAINTIFF); ma si parla di *respondent* (v.) per indicare la persona contro la quale è presentata una *petition* (v.) o emesso un *summons* (v.), ovvero anche l'appellato. (ABSENT D.; APPEAL; COUNSEL FOR D.; FIRST D.)

**Case.** Termine di non agevole traduzione che indica, in genere, una causa, un caso giudiziario o la sentenza cui esso ha dato luogo. L'insieme delle regole e principi che derivano dai *cases* costituisce la *case law* (v.). I *cases* sono di solito riportati nei *law reports* (v.). La parola indica anche l'insieme delle difese di una delle parti nel processo (*pleadings*), o un'abbreviazione del termine *action on the case* (v.): essa va distinta da *cause* (v.); in *the instant case*, indica nel caso in questione, nel caso di specie; *to try a case*, decidere una causa mediante *trial* (v.); *to state a case* in genere, descrivere i fatti e le ragioni della decisione rimettendo il tutto alla opinione (*ruling*) della *Divisional Court* della *High Court*; infine, *to present a case* indica proporre la propria difesa ovvero, più in generale, il proprio punto di vista.

**Oath.** Giuramento in genere, detto anche, a seconda dei casi, *affirmation* (v.), *declaration* (v.), *swearing* (v.). È definito *assent* se ha per oggetto una situazione di fatto e *promissory* per indicare quello di fedeltà ovvero quello prestato da chiunque assuma una carica, un ufficio o una funzione pubblica. (OFFICE)

La materia è regolata da una complessa legislazione, che regola diverse forme di giuramento e va inquadrata nell'ambito dell'*evidence*.

1. Quanto al giuramento nel processo, nessuna prova è ammissibile in giudizio che non sia fondata su un *oath* o *affirmation*. Il giuramento in udienza è disciplinato dalla legge fondamentale, contenuta negli Oaths Acts 1888 e 1909, che consentono al teste di giurare con *oath*, ossia col giuramento religioso, ovvero con *affirmation*, giuramento non religioso avvertito, peraltro, identico valore giuridico. Il falso giuramento nel processo, detto *perjury*, è punito dal Perjury Act 1911; nel caso di falso giuramento extragiudiziale, si parla di *false swearing*, anch'esso punito dallo stesso Act.

Si noti che la *common law*, come del resto taluni ordinamenti di *civil law*, non ammette il giuramento decisorio, ossia il giuramento prova legale, né il giuramento suppletorio.

**Verdict.** Dal lat. *ver dictum*, verdetto della giuria; non va confuso con il *judgment* (v.), ossia con la decisione del giudice; nei procedimenti che hanno luogo con la partecipazione della giuria, la sentenza è emessa dopo che il capo dei giurati ha annunciato il *verdict*, che può essere: a) *general*, quando è espresso in termini generali, come *guilty* o *not guilty*, cioè colpevole o innocente; b) *special*, quando consiste nell'accertamento di fatti specifici; a differenza di quanto stabilito negli S.U., il verdetto non dev'essere necessariamente unanime (cfr. Farnsworth 1963, ed. 1975: 112). Il verdetto non è motivato, il che pone particolari problemi in materia di appello; ai sensi della s. 3 del Criminal Appeal Act 1968, la *Court of Appeal* può sostituire una condanna (*conviction*) diversa e un verdetto (*verdict*) diverso da quelli di primo grado (es. *manslaughter* al posto di *murder*).

**Defence.** Difesa in genere; si parla di *claims and defences* per indicare le azioni ed eccezioni o difese; ma, oltre che in senso procedurale, il termine è impiegato anche per indicare una causa esonerativa della responsabilità. (EXCEPTION; EXCUSE; EXONERATION; TORT; X)

1. Nel processo civile davanti alla *High Court* la difesa è detta *statement of defence* (v.); essa rientra nella categoria dei *pleadings* (v.), cioè degli atti scritti che le parti si scambiano nella fase del *pre-trial* (v.) (ACTION; CIVIL PROCEDURE; CLAIM). Varie definizioni descrivono i tipi di difesa che possono essere avanzate dal convenuto: in tal senso, si parla, a seconda dei casi, di: a) *traverse* (v.), se essa consiste nel diniego dei fatti allegati dall'attore; b) *confession and avoidance* (v.), consistente nell'ammissione dei fatti, ma nell'invocare una difesa; c) *objection in point of law*, consistente in una difesa fondata su una questione di diritto, detta in passato *demurrer* (v.) (cfr. Williams 1943, ed. 1978: 16, 17 n. 32). La difesa consistente nella domanda riconvenzionale è detta *counterclaim* (v.), mentre l'eccezione di compensazione è detta *set-off* (v.). Va rilevato che mentre la difesa non è soggetta a prescrizione, lo sono, invece, sia il *counterclaim* che il *set-off*, ai sensi della s. 28 del Limitation Act 1939. È detta *judgment in default of defence* o *of pleading* la sentenza di condanna del convenuto alla quale si fa luogo in talune ipotesi quando quest'ultimo lascia trascorrere i termini per presentare lo *statement of defence* (DEFAULT). La materia è regolata dall'Ord. 18 delle R.S.C.; si noti, peraltro, che in alcuni casi previsti dalle R.S.C., Ord. 14, «nel caso di procedimenti sommari (*summary judgments*), si può proporre opposizione solo previa autorizzazione del giudice (*leave to defend*). Nelle cause commerciali, la difesa è detta *points of defence* (COMMERCIAL CAUSES); in quelle matrimoniali è detta *answer* (v.). (MATRIMONIAL CAUSES)

# No immunity for unacceptable conduct

A FOREIGN former head of state, whilst having immunity from the criminal processes of the United Kingdom in respect of acts performed in the exercise of functions recognised by international law as functions of a head of state, was not immune in respect of conduct which was plainly unacceptable in international law.

The House of Lords (Lord Slynn and Lord Lloyd dissenting) reversed the decision of the Divisional Court (Law Report, 30 October 1998), which had quashed provisional warrants issued under section 8(1)(b) of the Extradition Act 1989 at the request of the Spanish Government for the arrest of the applicant.

The charges against the applicant were torture, contrary to section 134(1) of the Criminal Justice Act 1988, and hostage-taking, contrary to section 1 of the Taking of Hostages Act 1982. It was conceded that both offences were extradition crimes within the meaning of the Extradition Act.

The Divisional Court quashed the warrant on the ground that the applicant was head of the Chilean state at the time of the alleged offences and that he was, therefore, entitled to immunity from the criminal processes of the English courts. The court certified, as a question of law of general public importance, "the proper interpretation and scope of the immunity enjoyed by a former head of state from arrest and extradition proceedings in the United Kingdom in respect of acts committed while he was head of state".

*Alun Jones QC, Professor Christopher Greenwood, James*

## TUESDAY LAW REPORT

1 DECEMBER 1998

*Regina v Bartle and others, ex parte Pinochet; Regina v Evans and others, ex parte Pinochet*

*House of Lords  
(Lord Slynn of Hadley;  
Lord Lloyd of Berwick;  
Lord Nicholls of  
Birkenhead, Lord Steyn  
and Lord Hoffmann)  
25 November 1998*

*Lewis and Campaspe Lloyd-Jacob (Crown Prosecution Service, International Division) for the Government of Spain and the Metropolitan Police; Clive Nicholls QC, Clare Montgomery QC, Helen Malcolm, James Cameron and Julian Knowles (Kingsley Napley) for the applicant; David Lloyd Jones (Treasury Solicitor) as amicus curiae; Professor Ian Brownlie QC, Michael Fordham, Owen Davies and Frances Webber (Bindmans) for Amnesty as intervenor.*

Lord Nicholls said that section 20 of the State Immunity Act 1978 conferred personal immunity upon a head of state by reference "with necessary modifications" to the privileges and immunities enjoyed by the head of a diplomatic mission under the Vienna Convention on Diplomatic Relations 1961, which was enacted as a schedule to the Diplomatic Privileges Act 1964.

Those immunities included, under article 31, "immunity from the criminal jurisdiction of the receiving state". Accordingly there could be no doubt that if the applicant had still been head of the Chilean state, he would have been entitled to immunity.

Whether he continued to enjoy immunity after ceasing to be head of state turned upon the proper interpretation of article 39.2 of the convention, which provided, in effect, that a former head of state should continue to enjoy immunity with respect to acts performed by him in the exercise of his functions as head of state.

The crucial question was whether the acts of torture and hostage-taking charged against the applicant were done in the exercise of his functions as head of state.

It hardly needed saying that torture of his own subjects, or aliens, would not be regarded by international law as a function of a head of state. Similarly, the taking of hostages, as much as torture, had been outlawed by the international community as an offence.

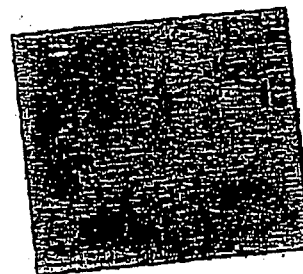
Whilst recognising that the functions of a head of state might include activities which were wrongful, even illegal, by the law of his own or other states, international law had made plain that certain types of conduct, including torture and hostage-taking, were not acceptable conduct on the part of anyone. That applied as much to heads of state, or even more so, as it did to everyone else: the contrary conclusion would make a mockery of international law.

KATE O'HANLON  
Barrister



## The European Union at a glance

The European Union (EU) is a family of democratic European countries, committed to working together for peace and prosperity. It is not a State intended to replace existing states, but it is more than any other international organisation. The EU is, in fact, unique. Its Member States have set up common institutions to which they delegate some of their sovereignty so that decisions on specific matters of joint interest can be made democratically at European level. This pooling of sovereignty is also called "European integration".



The historical roots of the European Union lie in the Second World War. The idea of European integration was conceived to prevent such killing and destruction from ever happening again. It was first proposed by the French Foreign Minister Robert Schuman in a speech on 9 May 1950. This date, the "birthday" of what is now the EU, is celebrated annually as Europe Day.

There are five EU institutions, each playing a specific role:

- European Parliament (elected by the peoples of the Member States);
- Council of the European Union (representing the governments of the Member States);
- European Commission (driving force and executive body);
- Court of Justice (ensuring compliance with the law);
- Court of Auditors (controlling sound and lawful management of the EU budget).

These are flanked by five other important bodies:

- European Economic and Social Committee (expresses the opinions of organised civil society on economic and social issues);
- Committee of the Regions (expresses the opinions of regional and local authorities);
- European Central Bank (responsible for monetary policy and managing the euro);
- European Ombudsman (deals with citizens' complaints about maladministration by any EU institution or body);
- European Investment Bank (helps achieve EU objectives by financing investment projects);

A number of agencies and other bodies complete the system.

The rule of law is fundamental to the European Union. All EU decisions and procedures are based on the Treaties, which are agreed by all the EU countries.

Initially, the EU consisted of just six countries: Belgium, Germany, France, Italy, Luxembourg and the Netherlands. Denmark, Ireland and the United Kingdom joined in 1973, Greece in 1981, Spain and Portugal in 1986, Austria, Finland and Sweden in 1995. In 2004 the biggest ever enlargement took place with 10 new countries joining.

In the early years, much of the co-operation between EU countries was about trade and the economy, but now the EU also deals with many other subjects of direct importance for our everyday life, such as citizens' rights; ensuring freedom, security and justice; job creation; regional development; environmental protection; making globalisation work for everyone.

The European Union has delivered half a century of stability, peace and prosperity. It has helped to raise living standards, built a single Europe-wide market, launched the single European currency, the euro, and strengthened Europe's voice in the world.

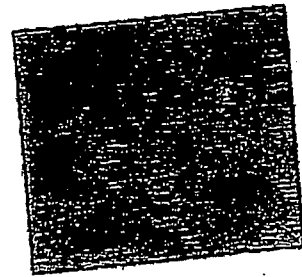
**Unity in diversity:** Europe is a continent with many different traditions and languages, but also with shared values. The EU defends these values. It fosters co-operation among the peoples of Europe, promoting unity while preserving diversity and ensuring that decisions are taken as close as possible to the citizens.

In the increasingly interdependent world of the 21st century, it will be even more necessary for every European citizen to co-operate with people from other countries in a spirit of curiosity, tolerance and solidarity.



## L'Unione Europea in Italia

L'Unione europea (UE) è una famiglia di paesi europei democratici che si sono impegnati a lavorare insieme per la pace e la prosperità. Non è uno Stato che si propone di sostituire gli Stati esistenti, ma è qualcosa di più rispetto alle altre organizzazioni internazionali. L'UE è infatti qualcosa di unico. I suoi Stati membri hanno creato una serie di istituzioni comuni a cui delegano una parte della loro sovranità in modo che le decisioni su questioni specifiche di interesse comune possano essere prese democraticamente a livello europeo. Tale unione delle sovranità viene chiamata anche "integrazione europea".



Storicamente, le radici dell'Unione europea risalgono alla seconda guerra mondiale. L'idea dell'integrazione europea è nata per far sì che non si verificassero mai più massacri e distruzioni. Il primo a proporlo nel discorso del 9 maggio 1950 è stato il ministro degli Affari esteri francese Robert Schuman. Tale data, che può essere considerata il "compleanno" dell'attuale UE, viene festeggiata ogni anno come la Festa dell'Europa.

Le istituzioni dell'UE sono cinque e ognuna di esse svolge un ruolo specifico:

- Il Parlamento europeo (eletto dai cittadini degli Stati membri);
- Il Consiglio dell'Unione europea (che rappresenta i governi degli Stati membri);
- La Commissione europea (motore ed organo esecutivo);
- La Corte di giustizia (che garantisce la conformità con il diritto);
- La Corte dei conti (che verifica che la gestione del bilancio dell'Unione europea sia sana e corretta).

A tali istituzioni si affiancano altri cinque organi importanti:


- Il Comitato economico e sociale europeo (che è il portavoce delle opinioni della società civile organizzata su questioni economiche e sociali);
- Il Comitato delle regioni (che è il portavoce delle opinioni degli enti regionali e locali);
- La Banca centrale europea (che è responsabile della politica monetaria e della gestione dell'euro);
- Il Mediatore europeo (che tratta le denunce presentate dai cittadini contro i casi di cattiva amministrazione nell'azione di un'istituzione o di un organo dell'Unione europea);
- La Banca europea per gli investimenti (che contribuisce al conseguimento degli obiettivi dell'Unione europea tramite il finanziamento di progetti di investimenti).

Completa il sistema una serie di agenzie e altri organi.

Lo Stato di diritto è un concetto fondamentale per l'Unione europea. Tutte le decisioni e le procedure dell'UE si basano sui trattati che sono approvati da tutti i paesi dell'UE.

Inizialmente, l'UE consisteva in soltanto sei paesi: il Belgio, la Germania, la Francia, l'Italia, il Lussemburgo e i Paesi Bassi. La Danimarca, l'Irlanda e il Regno Unito hanno aderito nel 1973, la Grecia nel 1981, la Spagna e il Portogallo nel 1986, l'Austria, la Finlandia e la Svezia nel 1995. Nel 2004 è avvenuto il più grande allargamento mai realizzato con l'adesione di dieci nuovi paesi.

Nei primi anni, la maggior parte della cooperazione tra i paesi dell'UE ha riguardato il commercio e l'economia, ma ora l'UE si occupa di molte altre questioni di primaria importanza per la nostra vita quotidiana come i diritti dei cittadini, la libertà, la sicurezza e la giustizia; la creazione di posti di lavoro; lo sviluppo regionale; la tutela dell'ambiente; una globalizzazione al servizio di tutti.

L'Unione europea ha assicurato mezzo secolo di stabilità, pace e prosperità. Ha contribuito a migliorare il tenore di vita; a costruire un mercato unico europeo, ha introdotto una moneta unica europea, l'euro e ha consolidato la voce dell'Europa nel mondo .

**Unità nella diversità:** L'Europa è un continente con molte diverse tradizioni e lingue, ma condivide anche un patrimonio di valori comuni da salvaguardare. Essa dà impulso alla cooperazione tra i popoli d'Europa, promuovendo l'unità nel rispetto della diversità e garantendo che le decisioni vengano prese il più possibile a contatto con i cittadini.

Nel mondo del XXI secolo, caratterizzato da una sempre maggiore interdipendenza, diventerà sempre più necessario che ciascun cittadino europeo cooperi con i popoli di altri paesi in uno spirito di curiosità, tolleranza e solidarietà.

**READING TASK:** Use the reading strategies **SKIM**, **SCAN**, **PARAPHRASE**, **COGNATES**, and **CONTEXT** in this exercise.

**What does the word 'constitution' mean?**

**PAIR TASK:** write a definition in the space below.

.....

.....

.....

.....

**SKIM** the following questions and answers regarding the U.S. Constitution (for the main ideas that are discussed), then **SCAN** for the answers to these questions:

- a) What are three branches of government are provided for in the Constitution?
- b) What does a 'bicameral' Congress mean?
- c) When was the Bill of Rights ratified?
- d) How many senators can be elected from each State? How long is their term of office?
- e) How many States are represented in the House of Representatives?
- f) Is the Supreme Court the 'supreme law of the land'?

**PAIR TASK: USE CONTEXT and COGNATES** to comprehend the meaning of these words. **PARAPHRASE** in your own words in English the following words or expressions : supreme (Q1), to delegate (Q3), to bear arms (Q4), an impartial jury (Q4), State population (Q5), dual (Q7).

**TEXT: Questions and Answers (Q/A) regarding the U.S. Constitution.**

### 1) What is the Constitution in The United States of America?

The Constitution is the basic and *supreme* law of the United States. It prescribes the structure of the U.S. Government, provides the legal foundation on which all its actions must rest, and enumerates and guarantees the rights due all its citizens. The framers provided a Government of three independent branches.

- The first is the legislature, which comprises a two-house or *bicameral Congress* consisting of a Senate, whose Members are apportioned equally among the States and a House of Representatives, whose Members are apportioned among the States according to population.
- The second, the executive branch, includes the President and Vice President and all subordinate officials of the executive departments and executive agencies.
- The third branch, the judiciary, consists of the Supreme Court and various subordinate Federal courts created by public law.

### 2) What were the basic principles on which the Constitution was framed?

The framers of the Constitution debated and agreed to the following six basic principles:

1. That all States would be equal. The National Government cannot give special privileges to one State.
2. That there should be three branches of Government--one to make the laws, another to execute them, and a third to interpret them.
3. That the Government is a government of laws, not of men. No one is above the law. No officer of the Government can use authority unless and except as the Constitution or public law permits.
4. That all men are equal before the law and that anyone, rich or poor, can demand the protection of the law.
5. That the people can change the authority of the Government by changing (amending) the Constitution. (One such change provided for the election of Senators by direct popular vote instead of by State legislatures).
6. That the Constitution, and the laws of the United States and treaties made pursuant to it, are "the supreme Law of the Land."

### 3) What is the Bill of Rights?

The Bill of Rights is a series of constitutionally protected rights of citizens. The first 10 amendments to the Constitution, ratified by the required number of States on December 15, 1791, are commonly referred to as the Bill of Rights. The first eight amendments set out or enumerate the *substantive and procedure*\* of individual rights associated with that description. The 9th and 10th amendments are general rules of interpretation of the relationships among the people, the State governments, and the Federal Government. The ninth amendment provides that the "enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." The 10th amendment reads: "The powers not *delegated* to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

\*"Traditionally, *substantive* law denotes the law that lays down people's rights, duties, liberties and powers. *Procedural* law, by contrast, consists of the rules by which one establishes one's rights, duties, liberties and powers. In other words, how to start an arbitration or a lawsuit. Ex. In criminal law and procedure, the *substantive* law declares which acts are crimes and imposes penalties, while *procedural* sets up the steps by which a violator is brought to punishment. In civil law and procedure, *substantive* law defines the rights and duties of persons, while *procedural* law defines the steps in having a right or duty judicially defined or enforced."

From 'Modern Legal Usage', B.A. Garner, page 697.

**4) What are the rights enumerated in the Bill of Rights?**

Right to freedom of religion, speech, and press (Amendment I);

Right to assemble peaceably, and to petition the Government for a redress of grievances (Amendment I);

Right to keep and **bear arms** in common defense (Amendment II);

Right not to have soldiers quartered in one's home in peacetime without the consent of the owner, nor in time of war except as prescribed by law (Amendment III);

Right to be secure against "unreasonable searches and seizures" (Amendment IV);

Right in general not to be held to answer criminal charges except upon indictment by a grand jury (Amendment V);

Right not to be put twice in jeopardy for the same offense (Amendment V);

Right not to be compelled to be a witness against oneself in a criminal case (Amendment V);

Right not to be deprived of life, liberty, or property without due process of law (Amendment V);

Right to just compensation for private property taken for public use (Amendment V);

Right in criminal prosecution to a speedy and public trial by an **impartial** jury, to be informed of the charges, to be confronted with witnesses, to have a compulsory process for calling witnesses in defense of the accused, and to have legal counsel (Amendment VI);

Right to a jury trial in suits at common law involving over \$20 (Amendment VII);

Right not to have excessive bail required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. (Amendment VIII).

*\* See original constitutional amendments on another page in the 'dispensa'.*

**5) What is Congress?**

The Congress of the United States is the legislative (lawmaking) and oversight (Government policy review) body of our National Government, and consists of two Houses--the Senate and the House of Representatives.

**What is the term of a Congress and how often must it meet?**

A Congress begins at noon, January 3 of each odd-numbered year following a general election, unless by law a different day is designated. A Congress lasts for two years, with each year normally constituting a separate session.

**How many Members does each State have in the Senate and House of Representatives?**

Each State, under the Constitution, is entitled to two Senators, each serving a six-year term, and at least one Representative, serving a two-year term.

The Senate is composed of 100 Members--two from each state, regardless of population or area--elected by the people in accordance with the 17th Amendment to the Constitution.

The membership of the House of Representatives is fixed in law at 435 Members representing the 50 States. House seats are apportioned on the basis of **State population**.

In addition to the 435 Representatives, there is one Delegate for each of the following: the District of Columbia, the Virgin Islands, Guam, and American Samoa (each elected for a two-year term); as well as a Resident Commissioner from Puerto Rico (elected for a four-year term).

**6) What is the "supreme law of the land"?**

The Constitution, laws of the United States made pursuant to the Constitution, and treaties made under authority of the United States comprise the "supreme law of the land." Judges throughout the country are bound by them, regardless of anything in separate State constitutions or laws.

*pursuant to = in compliance with, in accordance with.*

Adapted from: *How Our Laws are Made* - THOMAS (Library of Congress) <http://thomas.loc.gov/home/lawsmade.bysec/congress.html>

**7) How is the judicial branch organized ?**

There is the federal court system, an integrated system divided into numerous geographic units and various levels of hierarchy; in addition, each state has its own court system with a system of local courts that operate within the state. Under this **dual** federal/state court structure, the U.S. Supreme Court is the final arbiter of federal law, while the highest court of each state (usually called supreme courts) has the ultimate authority to interpret matters of the law of its state. When federal constitutional or statutory matters are involved, the federal courts have the power to decide whether the state law violates federal law.

*'How the U.S. Court System functions', Toni M. Fine*

## Pronunciation: Rhythm, Intonation and Stress

Warm up : Count to five.

two

One

three

four

five

(US/UK)

Can you repeat this phrase ? How are you ?

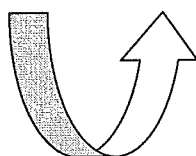
How

you?

are

Are

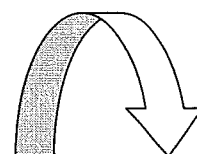
(Italian)



How

you?

(USA /UK)



All languages have different patterns of intonation. Intonation is the rhythm and pitch pattern. Pitch does not mean change in loudness or volume, **but rather a change in tone**. For example, Italian goes around a spiral. Chinese is a zig zag, the American pattern can be described as a descending staircase\*. There is a **jump up** and then a **step down**.

ver

I'm

y

hap

py

to

meet

you.

\*This 'descending staircase' is very subtle. Experiment: listen to an English dialogue with your eyes closed. You should be able to discern this intonation pattern.

### What is intonation ?

Intonation is the **backbeat** of a spoken language. It is a type of '*melody*'. Sounds are said on a different pitch, often rising and falling. For example, the backbeat of Italian can be described in a spiral.

### Some general rules in English intonation :

1. Do not speak word by word (you will sound mechanical and foreign).

Ex. My name is Ann.

2. Connect word to form sound groups.

Ex. Non-native speaker - My name is Ann.

Native speaker - My nay mi zaen.

No, it isn't.

No, i tiznt.

3. Use **staircase intonation**. (Let the sound groups flow down a staircase, every so often they jump up to another level, and then start down again. **Start a new staircase when you want to emphasize new information. Descend on each syllable**).

Hello My name is Ann

**1. Raise the volume or get louder.** (not that sophisticated but it will get attention)

**2. Streeeeeeeeetch the word out or lengthen it.** (sounds a bit insinuating !)

### 3. Change the pitch. ( this is the most refined method)

\***pausing** is not necessary all the time, however, it will make your audience stop and listen because they think it might be interesting.

Intonation can affect how the message is conveyed, or rather *how your audience understands the meaning of your message*.

- **emotional -** Where is my car ? ↗ Where is my car ? ↗  
(voice rises as emotion rises)
- **yes/no questions:** Do you like English ? ↗ Would you like some coffee ? ↗
- **questions that require MORE than a yes/no response:** Where is the teacher ? ↗  
When did she leave ? ↗

**3. Opinion** It *sounds* like rain. (but it is not)

4. Contrast      He *likes* rain, but he *hates* snow. (two contrasts)

**5. Negatives** The rain *didn't* affect his plans, though. (contractions are usually stressed)

Repeating this phrase - **I didn't say he stole the money** - with different inflections, changes its meaning even though the words remain the same.

1. I didn't say he stole the money.
2. I didn't say he stole the money.
3. I **didn't** say he stole the money.
4. I didn't **say** he stole the money.
5. I didn't say **he** stole the money.
6. I didn't say he **stole** the money.
7. I didn't say he stole **the** money.
8. I didn't say he stole the **money**.



**Task:** Remember that just by changing the stress, the meaning changes. Here are 8 sentences, each with a different meaning. Change the **stress** on the different words. You may need to repeat the sentence *out loud*. Write in the empty space the word that is stressed for the meaning indicated. The first one has been done for you. Compare answers with another person when you have finished.

**I didn't say he stole the money.**

1. Indicate that he borrowed the money and didn't steal it. ( **stole** )
2. Indicate that you are denying having said that he stole it. (                      )
3. Indicate that you think that he stole something besides the money. (                      )
4. Indicate that you were not the person to say it. (                      )
5. Indicate that you don't think that he was the person who stole it. (                      )
6. Indicate that you are neutral on the subject. (                      )
7. Indicate that you didn't say it outright, but did suggest it in some way. (                      )
8. Indicate that he may have stolen a different amount of money. (                      )

### STRESS (INFLECTION)

**Stress** refers to the degree of vocal force used in pronouncing a syllable, a word, a phrase, or words in a sentence. Putting the stress in the wrong place can change its meaning (as we have seen in the above exercise).

- **Sentence.** The different *inflections* that are used in a sentence that can change the meaning have been discussed above. (I didn't say he stole the money.)
- **Stress on syllables :**
  - ✓ The difference between **IN**valid (a noun - the stress is on the 1<sup>st</sup> syllable) and in**VA**lid (a verb - the stress is on the 2<sup>nd</sup> syllable) or the word **PRE**sent (noun) and pre**SENT** (verb). (The stressed syllable has been written in UPPER CASE.) Other examples include: record, project, conduct, contract, advocate, etc.

**Attention:** Dictionaries mark the stress mark in different ways:

The stress mark can be placed above the first letter of the stressed syllable. English

The stress mark can be placed before the syllable that is stressed (as in the examples below). 'English

The stress mark can be underlined. English

- ✓ **two-syllable words** - stress is usually on first syllable (the majority)

'Tuesday, 'ever, 'awful, 'brother

compound words - 'bedroom, 'airfield, 'bookstore.

numbers that are multiples of ten - 'twenty, 'thirty, 'seventy

- ✓ **two-syllable words** - stress is on the second syllable

reflexive pronouns - my'self, your'self, our'selves

compound verbs - out'done, over'look, over'come

- **Stress in two-word set phrases: Am I an ENGLISH teacher or an English TEACHER?**

✓ set phrases can be called "cultural icons" or word images because they have become internalized and an agreement on what they represent has been determined. For example, when Levi Strauss invented denim pants a hundred years ago, they were described as **blue JEANS**. Now that we all agree on the image, they are called **BLUE** jeans or **BLUE JEANS** (equal stress). Other examples: **White** House, **greenhouse**.

✓ If it describes something - adjective + noun, the stress is on the **SECOND** word. Ex. A red **house**, a dark **room**, foreign **affairs**, etc.

✓ Second- word stress : (last names) James **Brown**, (cities) New **York**, 10 %, (streets) Fifth **Avenue**, his **own**, her **best**, myself, 50 **dollars**

- **Stress when spelling:**

✓ **acronyms** (phrases that are represented by the first letter of each word) and *initials* are usually stressed on the **LAST** letter. IBM, Ph.**D**, LA, USA, FBI, TV, IQ, ASAP, CIA, SOS, XYZ

✓ **spelling** - stress is placed on the last letter. box, cook, Smith,

✓ **numbers** - area code: 213; zip code: 35030; date: 9/6/97; phone number: 555-9132,

References: Cook, A. *American Accent Training*. (1991). NY: Matrix Press; Kenworthy, J. *Teaching English Pronunciation*. (1987). NY: Longman; Jones, D. *English Pronouncing Dictionary*, OUP.

<http://claweb.unipd.it/home/psours/pronunciation/wordstress.htm>

1 <sup>st</sup> syllable		2 <sup>nd</sup> syllable		3rd/ 4th syllable
jurisprudence	tribunal		responsibility	liability
judicial	deterrent		alleged	abduction
enquiry	mitigate		modification	jurisdiction
advocate	waiver		proceedings	signatories
violation	extradite		parliamentary	constitutes
immunity	torture		mandate	provision
appellant	subject		institution	incompatible

**Pronunciation: word stress in context**

**Task:** Read the following legal texts and put the word stress marks in the correct place for the words that are underlined. Place the stress mark before the syllable that is stressed.

*House of Lord's Report – Pinochet Judgment 1998*

All states disavow the use of torture as abhorrent, although from time to time some still resort to it. Similarly, the taking of hostages, as much as torture, has been outlawed by the international community as an offence. International law recognizes, of course, that the functions of a head of state may include activities which are wrongful, even illegal, by the law of his own state or by the laws of other states. But international law has made plain that certain types of conduct, including torture and hostage-taking, are not acceptable conduct on the part of anyone. This applies as much to heads of state, or even more so, as it does to everyone else; the contrary conclusion would make a mockery of international law.

**The Charter of the United Nations**

The Charter of the United Nations was established as a consequence of the United Nations Conference on International Organization held at San Francisco And was brought into force on 26 June 1945. The Charter establishes an "international organization to be known as the United Nations" and in article 7 the principal organs of the United Nations are established: "a General Assembly, a Security Council, an Economic and Social Council, a Trusteeship Council, and International Court of Justice, and a Secretariat. Article 110 provides that "the present Charter shall be ratified by the signatory States in accordance with their respective constitutional processes."

**Article 33** (Chapter VI – deals with the pacifistic settlement of disputes)

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.
3. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

## VOCABULARY STRATEGIES

### WORD FORMATION

#### 1) Recognizing the meaning of root words

A *root word* has a meaning when standing alone. A *morpheme* is a single unit of meaning.

Ex. eating (eat-ing is made up of two morphemes)

eat is freestanding, it has meaning when alone.

ing is limited, or 'bound', because there is no meaning of -ing alone.

Ex. deformed (de-form-ed is made up of 3 morphemes)

Form is freestanding, it has meaning when alone, -de or -ed, do not.

Words that are attached at the beginning or called prefixes

Words that are attached at the end are called suffixes.

These words are often called 'derived words'.

re – make (prefix)      laugh –ter (suffix)

Sometimes there are two or more root words attached but they have a single identity or meaning. These are called compound words. Sometimes they are written as separate words (*global warming*) while others are hyphenated (*mother-in-law*) or a single word (*flashlight*). Usage varies over time. For example, a word usually enters the language as two words (*hard drive*). As it becomes more familiar, a hyphen is placed between the two words (*micro-computer*), while when it becomes quite common, the hyphen is dropped (*microchip*). Check the newest version in a recent dictionary for its present acceptable form. Although the individual meanings of the separate words may help you understand the meaning of the compound word, it is not always the case. Can you guess the meanings of the following compound words?

make-believe      milestone      micro-credit      watchdog      half-wit      off-balance

#### ► Recognizing the root word and the meaning of the prefixes or suffixes can aid in understanding meanings.

*Task:* Circle the root words below. What do the prefixes or suffixes mean? Underline the compound words. What do they mean?

irregularity	singer	workforce	streetwalker
complexity	mismatch	waterfall	imposing
impossible	unselfish	vigorously	returnees

**ATTENTION:** A hyphen [-] is used when one or more words function together to modify a noun (similar to an adjective). Example: *parent-child issues*, *ever-increasing amounts*, *back-to-back loan*..

Remember, we say a two-year-old child (not a two-years-old child), or an ten-week English course, not a ten weeks English course.

#### 2) Prefixes and Suffixes

Half the words in English are derived from Greek and Latin roots. Becoming familiar with the roots of commonly used prefixes and suffixes (beginnings and endings attached to words) is a useful strategy to exploit while determining the meaning of words before opening a dictionary.

**Prefixes** are placed at the beginning of a word. Here are some common examples.

NEGATION	Examples	DIRECTION OR POSITION	Examples
without, no, not	asexual, <u>an</u> onymous, <u>il</u> legal, <u>im</u> moral, <u>in</u> valid, <u>ir</u> reverent, <u>un</u> skilled	above, over	<u>super</u> vise, <u>super</u> erogatory
not, absence of, opposing, against	<u>non</u> breakable, <u>an</u> tacid, <u>an</u> tipathy, <u>con</u> tradict	across, over	<u>trans</u> port, <u>trans</u> late
opposite to, complement to	<u>count</u> erclockwise, <u>count</u> erweight	below, under	<u>in</u> frasonic, <u>in</u> frastructure,

			subterranean, hypodermic
do the opposite of, remove, reduce	<u>de</u> horn, <u>de</u> vitalize, <u>de</u> value	in front of	<u>pro</u> ceed, <u>pre</u> fix
do the opposite of, deprive of	<u>dis</u> establish, <u>dis</u> arm	behind	<u>re</u> cede
wrongly, bad	<u>mis</u> judge, <u>mis</u> deed	out of	<u>er</u> upt, <u>ex</u> plicit,
		into	<u>in</u> jection, <u>im</u> merse, <u>en</u> courage, <u>em</u> power
		around	<u>circum</u> navigate, <u>peri</u> meter

### SUFFIXES

Suffixes can modify the meaning of a word and can frequently determine its function within a sentence (whether it is a noun, verb, adjective or an adverb). Suffixes are placed at the end of a word. Once again, here are some common examples.

<b>Common <u>noun</u> suffixes include:</b>	<b>-ence, -ance, -or, -er, -ist, -ee, -ment, -ism, -ship, -ency, -sion, -tion, -ness, -hood, -dom,</b>
<b>meaning</b>	<i>a condition, quality, an act or state of.</i>
<b>examples — noun (concept)</b>	enact + ment - enactment = state of being enacted assist + ance - assistance = act of giving help terror + ism - terrorism = condition of being in terror serious + ness - seriousness = state of being serious
<b>noun (person)</b>	employ + er - employer = someone who employs other people (offers them work or employment) employ + ee - employee = someone who is employed (who has work) economy + ist - economist = a person who writes about the economy advise + or - advisor = someone who gives advice

<b>Common <u>verb</u> suffixes:</b>	<b>-en, -ify, -ize, -ate</b>
<b>meaning</b>	<i>to have or be characterized by; to cause to become or to make.</i>
<b>examples</b>	strength + en - strengthen = to make stronger differenti + ate - differentiate = to make or show a difference simple + ify - simplify = to make simple or simpler

<b>Common <u>adjective</u> suffixes:</b>	<b>-able, -ible, -al, -tial, -tic, -ly, -ful, -ous, -tive, -less, -ish, -ulent, -ed</b>
<b>meaning</b>	<i>tending towards doing some action, relating to, being, characteristic of, like, having, or without (less).</i>
<b>examples</b>	select + ive - selective = tending to select respons + ible - responsible = being responsible politic + al - political = relating to politics power + less - powerless = without power

<b>Common <u>adverb</u> suffixes: *</b>	<b>-ly, -wise, -ward, -where</b>
<b>meaning</b>	<i>tending to be, tending towards a direction.</i>
<b>examples</b>	extreme + ly - extremely = tending to be extreme after + ward(s) - afterwards = at the end
<b>*Attention!</b>	Not all words that end in -ly are adverbs, some are adjectives.)

**3) Word stems** - the following table contains *different forms* of the same word. Words can have many forms depending on where they are placed in a sentence. The chart below gives you an idea of how the various endings of words change depending on which part of speech they are (verb, noun, adjective, adverb). The 'X' indicates that that form does not exist in that particular part of speech.

**Word formation chart\***

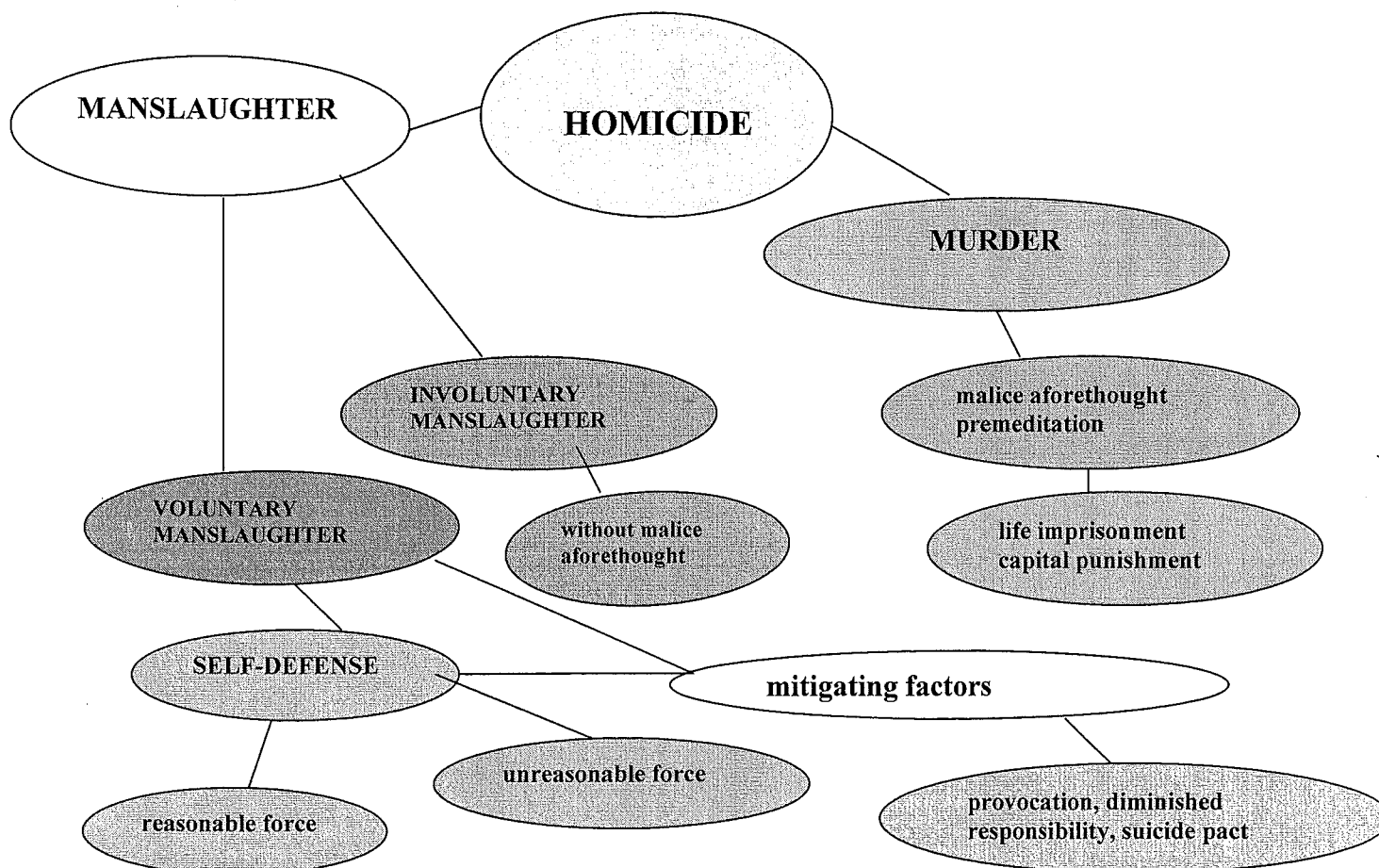
verb	noun (concept)	noun (person)	adjective	adverb
'ratify	ratifi'cation	x	x	x
de'clare	decla'ration	x	x	x
en'force	en'forcement	x	en'forceable	x
a'buse	a'buse	a'buser	a'busive	a'busively (rare)
'prosecute	prose'cution	'prosecutor	x	x
po'liticize (USA) po'liticise (UK)	'politics 'politicking politici'zation	poli'tician po'litico*	'politic po'litical po'liticized*	po'litically
'authorize USA 'authorise UK	authori'zation authori'tarianism	'authority	authori'tarian authori'tative	authori'tatively
'constitute	consti'tution constitution constitution'ality	x	consti'tutional	consti'tutionally

*politico* = you call someone this when you disapprove of what they do/ *politicking* = if you describe someone's political activity in this way, you think they are engaged in it to gain votes. / *politicize* = if you 'politicize' someone or something, you make it more political, more involved with politics.

→ \*The mark (') before each syllable (for example, en'force) indicates where the word is stressed (*l'accento*).

**4) Word Groups - grouping words into categories based on shared association**

Group 1 (treaty)	Group 2 (a contract)	Group 3 (recitals)	Group 4 (acronyms)
treaty	promote and sell	reaffirming	EC
convention	terms and conditions	recognizing	EEC
ratification	conclude and enter	considering	TEU
signatory	manufactures and sells	being resolved to	ECHR
protocol	undertakes and agrees	determined to	EMU
amendment	be governed by and construed in accordance	affirming	ECSC

**5) Word Maps - chunks of language together in a word map. Can you add any more words to this map?**

## WORD FORMATION WORK CHART

**PAIR TASK:** As mentioned earlier regarding 'word stems', various endings of words change depending on which part of speech they are (verb, noun, adjective, adverb). The 'X' indicates that that form does not exist in that particular part of speech. Fill in the correct word stem in the blanks in the chart below. Collect your own words in the blanks provided at the bottom (using a dictionary).

verb	noun (concept)	noun (person)	adjective	adverb
present	presentation	presenter	presentable	presently
authorize USA authorize UK	authorization authoritarianism	authority	authoritarian authoritative	
represent	representation representativeness		representational	X
tolerate	(2)	X	tolerant tolerable	tolerantly
(make a) habit	habit	habitué	habitual habituated	
integrate	integration	X	(2)	X
stabilize	(2)	stabilizer (not a person)	stable	X
appropriate	appropriation appropriatenss	X	appropriate	
	discrimination	X	discriminating discriminatory	X
assess		assessor	X	X
	exploitation	exploiter	exploitable exploitative	X
	judgment judging	judge	judgmental	X
sustain		X	sustainable	sustainably

## WORD FORMATION PRACTICE

You need to carefully observe *the position* of the words in the following sentences to determine which part of speech the word is. Does it describe a noun? Is it the subject of the sentence? Does it add more information about the verb? Observe the words that are underlined and in **bold** as they are clues (*indicazioni*) to help you determine the appropriate transformation of the word.

## QUICK REVIEW

**What is an adverb?**

An *adverb* provides more information about the verb phrase that they modify. They can tell us *how* or *how often* (manner), *where* (place), or *when* (time) something was done. For example:

The amendment was ratified yesterday. (time – When was it ratified?)

The international convention was signed at the Hague. (Where was it ratified?)

The defendant frequently refused to answer the prosecutor's question. (manner- How often did refuse to answer?)

Sam called the police *immediately* after he was robbed. (time – When did Sam call the police?)

**What is an adjective?**

Adjectives are words that describe or modify another person or thing in the sentence. For example:

'Save the Children' is an *international* organization.

The *crucial* question in the case was whether acts of torture were committed.

**TASK:** Fill-in the empty spaces with the appropriate form of the word. In the first two news articles, words have been underlined to help you understand the function of the missing words.

Common <u>noun</u> suffixes include: noun (concept)	-ence, -ance, -or, -er, -ment, -ism, -ship, -ency, -sion, -tion, -ness, -hood, -dom, -ity, -ness, -ty
noun (person)	- ee, -ist, -er, -or
Common <u>verb</u> suffixes:	-en, -ify, -ize, -ate
Common <u>adjective</u> suffixes:	-able, -ible, -al, -tial, -tic, -ly, -ful, -ous, -tive, -less, -ish, -ulent, -ed, -ive, -ic
Common <u>adverb</u> suffixes: *	-ly, -wise, -ward, -where

### 1) Is it a matter of clothing, or a matter of principle?

This is not about pants, Lubana Hussein insists. It is about principles.

A woman should be able to wear what she wants and not be .....1[public] whipped for it, says Mrs. Hussein, a defiant ..... 2 [Sudan] journalist, and on Monday her belief will be put to the test. Mrs. Hussein has been charged in Khartoum, Sudan's capital, with indecent dress, a crime that carries a \$100 fine and 40 lashings. She was arrested in July, along with 12 other women, who were caught at a café wearing trousers. Sudan is .....3 [partial] ruled by Islamic law, which emphasizes modest dress for women. Mrs. Hussein, 34, has pleaded not guilty and is daring the ..... 4 [Islam] authorities to punish her. "I am Muslim; I understand Muslim law," Mrs. Hussein said during an interview. :But I ask: what passage in the Koran says women cannot wear pants? This is not nice."

1 → An adverb is needed before the verb whipped to describe *HOW* she was whipped. (frustare).

2 → An adjective is needed to describe *WHAT* type of journalist, in this case, the nationality of the journalist.

3 → An adverb is needed to describe *HOW* it is ruled.

4 → An adjective is needed to describe *WHAT* kind of authorities.

### 2) From *Women, Islam and the New Iraq* by Isobel Coleman

Article 14 of Iraq's new constitution, approved in a nationwide referendum held on October 15, states that Iraqis are equal before the law "without ..... 1[discriminate] because of sex."

Yet the constitution also states that no law can be passed that contradicts the ".....2 [establish] rulings" of Islam. For this reason, the new document has been condemned by critics both inside and outside Iraq as a fundamental setback for a majority of Iraq's .....3 [populate] – namely, its women.

According to Islam al-Khafaji, an Iraqi scholar, the document "could easily deprive women of their rights." Yanar Muhammad, a leading secular .....4 [active] and head of the Organization of Women's Freedom in Iraq, worries that the Islamic provision will turn the country "into an Afghanistan under the Taliban, where

.....5 [oppress] and discrimination of women is institutionalized.

In Iraq, unlike in other Muslim nations, women will have the strong advantage in their fight for equality: namely, a provision in the new .....6 [constitute] that guarantees them 25% of the seats in Parliament. This quota will give women in Iraq one of the highest levels of .....7 [represent] in the world (after all, women make up just less than 15 percent of the U.S. Congress). Many of these seats may continue to be filled by female conservatives unlikely to support .....8 [progress] legislation on women's issues in the near term.

Over time, however, these same .....9 [legislate] may start advancing women's rights within the ..... [Islam] context.

1 → The preposition 'without' is followed by a noun, in this case a noun concept.

2 → What type of rulings? An adjective is needed to describe the noun 'rulings'.

3 → The adjective 'Iraq's' describes this noun concept.

4 → 'leading secular' are adjectives that describe the person mentioned earlier (Yanar Muhammad). A noun for a person is needed.

Continue on your own and fill-in the spaces with the appropriate word for 5 → 9. Pay attention to the underlined words!



## WORD FORMATION PRACTICE

**Instructions** - The following texts were taken from original writings on various topics. Fill in the empty spaces with the correct form of the word. What suffixes or prefixes are usually used for: **adverbs, adjectives, nouns and noun concept**. By observing carefully, patterns will emerge that will help you develop a strategy for doing this exercise without a dictionary.

1) From the **Preamble and Articles of the Universal Declaration of Human Rights (1948)**

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of ..... [achieve] for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and ..... [educate] to promote respect for these rights and freedoms and by ..... [progress] measures, national and international, to secure their universal and effective..... [recognize] and observance, both among the peoples of the Member States themselves and the peoples of territories under their jurisdiction.

**Article 7**

All are equal before the law and are entitled without any ..... [discriminate] to equal protection of the law. All are entitled to equal protection against discrimination in ..... [violate] of this Declaration against any ..... [incite] to such discrimination.

**Article 16**

1. Men and women of full age, without any..... [limit] due to race, .....[nation] or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
2. Marriage shall be entered into only with the free and full consent of the ..... [intend] spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

*jurisdiction* = a government's general power to exercise authority over all persons and things within its territory

*dissolution* = the act of bringing to an end; termination. *intend* = to desire that a consequence will follow from one's conduct; to have as one's purpose.

2) **'Only greater rights for women can end poverty, warns UN'** Taken from the *Guardian Weekly*, October 28-Nov 5 2005

In developing countries rural women are responsible for 60% to 80% of food production, but many governments will not allow a woman to own or sell land without her husband's..... [permit]. A woman who is widowed often falls into ..... [destitute], stripped of land and property and unable to earn money and grow food.

The millennium ..... [develop] goals set by the UN aimed to eradicate extreme poverty by 2015. One of these goals – to promote gender equality and empower women – is central to the remaining goals, says the report. Many leaders call for free trade to spur economic growth," said Ms Obaid. "It is time to call for action to free women of the ..... [discriminate], violence and poor health that they face in their daily lives. "And I can assure you that women all over the world are tired of promises, promises, promises. The time has come; we have the means, we have the ..... [commit]. Now we need action."

3) **Crackdown on illegal file-sharing**

Whether it's a new number one single or the latest film out at the cinema, look hard enough online and you'll be able to find a copy to..... [illegal] download for free. One of the biggest challenges that Digital Britain had to look at was how to try to stop that from happening. The music, film and TV industry says it's losing tens of millions of pounds in the UK alone every year to internet ..... [pirate]

They want internet service providers, or ISPs, to be much stronger with ..... {persist} offenders and if necessary cut off their broadband. However, over the last few years the government has been reluctant to "criminalize 15-year-olds downloading songs in their bedrooms". Now though, Digital Britain has come up with some practical ..... [recommend] on how to stem the flow of internet piracy. Culture Secretary Ben Bradshaw promised tougher measures to crackdown on illegal file-sharing.

The government will support sending warning letters to those making illegal downloads of content such as music and films. Ofcom will also be allowed to release the identities of serial ..... [infringe] to make it easier for music and film companies to sue them. Repeat offenders could also have their internet connections slowed down by their internet service provider (ISP) by having their bandwidth reduced, but the report backed away from an earlier suggestion that would block internet access ..... [compete]. *BBC Online June 2009*

## GRAMMAR

## THE INTERROGATIVE

► **General rule:** the auxiliary verb normally comes **BEFORE** the subject in a question.

**1) Information questions:** the interrogative (who, which, where, why, etc.) comes **BEFORE** the auxiliary.

Q question word	A auxiliary	S subject	I infinitive/ adjective/ past participle, etc.
Ex. When	<u>does</u>	the proceeding	begin ? ↘
Ex. Where	<u>do</u>	you	practice law? ↘
Ex. When	<u>did</u>	the summons	arrive? ↘
Ex. How	<u>was</u>	the jury	selected? ↘

\* Your voice finishes down ↘ in information questions.

**2) Yes/No Questions:** always begin with a verb.

A auxiliary	S subject	I infinitive/ adjective/ past participle, etc.
----------------	--------------	---

Ex. Are you a judge? ↗  
 Ex. Was the Treaty establishing the European Economic Community signed in Rome? ↗  
 Ex. Has the jury reached a verdict? ↗  
 Ex. Is the contract valid? ↗  
 Ex. Does the UK have a written constitution? ↗

Your voice finishes up ↗ in yes/no questions

**TASK 1: Make some yes/no questions with the following affirmative sentences.**

0) I have an exam next week.    0) Do you have an exam next week?

- 1) Sara and Giovanni have a beautiful house. ....
- 2) I love jazz. ....
- 3) It is a rainy day today. ....
- 4) Martha has to go to court today. ....
- 5) I have enough money to go to Paris for Christmas. ....
- 6) They have many relatives in the USA. ....

**RULE:** Do not use **do/does/did** in questions if *who*, *which*, or *what* are the **subject** of the sentence.

### Who as subject

0) Who telephoned Mary?    Bill telephoned Mary.    → Bill is the subject of the sentence.

### Who as object

0) Bill telephoned Mary.    0) Who did Bill telephone?    → Mary is the object of the sentence

**TASK 2: Make some information questions using WHO or WHAT**

- 0) This book belongs to Sara. *Who does the book belong to?* (Sara is the object)
- 0) Somebody lives in this house. *Who lives in this house?* (Somebody is the subject)

- 1) I borrowed the car from George. .... (object)
- 2) Tom gave me a good book to read. .... (subject)
- 3) Someone wrote me an email. .... (subject)
- 4) Marilyn gave me a new CD. .... (subject)
- 5) This word means something. .... (object)
- 6) I love the color blue. .... (object)
- 7) The students passed their English exam. .... (subject)
- 8) I passed my English Exam. .... (object)

Other examples to examine:

Who contacted you about the labour strike? The *trade union representative* telephoned me. (*who* is the **subject**)

~~Who did contact you about the labour strike?~~

Who interrogated you during the trial? The *District Attorney* interrogated me.

~~Who did interrogate you during the trial?~~

Which country hosts the largest number of refugees? *Iran* hosts the largest number of refugees.

~~Which country does host the largest number of refugees?~~

How many people work at the embassy? *One thousand people* work at the embassy.

~~How many people do work in the embassy?~~

**COMPARE:** (*who* is the **object**)

Who did you notify about the robbery? I notified *the local police department*.

Where did you get your law degree? I got *it* at the University of Padua.

**OTHER RULES:** Do not use place auxiliary verbs together or next to other verbs in a question.

Can an amendment be adopted with a majority vote? ~~Do can an amendment be adopted without a majority?~~

Are UN representatives coming to the conference? ~~Are coming UN representatives to the conference?~~

Which countries adopted the resolution? ~~Which countries did adopt the resolution?~~

### CHANGES IN WORD ORDER

Often when we ask information questions indirectly we use these expressions: Do you know.../ I was wondering ..../ I wonder / Do you think... Could/Can you tell me.../ Have you any idea.../ Can you remember...

What time *does* the hearing begin?

Do you know what time the hearing begins?

How much *will* mediation cost me?

Have you any idea how much mediation will cost me?

Where *can* I find a good lawyer?

Can you tell me where I can find a good lawyer?

**TASK 3:** Write indirect questions from the direct questions. The expression has been placed at the beginning for you.

1. What qualifications do I need for the job?

Could you tell me .....

2. How much does it cost to get a Masters in Law in the UK?

Have you any idea.....

**TASK 4:** Put the following words into the **correct order** to make questions. EVERY word must be in the correct order and ALL the words must be used. The first one (0) has been done for you.

0 you / why / are/ law / studying ?

.....Why are you studying law? .....

1 have / a / does / the / constitution / UK ?

.....

2 convention / a / the / what / is / declaration / a / between / difference / and ?

.....

3 you / member / Party / of / are / Republican / a / the?

.....

4 European / members / many / the / countries / how / are / of / Community?

.....

5 mean / what /does / arbitration?

.....

6 Human / of / when / Declaration / Universal / written / was / the / Rights?

.....

**TASK 5:** Write a question for each sentence. There are many different possibilities.

1. The European Union (EU) was established by the Treaty on European Union in 1992.

.....

2. The Treaty on European Union was signed in Maastricht.

.....

3. The Convention on the Rights of the Child was not signed by every country.

.....

4. Slavery is illegal everywhere.

.....

5. The International Criminal Court is located in the Hague, which is in the Netherlands.

.....

**Task 6: Write four questions:** 2 yes/no and 2 for information. You will take turns interviewing the person sitting next to you. When answering a question give as much detail as possible. The person listening to your answers can keep the conversation going if desired. This is an opportunity for conversation. Take advantage of it!

**Yes/No question**

- 1.....
- 2.....

**Information question**

- 3.....
- 4.....

**Task 7: ORAL PRACTICE:** Fill-in the gap. Read the following article and then write 4 questions. Ask the person next to you the questions you have written. They can then search for the answers in the text and respond. Take turns.

*Who is the UNHCR?*

*The Office of the United Nations High Commissioner for Refugees was established on December 14, 1950 by the United Nations General Assembly. The agency is mandated to lead and co-ordinate international action to protect refugees and resolve refugee problems worldwide. Its primary purpose is to safeguard the rights and well-being of refugees. It strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, with the option to return home voluntarily, integrate locally or to resettle in a third country.*

*In more than five decades, the agency has helped an estimated 50 million people restart their lives. Today, a staff of around 5,000 people in more than 120 countries continues to help some 17 million persons*

0) What does UNHCR mean?..... *United Nations High Commissioner for Refugees*.....

- 1.....
- 2.....
- 3.....
- 4.....

**Task 8:** Using **Chart A** on refugees, ask some questions about the data in the chart. Make up your own questions! The examples below are just to help you start thinking!

0) How many asylum applications did Sweden receive? ....17,500.....

0) Which countries did they originally come from?.. Serbia & Montenegro, Iraq, Russian Fed., Stateless people, Bulgaria.

0) Who had the most requests for asylum? What had the least?.....

#### **CHART A - Asylum seekers: 773,500**

When people flee their own country and seek sanctuary in another state, they often have to apply for 'asylum' – the right to be recognized as bona fide refugees and receive legal protection and material assistance.

#### **NEW ASYLUM APPLICATIONS SUBMITTED IN SELECTED INDUSTRIALIZED COUNTRIES <sup>1</sup>** [in 2005]

Country of Asylum	Asylum applications	Main Countries of Origin
France	49,700	Haiti / Serbia & Montenegro / Turkey / Russian Fed. / DR Congo
United States <sup>2</sup>	39,200	China / Haiti / Colombia / El Salvador / Mexico
United Kingdom	30,500	Iran / Pakistan / Somalia / Eritrea / Afghanistan
Germany	28,900	Serbia & Montenegro / Turkey / Iraq / Russian Fed. / Viet Nam
Austria	22,500	Serbia & Montenegro / Russian Fed. / India / Moldova / Turkey
Canada	20,800	Mexico / China / Colombia / Sri Lanka / India
Sweden	17,500	Serbia & Montenegro / Iraq / Russian Fed. / Stateless people / Bulgaria
Belgium	16,000	Russian Fed. / DR Congo / Serbia & Montenegro / Iraq / Slovakia
Netherlands	12,300	Iraq / Somalia / Afghanistan / Iran / Burundi
Switzerland	10,100	Serbia & Montenegro / Turkey / Somalia / Iraq / Bulgaria

**Present Tense-Present Progressive**

Present progressive (pp)	Present simple (ps)*
a) Action still happening	d) Law of nature/ a fact / opinion
b) Changing or developing situation	e) Permanent situation
c) Temporary situation	f) Regular repeated action

Match the sentences (1-7) below with the uses of the present progressive and present simple (a-f) in the table above

- pp(a) 1) The jurors are discussing the case at the moment.  
 \_\_\_\_\_ 2) Water freezes at 0°centigrade.  
 \_\_\_\_\_ 3) The court usually convenes for lunch at 12.00 noon.  
 \_\_\_\_\_ 4) Too many people are not paying their taxes.  
 \_\_\_\_\_ 5) Love hurts.  
 \_\_\_\_\_ 6) Look, that man is stealing her bicycle!  
 \_\_\_\_\_ 7) The European Court of Human Rights is located in Strasbourg.

\*Stative verbs: the speaker is 'thinking' of a fact, rather than an action in progress. They are usually in the present simple. Some important ones include: look, feel, taste, smell, be, see, hear, want, believe, hate know, love, like, remember, suppose.

**TASK A in pairs:** Complete the sentences using the verbs in the brackets in the present progressive (pp) or the present simple (ps). Put the correct "use" of the verb from the chart above (a, b, c, d, e, f) and either pp or ps. The first one has been done for you. After you have finished, compare your answers with the person next to you.

- 1) Please be quiet. I .....**am trying** (a) **pp**.... (try) to study for my Comparative Law exam.
- 2) I..... (prefer) the weather in the south of Italy.
- 3) This is a very quiet town. Where .....(people/go) in the evenings?
- 4) I .....( work) in an accounting firm until I can find a better job.
- 5) What ..... (you/do) with all that money?
- 6) I..... (not/use) the computer at the moment so you can use it.
- 7) She always ..... (remember) my birthday.
- 8) I ..... (drink) coffee at the same bar every morning before lessons.
- 9) My brother ..... (be) exceptionally nice to me at the moment. I'm worried!
- 10) Hurry up! Everyone ..... (wait) for you.
- 11) \* Whenever I go to London, I .....(stay) at my friend's house. \*Whenever means 'every time'.
- 12) Families in Italy .....(get) smaller every year.

Past progressive	Simple past
a) To refer to something that <i>was happening</i> at a definite time in the past. The action was in <u>progress/unfinished</u> .	a) States or actions which happened in the past; finished actions.
b) Sometimes describes the situation or background.	b) The action can be short, long, single or repeated.
c) They often emphasize that actions are temporary.	*Used to = is for habits and states in the past.
*Use While/As ('at the same time as') to introduce a longer background action.	*Stative verbs are usually used in the past simple not the past progressive.
*Do not repeat 'was/were' for second or third actions in the same sentence.	

**PAST TENSE:** Simple past or past progressive? Circle the finished action (simple past) and underline the action that is still continuing in the past (past progressive) in the following sentences. The first one has been done for you.

- 1) The sun was shining and I was reading a book when it started raining.
- 2) While I was studying for my exam, I fell asleep.
- 3) My mother-in-law was just leaving for Greece when the plane strike occurred.
- 4) I went to Paris over the holidays. It was fantastic!
- 5) The Charter of the United Nations entered into force on October 24, 1945.
- 6) When I was younger, I used to play tennis at least twice a week.
- 7) The students were listening to music, reading the newspaper and drinking coffee when I walked into the room.

## COMMON IRREGULAR VERBS

INFINTIVE	SIMPLE PAST	PAST PARTICIPLE		INFINTIVE	SIMPLE PAST	PAST PARTICIPLE
be	was/were	been		lie	lay	lain
beat	beat	beaten		light	lit	lit
become	became	become		lose	lost	lost
begin	began	begun		make	made	made
break	broke	broken		mean	meant	meant
bring	brought	brought		meet	met	met
build	built	built		pay	paid	paid
buy	bought	bought		put	put	put
catch	caught	caught		read /ri:d/	read /red/	read /red/
choose	chose	chosen		ride	rode	ridden
come	came	come		rise	rose	risen
cost	cost	cost		run	ran	run
cut	cut	cut		say	said	said
dig	dug	dug		see	saw	seen
do	did	done		seek	sought	sought
draw	drew	drawn		sell	sold	sold
dream	dreamt/dreamed	dreamt/dreamed		send	sent	sent
drink	drank	drunk		show	showed	shown
drive	drove	driven		shut	shut	shut
eat	ate	eaten		sing	sang	sung
fall	fell	fallen		sit	sat	sat
feel	felt	felt		sleep	slept	slept
fight	fought	fought		speak	spoke	spoken
find	found	found		spell	spelt	spelt
fly	flew	flown		spend	spent	spent
forbid	forbade	forbidden		split	split	split
forget	forgot	forgotten		spread	spread	spread
forgive	forgave	forgiven		spring	sprang	sprung
freeze	froze	frozen		stand	stood	stood
get	got	got		steal	stole	stolen
give	gave	given		sweep	swept	swept
go	went	gone		swim	swam	swum
grow	grew	grown		swing	swang	swung
hang	hung	hung		take	took	taken
have	had	had		teach	taught	taught
hear	heard	heard		tear	tore	torn
hit	hit	hit		tell	told	told
hold	held	held		think	thought	thought
keep	kept	kept		throw	threw	thrown
know	knew	known		understand	understood	understood
lead	led	led		wake	woke	woken
learn	learnt/ learned	learnt/ learned		wear	wore	worn
leave	left	left		weep	wept	wept
lend	lent	lent		win	won	won
let	let	let		write	wrote	written

## PRONUNCIATION –ed of regular verb endings in simple past

When the **-ed** is placed on the end of the regular verbs to form the past tense, the pronunciation changes depending on the quality of the sound of the consonant that precedes it. \*

voiced /d/	unvoiced /t/	/id/
remembered	cooked	shouted
played	watched	started
turned	stopped	visited
lived	worked	regretted

\*Place your hand on your throat. If the consonant before adding the **-ed** vibrates, then it is a voiced consonant, and the sound becomes /d/ not /t/.

**USE OF PAST PROGRESSIVE AND PAST SIMPLE****Work in PAIRS:**

- 1      **Sentence 1: *I was having lunch at the café when I saw John in the street.***  
       **Sentence 2: *I had lunch at the café and then I saw John in the street.***

- a      Had I finished lunch when I saw John in sentence 1?  
 b      Had I finished lunch when I saw John in sentence 2?

- 2      **I was walking along the street when I .... (verb)**

- a      I was walking is past progressive. Which tense do you think the missing verb will be?  
 b      Can you start the sentence **When I ....(verb) ?**  
       In other words, can you turn the sentence around?

- 3      ***I was driving to London when the accident happened.***

There are two actions in this sentence, **driving** and **the accident happening**. Which of the two actions do you think the speaker sees as the *most important one* and which one is the 'background' action (the less important one)?

►► Use of **WHILE**, **AS**, **WHEN** and **WHENEVER** to introduce the *longer background* action.

**WHILE** and **AS** are usually used with the continuous.

Use **JUST** to emphasize that the longer action only recently started when the action in the past simple interrupted it, we use **STILL** to emphasize that something was continuing.

**NOTE:**

- 1) 'while' and 'as' mean 'at the same time as';
- 2) 'whenever' means 'every time';
- 3) 'just' to emphasize that the longer action just happened;
- 4) 'still' to emphasize that something was continuing.

Fill-in the spaces below with the words above in 1), 2), 3), and 4).

- 1) .....I was studying for my International Law exam, I received a call from my boyfriend.
- 2) .....I was having lunch in the bar *Fuori Corso*, I saw a good friend mine from childhood.
- 3) .....I am in London, I go to Piccadilly to see a play.
- 4) I was .....leaving the classroom when my professor asked me a few questions about the text.
- 5) Trains are so late here in Italy! I was .....waiting for the train at half-past six.

**IMPORTANT** State verbs are usually used in the past simple and **not** in the past progressive.

Ex. I was riding my bike home. I knew I was late for dinner. NOT was ~~knowing~~.

Some common 'state' verbs : like, hate, want, need, prefer, know, realize, suppose, mean, understand, believe, remember, belong, contain, consist, depend, seem

**Individual task:** Fill-in the gaps with the past simple or past progressive. Ask yourself: Is the action background information? Is it a continuing action that is interrupted by another action in the past?

- 1) My boyfriend ..... [wait] for me when I .....[ arrive] at the airport.
- 2) How fast.....[you/drive] when the accident..... [happen]
- 3) It was late. I ..... [walk] down the street when suddenly I .....[hear] footsteps behind me. Somebody ..... [follow] me. I was frightened and I .....[start] to run as fast as I could.
- 4) We were in a very difficult situation. We .....[not/know] what to do.
- 5) We haven't seen him for ages. When I last..... [see] him, he ..... [try] to find a job in Rome.
- 6) I .....[ride] my bike home yesterday when suddenly a dog.....[step] out into the road in front of me. I ..... (veer) in the opposite direction and luckily (for the both of us!) I ..... [manage] not to hit it. \*veer means to suddenly move in a direction
- 7) She .....[just/cross] the street ahead of me, when I .....[recognize] her.



**TEXT 1** Circle the present simple tense and underline the present progressive in Text 1. The first paragraph has been done for you.

**Canada reports first flu death as US cases climb**

The new H1N1 virus killed its first patient in Canada, making it the third country after Mexico and the United States to report a death from the virus that has sickened more than 3 000 people in 26 countries. Alberta's chief medical officer is investigating a report that said a woman in her 30s who died on April 28 had not traveled to Mexico, the epicenter of the outbreak, which suggests more sustained spread of the infection.

Alberta was also where a herd of pigs became infected with the H1N1 swine flu, apparently infected by a man who was traveling from Mexico. The World Health Organization is keeping its global pandemic alert at 5 because the new virus is not spreading rapidly outside North America, even though U.S. officials expect it to spread to all 50 states.

Italy reported the first case of the H1N1 flu strain transmitted within the country: a 70-year-old man in Rome caught the virus from his grandson who returned from a holiday in Mexico. In Mexico, authorities reported one more death, based on lab tests of patients who died in days past, to raise the total to 45. A quarter of the dead were obese, the government said. The virus has also killed two people in the United States, where President Barack Obama said "...we're seeing that the virus may not have been as virulent as we at first feared but we're not out of the woods yet."

May 9, 2009 <http://www.dowell-netherlands.com/2009/05/canada-reports-first-flu-death-as-us.html>

**TEXT 2** – Fill-in the correct verb tense in the gaps: present simple, present progressive or simple past tense.

**Zeta-Jones Wedding Picture Battle Returns to U.K. Court**

LONDON -- Two magazines .....**resumed**... [resume] a legal battle on Monday over pictures from the 2000 wedding of Michael Douglas and Catherine Zeta-Jones in a case that could clarify what control stars have over their image and privacy. The case between the publisher of OK! magazine, which had an exclusive deal with the Hollywood couple to publish their wedding photographs, and Hello!, which ..... [print] unauthorized "spoilers," has ended up in England's highest court.

The House of Lords must decide whether celebrity magazines can sue if an exclusive deal is spoiled, and whether exclusivity ..... [extend] beyond the publication of the pictures. The ruling will shed further light on how privacy laws in England .....**are changing**..... [change] following the introduction of human rights legislation six years ago. OK! ..... [win] the 2003 case and was awarded damages of one million pounds (\$1.9 million), the same amount the magazine had agreed to pay the couple for the rights to their wedding. Hello! successfully ..... [appeal] in 2005, setting up a final showdown before the law lords.

**Image Rights?**

Celebrity magazines ..... [regularly/ bid] against each other for sole rights to images, they and the stars will be watching the lords' ruling closely. Hello! is expected to argue in the coming days that exclusivity disappeared as soon as OK!'s images were published and in the public domain.

If OK! ..... [win] the case, it will give celebrities "image rights," allowing them to control what images of them are published, something not recognized in English law.

By Mike Collett-White, Reuters, from <http://www.allbusiness.com/services/legal-services/4466834-1.html>

"spoilers" (*chi guasta*), House of Lords (highest court in the UK), to bid (*fare un'offerta*), ruling (*decisione*), trial (*processo*), claim (*richiesta di indennizzo*), award damages (*assegnare il risarcimento dei danni*), to appeal (*ricorrere in appello*).

**PRESENT PERFECT** have/has + past participle , contracted form: I've + past participle/ she's +p.p.  
**PRESENT PERFECT PROGRESSIVE** have/has been + ...*ing*- contracted form: I've been+...*ing*,  
**PAST PERFECT** had + past participle - contracted form: I'd +past participle

➔The perfect tenses talk about a **DURATION** of time from some time in the past to the present (the now).

**TASK:** Review the different forms of the perfect tense above and then underline any forms of the perfect tense in the text below. Some sentences have been done for you.

### Small steps, big changes

*Adapted from The Guardian and Observer Development Department*

By the time she was 18, Syeda had been (past perfect) married for two years and had given (past perfect) birth to her first child. She didn't know about contraception and, when she did, it was too late: she had already given (present perfect) birth to six children. 'I've struggled to bring them up. If I had known then what I know now, and had fewer children, I would have had a happier life and a better marriage,' she reflects, sitting in a shady courtyard of a bustling family health clinic on the outskirts of Karachi (Pakistan), where she now works as a volunteer. Four years ago, at 31, she was sterilized. She now feels passionately about using her own experience to help other women. 'I've suffered enough because of lack of knowledge and I don't want others to suffer,' she says. 'I've seen women who have been producing (present perfect progressive) babies like machines – they've lost their individuality and have no time for themselves, They have no life of their own.'

**Present Perfect** Use the present perfect to talk about the past until **NOW**.

► Situations that have gone on until NOW.

*I've struggled to bring them up. I've suffered enough.... I have seen women... They have lost their individuality.*

► Repeated actions that have gone on until NOW.

*The Ministry of Population and Welfare in Pakistan has initiated programs with successful results.*

*Never, ever, yet and before* are usually used with the present perfect to talk about the past until now.

\* **never** describes an action that has not happened until now.

\* **before** with the present perfect can mean 'until now'.

*Women have never spoken to anyone about this problem before.*

\* **ever** is used to ask whether something has happened until now or not.

*Ex. Have you ever read any literature concerning population growth in Pakistan? It is the 6<sup>th</sup> most populous nation in the world.*

\* **yet** is used to say that something has not happened until now (negative statement) or to ask whether it has happened until now (question).

*Women in rural areas haven't had the opportunity to take advantage of the all the health service yet.*

*Have you read the results of the survey yet?*

► To talk about the present result (the result NOW) of past actions.

*It has never rained so all the wells are dry.*

\* **already** and **just** are usually used with the present perfect to talk about the present result of a past action. **Already** is used in positive statements, **just** is often used to talk about a very recent past action.

*The UNHCR has already initiated specialist services in this sector, but the mobility to access information and services can be difficult for women.*

*A new health care representative has just arrived in Camp Kacha Ghari, the oldest Afghan refugee camp in Pakistan.*

► To talk about 'Breaking News' (news of immediacy). This is usually the tense used in the first sentence of newspapers, the next sentence is a past tense.

*A democrat has won the elections! Over fifty-two per cent of the population voted for him.*

### Present perfect progressive

► Use the present perfect progressive when you want to emphasize an action or situation in **PROGRESS** not its completion.

*Women have been contacting each other about contraceptive possibilities.*

► Temporary actions and situations

*Refugees have been staying in temporary housing while their immigration status is being determined.*

► Actions in the recent past that we think have been happening because of something we can **SEE NOW** (present evidence).

*You're out of breath. You've been running!*

► Talking about **HOW LONG** something has been going on (repeated over a period of time).

*for ( a period of time), since (the start of a period).*

*The NGO community has been active in promoting reproductive rights for women in Ethiopia for years.*

*Abortion has been legal in the United States since 1973, but the landmark Supreme Court verdict did not settle the debate on its morality. Church and pro-life organizations have lobbied strenuously to keep the issue on the public agenda.*

\*The present perfect progressive is more commonly used in informal speech.

\*You can use the present perfect progressive with state/stative verbs, if you want to **emphasize** the situation in progress and not its completion: *see, hear, look, taste, smell, want, realize, remember*.

*You've been looking wonderful since you got your new job.*

\*If you do not wish to emphasize the progressive nature of the situation, use the present perfect.

*I've heard a lot of strange rumors lately.*

### **Present Perfect and Past Simple**

**ORAL PRACTICE in pairs (1 and 2)** Take turns asking each other these questions. Remember to answer in simple past and give some details, don't just say "yes" or "no". Keep talking about it!

#### **1) Have you ever...**

...been on an airplane?

...cooked a meal for 10 people?

...had an accident?

...broken a bone (*osso*)?

...studied all night and then taken an exam?

...been robbed (*rubato*)?

...been to an English speaking country? When? For how long?

#### **2) Where do you come from originally? Where do you live now? How long have you been living in...?**

.....

.....

#### **3) Write three things that you didn't do yesterday (but wanted to do) and three things that you have never done but would like to do in the future.**

.....

.....

#### **4. Think of a very good friend of yours. How long have you known each other? Write one sentence using SINCE and another using FOR.**

.....

.....

#### **5. Use 'been' or 'gone'.**

1) Dylan is on vacation. He has \_\_\_\_\_ to Cuba.

2) Sam isn't here at the moment. He's \_\_\_\_\_ to see his mother.

3) "Are you going to the library?" "No, I've already \_\_\_\_\_ to the library today.

4) Phew! I've just \_\_\_\_\_ shopping. It was dreadful. There were so many people!

### **Past perfect**

► When there are two actions in the past, use the past perfect for the earlier (first action). You are looking back in the past to an earlier action.

*She didn't know about contraception and, when she did, it was too late: she had already given birth to six children.*

► Use the past perfect with some state verbs: *seem, prefer, believe, know, like, suppose*.

*Women hadn't known about contraception at the time they got married. (not ~~hadn't been knowing~~)*

### **Past perfect Progressive**

► Use the past perfect progressive to emphasize how long something took. As with the past perfect, you are looking back from a point in the past to an earlier action.

*Many African governments had been relying heavily on international donors to provide family planning commodities - stocks of contraceptive pills, injections and condoms - and then funds were cut.*

► **Link words** *When, after, as soon as, before and by the time* are often used in the past perfect and past perfect progressive sentences.

*By the time women's health services arrived in Pakistan, the population had been steadily increasing at a fast pace.*

**Test yourself:** write in the gaps the correct verb tense. The verb to use is in the parenthesis.

- 1) I am so upset! I ..... my car keys. I can't find them anywhere. (lost).
- 2) She ..... playing tennis in 1999. (stop)
- 3) Sam ..... Japanese for four years. (study)
- 4) "You're looking super!" "Yes, I ..... my exam." (just/pass)
- 5) About half of the students ..... the Constitutional Law exam last year. (not/ pass)
- 6) "Where's the professor?" He ..... (arrive/yet)

**TASK A:** Complete the story below using the past simple, the past progressive, the present perfect. Is the action a finished action in the past (past simple)? Is it a continuing/unfinished action in the past (past progressive)? Is there a duration of time from the past to the present (present perfect)? Notice how the past perfect has been underlined to illustrate that it was the first action in the past. The first one has been done for you.

It ...was... (be) Thursday evening and I .....was getting.... (get) ready to go to bed when the phone ..... (ring). To my surprise it was my friend Daniel. He ..... (call) from his mobile phone and he was very upset because he had lost (past perfect) his keys and he ..... (can/not) get into his house. He ..... (think) he had left (past perfect) them at work but now it was midnight and the office was closed so he ..... (can/not) get in to check. Luckily, I ..... (have) the keys to his house because the month before he had given me a spare key so that I could water his plants while he ..... (be) on holiday. When he finally ..... (arrive) to pick them up, I ..... (sleep) on the sofa!

**TASK B:** Highlight any form of the perfect tense in the following text.

#### *Italians in Bedford (excerpt)*

Bedford is the home to the largest concentration of Italian families in the UK – 14,000 people from a total population of around 100,000.

There is one reason why Bedford is so Italian. After the war, the town's Marston Valley Brick Company found itself short of labor for the reconstruction boom. So, between 1951 and the early 1960s, it recruited more than 7,500 men from the villages of southern Italy.

Many others came to the Peterborough brickworks at around the same time.

Each man was given a medical examination, a ticket to England and a bed, often in a converted prison-of-war camp. With loneliness, cold weather and terrible food the only distractions from their heavy work, most of the men did not last out their four-year contracts. But many did, bought houses, and paid their families' passage to come and join them.

One such family are the Garganese, originally from Foggia on the Adriatic coast. Salvatore, 52, runs La Rondine, a bustling back-street bakery near the town centre. It is early afternoon and the kitchen is running at full tilt, but Salvatore is glad to show off his pizzas, pastries, cakes and *sfogliatelle* while I sit on a tub of fondant icing.

"My dad was quite a man," he explains, "and he said to me, 'Look, boy, as we are all going out to work and you are the youngest, your job is to learn to cook so it can be ready when we come home.' From that, food has been a part of my life."

Salvatore came to Bedford in the early 1960s to join his father, who had already been here for ten years. Salvatore's son, Carlo says,

"Traditional values have changed among our generation. Things like going to church, or sitting around the table eating on Sunday."

Somehow, the customs of modern Britain have penetrated Carlo and his friends.

**TASK C:** Fill-in the blanks with the appropriate verb tense: present, present progressive, simple past, present perfect and past perfect. Be sure to check the verb tenses used in the same sentence as a guide.

On Thursday, October 6, 2006, Jack Straw, the UK ex-foreign secretary, .....angered..... [anger] Muslim groups by suggesting that women who wear veils can make relations between communities more difficult. The Blackburn MP ..... [say] the veil is a "visible statement of separation and of difference" and he ..... [ask] women visiting his surgery to consider removing it. The Islamic Human Rights Commission said the Commons leader's request ..... [be] selective discrimination. But the Muslim Council of Britain said it understood Mr Straw's discomfort. Muslims make up about a quarter of the population of Blackburn, and Mr Straw said he ..... [carefully/consider] considered his remarks. He ..... [write] in the Lancashire Evening Telegraph that he feared "wearing the full veil was bound to make better, positive relations between the two communities more difficult".

In the news article, by ..... [ask] women to consider showing their mouths and noses, he and his constituents could have true "face-to-face" conversations. In other words, it would ..... [allow] people to "see what the other person means, and not just to hear what they say". When asking a woman to show her mouth and nose in conversation, he says that he makes sure he has a female colleague in the room. Up to now, all of his constituents ..... [always/agree] to do so.

*Taken from BBC Online, October 7, 2006*

## THE PASSIVE

### The difference between the active and the passive:

**“DOER”** (also called an **agent** or **actor**)

In **active** sentences the **SUBJECT** is the ‘**DOER**’ of the verb (the person who makes the action happen).

*Active*   Alexander Graham Bell   invented   the telephone.  
(subject)                      (verb)                      (object)

In **passive** sentences the '**DOER**' of the verb is **NOT** the subject.

*Passive* The telephone was invented by Alexander Graham Bell.  
(subject) (verb) ('doer')

► Remember that the passive voice is used in formal contexts (as in legal texts) and less when we are speaking informally.

### When to use the passive

a) The main focus or topic is placed at beginning of a sentence. It is often called “the theme”.

Ex. The English exam was passed by all the law students. (*main topic = The English exam*)

**b) the 'doer' of the verb is unknown.**

Ex. My cell phone has been stolen.

(= we do not know who stole it)

c) the 'doer' of the verb is not important in this context.

Ex. The Treaty on European Union (TEU) was signed in 1992 at Maastricht in the Netherlands.

(= we are interested in when it was signed not who signed it.

d) it is obvious who the 'doer' is without stating it.

Ex. Hundreds of people were arrested during the no-global demonstration.

(=it is obvious that the police or some legal authority arrested them)

e) the 'doer' of the verb is 'people in general'.

Ex. Dialect is spoken in all of the regions of Italy.

**f) Use *by* if you want to state who or what did the action.**

Ex. Ecclesiastical law is administrated **by** special courts.

**TO FORM THE PASSIVE** use the tense of the verb **BE** + **Past Participle**

Verb: 'charge' transformed into different forms of the passive In legal English 'charge' means that there is a formal accusation of a crime, which is a preliminary step in prosecution.

simple present	= he is charged
present progressive	= they are being charged
simple past	= she was charged
past progressive	= they were being charged
present perfect	= I have been charged
past perfect	= they had been charged
<i>Will</i> future	= I <i>will</i> be charged
<i>going to</i> future	= I am <i>going to</i> be charged
modals	= we <i>should</i> be charged *

\*other modals can be substituted for *should*, such as *must*, *might*, *could*, etc.

**TASK A :** The following text is written in the active voice, then it is transformed into the passive voice. Observe the changes from active to passive.

**Example of 'active' voice:** I gathered together a group of 40 people and surveyed their attitudes to alcohol. I found that most of the people surveyed drank more alcohol per week than the level that the government recommends.

**Example ‘passive’ voice:** Forty people were surveyed about their attitudes to alcohol. Most of the people that were surveyed drank more alcohol per week than recommended by the government.

**Passives – QUIZ**

**TASK 1:** Fill-in the empty spaces with **the passive** from the chart below. Underline the verb tense form of the passive (modal verb, simple present, present progressive, simple past, past progressive, present perfect, past perfect, will future, going to future) and write in the space next to it which passive form it uses after the sentence (in the example below the modal form **must** (+ be + past participle) was used, so **MODAL** was written).

are interrogated in a process called 'voir dire'\* during jury selection.

will be taken into consideration in the trial.

he's being fingerprinted.

have been executed for their crimes this year.

will be adjourned at 12 noon.

was strictly controlled by law.

were taken into custody.

you'll be booked for 'hit and run'.

are going to be questioned tomorrow.

~~was declared not guilty by the jury.~~

\* voir dire = to tell the truth (an interrogation to determine 'what' they believe in, and 'who' they are).

*Example ( 0 )* The defendant ...**was declared not guilty by the jury**...(SIMPLE PAST).....

- 1) The execution of the punishment .....
- 2) The Court .....
- 3) All the evidence .....
- 4) The burglars .....
- 5) Twenty people.....
- 6) John's at the police station,.....
- 7) Prospective jurors.....
- 8) If the police catch you, .....
- 9) The other witnesses in this case.....

**TASK 2:** Convert the following sentences from *active to passive* or *passive to active*.

**Passive to active**

- 1) The Treaty of Lisbon was signed by the Heads of State of the 27 Member States on 13 December 2007.

.....

- 2) Barack Obama was elected President of the United States in 2008 with 52.9% of the popular vote.

.....

- 3) The Darfur crisis has been declared as "one of the greatest tragedies of our time" by Gordon Brown.

.....

**Active to passive**

- 1) On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights.

.....

- 2) Up to now, Somalia and the United States have not ratified the Convention on the Rights of the Child.

.....

- 3) Global warming can endanger the public's health and welfare.

.....

**TASK 3** Highlight or underline the passive in the following text. The first passive in the text has been done for you. Remember that the passive uses the verb form **be + the past participle** and the 'actor' (the 'doer') of the action in the sentence is **not** the subject.

### **Iraq shoe thrower 'was tortured'**

The Iraqi journalist who threw his shoes at former US President George W Bush says he was tortured by senior government officials while in jail. Shortly after his release from nine months in a Baghdad prison, Muntadar al-Zaidi demanded an apology - and said he would name the officials later. His protest last December made him a hero for many Arabs, but some Iraqis still regard it as unforgivably rude.

He was convicted of assaulting a foreign leader and was initially sentenced to three years in jail. But the term was reduced to 12 months on appeal and he was released three months early for good behavior. After his release on Tuesday he told journalists: "I am free again, but my homeland is still a prison." Reuters news agency reported he was slurring his speech because of a missing tooth. He went on to say he had suffered beatings, whippings, electric shocks and simulated drowning at the hands of officials and guards. His allegations of abuse mirror claims that were made earlier by his family, who said he had been beaten, suffering a broken arm, broken ribs and internal bleeding.

The Iraqi military earlier denied the allegations, but following Zaidi's news conference Sami Al Askari, an adviser to Mr Maliki, said his torture claims should be investigated.

BBC online 15 September 2009

[http://news.bbc.co.uk/2/hi/middle\\_east/8256525.stm](http://news.bbc.co.uk/2/hi/middle_east/8256525.stm)

rude = maleducato

**TASK 4** Fill-in the empty space using the appropriate form of the **passive** or the **simple past**. Use the verb in the brackets to form the appropriate verb tense. The first one has been done for you.

### **Saddam Hussein sentenced to death**

The former Iraqi president was convicted [convict] by a Baghdad court for his role in the killing of 148 people in the mainly Shia town of Dujail in 1982. His half-brother Barzan al-Tikriti and Iraq's former chief judge Awad Hamed al-Bandar ..... [also/sentence] to death. Former Vice-President Taha Yassin Ramadan got life in jail and three others received 15 year prison terms. Another co-defendant, Baath party official Mohammed Azawi Ali, .....[acquit\*].

One hundred and forty eight people from Dujail ..... [kill] as collective punishment for a failed attempt to assassinate Saddam Hussein in the town. Iraqi Prime Minister Nouri Maliki ..... [hail\*] the conviction in a televised address, saying that the sentence was "not a sentence on one man, but a sentence against all the dark period of his rule". "Maybe this will help alleviate the pain of the widows and the orphans, and those who ..... [order] to bury their loved ones in secrecy, and those who .....[force] to suppress their feelings and suffering, and those who have paid at the hands of torturers," Mr Maliki said.

When he was called to court, Saddam Hussein, dressed in his usual dark suit and white shirt and carrying a Koran, walked to his customary seat and sat down. Judge Rauf Abdel Rahman ..... [order] him to stand while he read out the verdict, but the former president defiantly..... [refuse] to do so and ..... [have to/ remove] from his seat by court attendants. As the judge..... [began] reading the death sentence Saddam Hussein ..... [shout] out "Allahu Akbar!" (God is Great) and "Long live Iraq! Long live the Iraqi people! Down with the traitors!"

Taken from BBC Sunday, 5 November 2006

\*to hail something = to call out loudly    \*acquit = to be free of the charges in criminal law, not guilty of the offense.

**MODALS**

To graduate in any faculty in Italy, I have to pass a language exam. I needn't do only English, I can choose any other language. My mother says I should study English for my future work, my father says I must do it! I ought to study otherwise I might not pass the exam. We're suppose to do the exercises in our book to improve our English. I guess I'd better study a bit over vacation.

**Work as a class. Which of these sentences express a meaning of: advise, necessity, obligation, ability or capacity, possibility, probability, logical deduction? Write your answer on the space to the left of the sentence.**

- .....1 You must come home by midnight!
- .....2 You needn't have brought towels, the spa provides them.
- .....3 You're suppose to drive no faster than 130 km per hour.
- .....4 We've finished the English course. You should have come in March.
- .....5 We have to get a visa before going to Mexico.
- .....6 People ought to use their cars less and use public transportation.
- .....7 I can speak French but I can't speak Chinese.
- .....8 You studied until 2:00. You must be tired!
- .....9 You had better study, this is a tough faculty!

**MODALS** are used to express certain meanings: advise, necessity, prohibition, obligation, certainty, possibility, ability or capacity and logical deduction. Here are some rules.

Modal verbs are auxiliary verbs:

After modals we use **infinitives without to** Ex. I should go to the hairdresser soon.

Modal verbs have **no s** on the third person singular (he/she/it) Ex. I might be late for school.

Modal questions and negatives are formed **without do**. Ex. Can you help me? You must not come to see me tomorrow.

Modals have **no infinitives or participles** Ex. to should, musted, maying, mighting

<b>advise</b>	<b>should</b>	<b>to say what we think is best for another person, usually we are talking about our own feelings.</b> Ex. You should sleep more. You look exhausted.
	<b>should have + past participle</b>	<b>in the past somebody did not do something that was best for them</b> Ex. We've finished the English course. You should have come in March.
	<b>had better (+infinitive)</b> It means "It would be better if..."	<b>the meaning is present or future even though the form of the past is used</b> Ex. You had better study, this is a tough faculty!

<b>necessity</b>	<b>need to</b>	<b>it is necessary to do something</b> Ex. We need to buy some books, class started three weeks ago.
	<b>don't need to</b> <b>don't have to</b> <b>needn't (without to)</b>	<b>that something is <u>not</u> necessary</b> Ex. You needn't apologize, I found someone else to take your place.
	<b>did not need to</b> <b>did not have to</b>	<b>when something was not necessary in the past (we do not know if the action happened or not, only that it was not necessary).</b> Ex. They did not have to pay for their tickets.
	<b>need not have + pp</b>	<b>something did happen, but that it was unnecessary.</b> Ex. You needn't have brought towels, the spa provides them.

<b>prohibition</b>	<b>mustn't / don't do it</b>	<b>prohibition and the negative imperative</b> Ex. Don't do that or you will get into trouble! Ex. You mustn't put your feet on the chairs!
<b>(commands)</b>	<b>be + not to</b>	<b>is a strong prohibition</b> Ex. You are to come home no later than midnight!



logical deduction	must have + participle/ must + participle	something that can be deduced by reason or logic Ex. You studied until 2:00. You must be tired!
obligation	must	you have the authority yourself Ex. I must give up eating pizza and drinking beer. I'm getting fat!
	have to / have got to	someone else has the authority Ex. We have to get a visa before going to Mexico.
	have to	for a repeated general obligation Ex. I have to catch the train every Tuesday at 8:00 in the morning.
	have got to (more informal)	for obligation on a single occasion Ex. I have got to call George. He called me three times yesterday.
	ought to / ought not to	used when the obligation is a duty (the "right thing to do") even though not every is doing it. Ex. People ought to use their cars less and use public transportation.
	be supposed to	when the obligation comes from an arrangement or a regulation. often used (as in "ought to") to imply that someone is not doing what they should. Ex. You're suppose to drive no faster than 130 km per hour.
ability/certainty	can, could (past simple)	certainty, to be able to

**Individual TASK:** fill in the empty spaces with the correct modal. Compare answers with the person sitting next to you.

Dear George,

Would you mind (possibility) coming to my office tomorrow morning? We .....(necessity) talk about your new work contract with our company. You .....come (not necessary) earlier than 9:00 in the morning because my train never arrives in Padua before 8:30. You have worked so diligently over the last few months, you .....(logical deduction) be tired of earning such a low wage. You ..... (advise) have contacted us earlier about your dissatisfaction. Sorry about that! Even a prestigious firm like ours doesn't always do what we are .....(obligation) to do.

See you on Tuesday.

Sincerely,

P.S. You .....bring (advise -meaning "It would be better if...") bring your updated resume' as other "big wigs" will be at the meeting!

\* A 'big wig' is somebody who is important.

**Individual task: CLOZE** – Fill in the gaps with the following modal : ~~cannot~~, ~~have to~~ - must - needn't - might - could – may. Use each modal only one time. The first two have been done for you.

The war on poverty.... **cannot**.. be won unless much greater efforts are made to give women equality, says the annual UN Population Fund (UNFPA) report, published earlier this month. The report calls for government action to free women from the poverty and ignorance often forced on them by cultural confines in many countries. World leaders .....**have to** (obligation/outside authority)..... initiate programs so that women can enjoy their full social, cultural, economic and political rights.

Women ..... have a better chance if they were given an education. Some 600,000 women are illiterate compared to 300,000 men. This ..... continue if women were empowered through social equality and education. If women ..... be given access to birth control, it .....have an impact on world population growth. In order to achieve the millennium goals set by the UN for 2015 - one of these being to promote gender equality and empower women – the world .....make gender discrimination history, says Ms. Obaid, the UNFPA's director. "Women are tired of promises, promises, promises - they now need action."

Adapted from *The Guardian Weekly* October 2005

**TASK A: PRACTICE using modals**

Using the same sentence, the meaning can change by choosing a different modal. Try to fill-in the correct modal in the following exercise. A suggestion of its use is in the parenthesis. Since these are not legal contexts, they do not require use of shall or may (which will be discussed below).

The judge dismisses the case. (no modal)

The judge.....dismiss the case. (modal of capacity)

The judge..... dismiss the case. (obligation – *personal authority*)

The judge ..... dismiss the case. (obligation – *outside authority*)

The judge..... dismiss the case. (advise – *more personal*)

The judge .....dismiss the case. (obligation – *it's the "right thing to do".*)

The judge ..... dismiss the case. (necessity)

**DON'T FORGET THE RULES!**

1. Modals have **no –ing form or infinitive structure.**

He ~~is must~~ing to take the exams twice. (incorrect)

He ~~must to~~ take the exams twice. (incorrect)

► **SEMI-MODAL - have to:** the –ing form is allowed.

He hates having to take the exams twice. (correct)

She can't stand having to study torts. (correct)

2. Modals can be used in different tenses **but the modal does not change.**

a) You should call your lawyer. (present)

You should have called your lawyer. (present perfect)

b) The judge must call the witness for the defense today. (present)

The judge must have called the witness for the defense yesterday. (present perfect)

c) His lawyer needn't use such strong accusations in court. (present)

His lawyer needn't have used such strong accusations in court. (present perfect)

**USE OF SPECIFIC MODALS IN A LEGAL CONTEXT– shall and may** – are often called “**Words of Authority**” and are common in legal contexts.

**TASK B:** Highlight the modals shall or may in the following legal contexts:

**1) International Treaty on Plant Genetic Resources for Food and Agriculture, Article 5**

Article 5 – Conservation, Exploration, Collection, Characterization, Evaluation and Documentation of Plant Genetic Resources for Food and Agriculture

5.1 Each Contracting Party shall, subject to national legislation, and in cooperation with other Contracting Parties where appropriate, promote an integrated approach to the exploration, conservation and sustainable use of plant genetic resources for food and agriculture and shall in particular, as appropriate:

**2) Amendment V, US CONSTITUTION**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

**3) Australian Constitution, COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT, An Act to constitute the Commonwealth of Australia, Article 4.**

The Commonwealth shall be established, and the Constitution of the Commonwealth shall take effect, on and after the day so appointed. But the Parliaments of the several colonies may at any time after the passing of this Act make any such laws, to come into operation on the day so appointed,

**4) Geneva Convention relative to the Treatment of Prisoners of War, Part 1, General Provisions, Article 2**

In addition to the provisions which shall be implemented in peace time, the present Convention shall apply to all cases of declared war or of any other armed conflict which may arise between two or more of the High Contracting Parties, even if the state of war is not recognized by one of them.

The Convention shall also apply to all cases of partial or total occupation of the territory of a High Contracting Party, even if the said occupation meets with no armed resistance.

**SHALL**

a) imposes a duty, an obligation, (usually, but not always, on the subject of the sentence.)

Each Contracting Party **shall**, subject to national legislation, and in cooperation with other Contracting Parties where appropriate, **promote** an integrated approach to the exploration....

*International Treaty on Plant Genetic Resources for Food and Agriculture, Art. 5*

b) in other cases, **shall** indicates a mandatory action, one that is required to be taken. In a treaty, it is a legal obligation between 'High Contracting Parties' (nations).

The Commonwealth **shall be established**, and the Constitution of the Commonwealth shall take effect,

*Australian Constitution, Article 4.*

**MAY**

c) has discretion to; is permitted to. It signals a right or privilege that can be exercised as one chooses.

The Council, acting by a qualified majority, **may** decide subsequently to vary or revoke measures. *Article 7 EU Treaty*

The Governing Body **may** decide to establish different levels of payment for various categories of recipients who commercialize such products...

*International Treaty on Plant Genetic Resources for Food and Agriculture, Art. 13*

**However, the general meanings of modals can also be found in legal texts, although less frequently, such as:**

d) permission ('shall not' denies permission) and it means 'may not' or 'must not'.

Prisoners of war **shall not** be unnecessarily exposed to danger while awaiting evacuation from a fighting zone.

*Geneva Convention relative to the Treatment of Prisoners of War, Article 19*

e) future tense modal verb. Ex. The sender **shall** have fully complied with the requirement by the end of this month.

f) an entitlement, not a duty. Ex. The company **shall** be reimbursed for all the expenses.

**TASK C:** Practice using modals as "words of authority" - **shall** and **may** - in the sentences below.

1. The House of Representatives shall be composed of Members chosen every second Year by the People of the States.  
[Article I] US Constitution

2. No person .....be elected to the office of President more than twice. [Article II] US Constitution

3. The right of citizens of the United States, who are eighteen of age or older, to vote .....not be denied or abridged by the United States or by any State on account of age. [Article XXVI, section 1] US Constitution

4. The judicial power of the United States, ..... be vested in one Supreme Court, and in such inferior Courts as the Congress .....from time to time ordain and establish. [Article III, Section 1] US Constitution

5. In all criminal proceedings, the accused .....enjoy the right to a speedy and public trial. [Article VI] US Constitution

6. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress..... at any time by law make or alter such regulations, except as to the places of choosing Senators. [Section 4. Article I] US Constitution

7. No person .....be compelled in any criminal case to be a witness against himself. [Article V] US Constitution

8. The European Council ..... submit to the European Parliament a report after each of its meetings and a yearly written report on the progress achieved in the Union. [Art. 4] EU Treaty

9. The Union ..... respect the identities of its Member States. [Art. 6] EU Treaty

10. This treaty..... need to be revised with the aim of ensuring the effectiveness of the mechanisms and institutions of the Community. [Art. 2] EU Treaty

11. When such a determination has been made, the Council, acting by a qualified majority, ..... decide to suspend certain rights deriving from the application of this Treaty to the Member State in question, including the voting rights of the representative of the government of the Member State in the Council. [Art. 7] EU Treaty

**TASK D:** Observe the use of modals in the Treaty on European Union on the next page. Highlight/underline any modals used in both the English version and the Italian version. What verb tense indicates 'obligation' in Italian?

<b>TREATY ON EUROPEAN UNION</b> <a href="http://europa.eu.int/eur-lex/en/treaties/selected/livre102.html">http://europa.eu.int/eur-lex/en/treaties/selected/livre102.html</a>	<b>TRATTATO SULL'UNIONE EUROPEA</b> <a href="http://europa.eu.int/eurlex/it/treaties/selected/livre102.html">http://europa.eu.int/eurlex/it/treaties/selected/livre102.html</a>
<p align="center"><i>Article 5 (ex Article E)</i></p>	<p align="center"><i>Articolo 5 (ex articolo E)</i></p>
<p>The European Parliament, the Council, the Commission, the Court of Justice and the Court of Auditors shall exercise their powers under the conditions and for the purposes provided for, on the one hand, by the provisions of the Treaties establishing the European Communities and of the subsequent Treaties and Acts modifying and supplementing them and, on the other hand, by the other provisions of this Treaty.</p>	<p>Il Parlamento europeo, il Consiglio, la Commissione, la Corte di giustizia e la Corte dei conti esercitano le loro attribuzioni alle condizioni e ai fini previsti, da un lato, dalle disposizioni dei trattati che istituiscono le Comunità europee, nonché dalle disposizioni dei successivi trattati e atti recanti modifiche o integrazioni delle stesse e, dall'altro, dalle altre disposizioni del presente trattato.</p>
<p align="center"><i>Article 6 (ex Article F)</i></p>	<p align="center"><i>Articolo 6 (ex articolo F)</i></p>
<p>1. The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States.</p> <p>2. The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law.</p> <p>3. The Union shall respect the national identities of its Member States.</p> <p>4. The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.</p>	<p>1. L'Unione si fonda sui principi di libertà, democrazia, rispetto dei diritti dell'uomo e delle libertà fondamentali e dello stato di diritto, principi che sono comuni agli Stati membri.</p> <p>2. L'Unione rispetta i diritti fondamentali quali sono garantiti dalla Convenzione europea per la salvaguardia dei diritti dell'uomo e delle libertà fondamentali, firmata a Roma il 4 novembre 1950, e quali risultano dalle tradizioni costituzionali comuni degli Stati membri, in quanto principi generali del diritto comunitario.</p> <p>3. L'Unione rispetta l'identità nazionale dei suoi Stati membri.</p> <p>4. L'Unione si dota dei mezzi necessari per conseguire i suoi obiettivi e per portare a compimento le sue politiche.</p>
<p align="center"><i>Article 7 (ex Article F.1)</i></p>	<p align="center"><i>Articolo 7 (ex articolo F.1)</i></p>
<p>1. The Council, meeting in the composition of the Heads of State or Government and acting by unanimity on a proposal by one third of the Member States or by the Commission and after obtaining the assent of the European Parliament, may determine the existence of a serious and persistent breach by a Member State of principles mentioned in Article 6(1), after inviting the government of the Member State in question to submit its observations.</p> <p>2. Where such a determination has been made, the Council, acting by a qualified majority, may decide to suspend certain of the rights deriving from the application of this Treaty to the Member State in question, including the voting rights of the representative of the government of that Member State in the Council. In doing so, the Council shall take into account the possible consequences of such a suspension on the rights and obligations of natural and legal persons.</p> <p>The obligations of the Member State in question under this Treaty shall in any case continue to be binding on that State.</p> <p>3. The Council, acting by a qualified majority, may decide subsequently to vary or revoke measures taken under paragraph 2 in response to changes in the situation which led to their being imposed.</p> <p>4. For the purposes of this Article, the Council shall act without taking into account the vote of the representative of the government of the Member State in question. Abstentions by members present in person or represented shall not prevent the adoption of decisions referred to in paragraph 1. A qualified majority shall be defined as the same proportion of the weighted votes of the members of the Council concerned as laid down in Article 205(2) of the Treaty establishing the European Community.</p> <p>This paragraph shall also apply in the event of voting rights being suspended pursuant to paragraph 2.</p> <p>5. For the purposes of this Article, the European Parliament shall act by a two-thirds majority of the votes cast, representing a majority of its members.</p>	<p>1. Il Consiglio, riunito nella composizione dei Capi di Stato o di Governo, deliberando all'unanimità su proposta di un terzo degli Stati membri o della Commissione e previo parere conforme del Parlamento europeo, può constatare l'esistenza di una violazione grave e persistente da parte di uno Stato membro dei principi di cui all'articolo 6, paragrafo 1, dopo aver invitato il governo dello Stato membro in questione a presentare osservazioni.</p> <p>2. Qualora sia stata effettuata una siffatta constatazione, il Consiglio, deliberando a maggioranza qualificata, può decidere di sospendere alcuni dei diritti derivanti allo Stato membro in questione dall'applicazione del presente trattato, compresi i diritti di voto del rappresentante del governo di tale Stato membro in seno al Consiglio. Nell'agire in tal senso, il Consiglio tiene conto delle possibili conseguenze di una siffatta sospensione sui diritti e sugli obblighi delle persone fisiche e giuridiche.</p> <p>Lo Stato membro in questione continua in ogni caso ad essere vincolato dagli obblighi che gli derivano dal presente trattato.</p> <p>3. Il Consiglio, deliberando a maggioranza qualificata, può successivamente decidere di modificare o revocare le misure adottate a norma del paragrafo 2, per rispondere ai cambiamenti nella situazione che ha portato alla loro imposizione.</p> <p>4. Ai fini del presente articolo, il Consiglio delibera senza tener conto del voto del rappresentante dello Stato membro in questione. Le astensioni dei membri presenti o rappresentati non ostano all'adozione delle decisioni di cui al paragrafo 1. Per maggioranza qualificata si intende una proporzione di voti ponderati dei membri del Consiglio interessati equivalente a quella prevista all'articolo 205, paragrafo 2, del trattato che istituisce la Comunità europea.</p> <p>Il presente paragrafo si applica anche in caso di sospensione dei diritti di voto a norma del paragrafo 2.</p> <p>5. Ai fini del presente articolo, il Parlamento europeo delibera alla maggioranza dei due terzi dei voti espressi, che rappresenta la maggioranza dei suoi membri.</p>

**Some other words that express power and obligation in a legal context:**

- a) **has the power to** - The monarch has the power to sign international agreements.
- b) **is obliged** - The Queen is obliged to act on her ministers' advice.
- c) **will be empowered** - The Secretary of State of Wales will be empowered to alter the demarcation lines between the UK Parliament and the Welsh Assembly through a fresh transfer of function order.
- d) **will require** - Royal Assent to Ireland Bills will require the intervention of the Secretary of State.
- e) **legally binding** - In the draft European Constitution, the Convention on the future of Europe proposed that the Charter be fully incorporated into the future European Constitution as Part II, making it legally binding.
- f) **binding** - The opinions of the Advocates-General are not binding on the Court.
- g) **bound by** - When an amendment enters into force, it shall be binding on those States Parties that have accepted it, other States Parties still being

**ORAL PRACTICE - agreement/disagreement**

**TASK:** form a group with 4 persons. Each person chooses one of the topics to read. After you all have finished reading individually, take turns talking about the topic that you read. After you have explained what it is about, state your opinion. Ask other students in your group their opinion on this subject. Then the next person talks about his topic, etc.

Be prepared to defend your opinion. Use the chart 'useful language' in this *dispensa*. Try to use indirect disagreement.

**Mum at seventy?**

Recent medical advances mean that, with special treatment, women of almost any age can give birth. In most countries, this is allowed for women up to fifty, but in Italy until recently there were no laws to limit this, with the result that several women in their sixties have given birth. Some experts remain convinced that women of this age have the same right to have children as women in their forties, provided they are mentally and physically fit. agreement or disagreement? What is Italy's present position on this issue? What is your opinion, explain why.

**Legislation of soft drugs?**

In the Netherlands, people are allowed to carry small amounts of 'soft' drugs such as cannabis for their own personal use. However, only special cafés are licensed to sell these drugs. The Dutch government believe that this approach has helped to control the abuse of 'hard' drugs such as heroine. Similar attempts to legalize cannabis in other countries have been opposed by those who believe that this would worsen the problem. What is Italy's position on 'soft drugs'? Does a 'soft' drug have the same punishment as a 'hard' drug? What is your opinion, explain why.

**The right to bear arms**

The second amendment of the constitution of the United States means that every citizen has the right to own a gun if they wish to. In most other western democracies, the law is very different - the ownership of guns is strictly controlled. In Britain following terrible tragedies, all privately owned handguns are now banned. Can Italian citizens 'bear arms'? What requirements are needed to buy a gun? What age? What is your opinion? Should every citizen have the right to own a gun? What is your opinion, explain why.

**Euthanasia**

Euthanasia and physician-assisted suicide are prohibited in most countries worldwide. However, end-of-life debates tend to occur more in North America, Europe, and Australia than they do in Asia, Africa, South America, and the Middle East, although there are exceptions to this trend. For example in Switzerland, euthanasia is illegal but physician-assisted suicide has been legal since 1918. In Holland, the Dutch government does not prosecute physicians who, in accord with terminally ill patient's request, provide lethal injections or give lethal injections. What is Italy's position on euthanasia? Does it have a 'living will' (*testamento biologico*)? What is your opinion, explain why.

**Convention for the Protection of Human Rights and Fundamental Freedoms,  
as amended by Protocol No. 11  
Rome, 4.XI.1950**

The governments signatory hereto, being members of the Council of Europe,

Considering the Universal Declaration of Human Rights proclaimed by the General Assembly of the United Nations on 10th December 1948;

Considering that this Declaration aims at securing the universal and effective recognition and observance of the Rights therein declared;

Considering that the aim of the Council of Europe is the achievement of greater unity between its members and that one of the methods by which that aim is to be pursued is the maintenance and further realisation of human rights and fundamental freedoms;

Reaffirming their profound belief in those fundamental freedoms which are the foundation of justice and peace in the world and are best maintained on the one hand by an effective political democracy and on the other by a common understanding and observance of the human rights upon which they depend;

Being resolved, as the governments of European countries which are like-minded and have a common heritage of political traditions, ideals, freedom and the rule of law, to take the first steps for the collective enforcement of certain of the rights stated in the Universal Declaration,

Have agreed as follows:

**Article 1<sup>1</sup> – Obligation to respect human rights**

The High Contracting Parties shall secure to everyone within their jurisdiction the rights and freedoms defined in Section I of this Convention.

**Section I<sup>1</sup> – Rights and freedoms**

**Article 2<sup>1</sup> – Right to life**

1 Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

2 Deprivation of life shall not be regarded as inflicted in contravention of this article when it results from the use of force which is no more than absolutely necessary:

a in defence of any person from unlawful violence;

b in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;

c in action lawfully taken for the purpose of quelling a riot or insurrection.

**Article 3<sup>2</sup> – Prohibition of torture**

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

**Article 4<sup>1</sup> – Prohibition of slavery and forced labour**

1 No one shall be held in slavery or servitude.

2 No one shall be required to perform forced or compulsory labour.

3 For the purpose of this article the term "forced or compulsory labour" shall not include:

a any work required to be done in the ordinary course of detention imposed according to the provisions of Article 5 of this Convention or during conditional release from such detention;

b any service of a military character or, in case of conscientious objectors in countries where they are recognised, service exacted instead of compulsory military service;

c any service exacted in case of an emergency or calamity threatening the life or well-being of the community;

---

<sup>2</sup> Heading added according to the provisions of Protocol No. 11 (ETS No. 155).

- d any work or service which forms part of normal civic obligations.

#### Article 5<sup>1</sup> – Right to liberty and security

1 Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

- a the lawful detention of a person after conviction by a competent court;
- b the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;
- c the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;
- d the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;
- e the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;
- f the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

2 Everyone who is arrested shall be informed promptly, in a language which he understands, of the reasons for his arrest and of any charge against him.

3 Everyone arrested or detained in accordance with the provisions of paragraph 1.c of this article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

4 Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

5 Everyone who has been the victim of arrest or detention in contravention of the provisions of this article shall have an enforceable right to compensation.

#### Article 6<sup>3</sup> – Right to a fair trial

1 In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2 Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3 Everyone charged with a criminal offence has the following minimum rights:

- a to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
- b to have adequate time and facilities for the preparation of his defence;
- c to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;
- d to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
- e to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

<sup>3</sup> Heading added according to the provisions of Protocol No. 11 (ETS No. 155).

## HUMAN RIGHTS

In your own words what are the **fundamental rights** that Human Rights' Conventions talk about? Write as many of these words or phrases that you can think of in the space below (one minute). Compare with the person next to you when you have finished.

.....

.....

.....

.....

### VOCABULARY : Language of the law in treaties

*treaty* – a formally signed and ratified agreement between two nations or sovereigns, it is not only the law in each state but also a contract between the signatories, Also termed: accord, convention, covenant, pact.

*signatories* - a party, in this case a nation, that signs a document.

High Contracting Parties - nations (states) involved in legal transactions (such as a treaty).

*whereas* - given the fact that, since

*entered into force* – to become effective, with legal obligations or given legal effect.

*ratification/ratify* - in international law, this is the final confirmation by the parties (at a national level) to the international treaty.

*rule of law* – the doctrine of government that all people are equal before the law and answerable to the law.

**SCAN** the following original documents, underline or **highlight** all the words or phrases that further describe these fundamental rights of mankind.

### Historical overview with authentic quotations from the original documents

#### What are these inalienable rights, these basic rights of all human beings?

Over the years, an attempt has been made to define the content and extent of these rights either through the incorporation of fundamental rights through legally binding instruments (with enforcement mechanisms) adopted and ratified by States (such as additions and expansions to preexisting Conventions) or by setting up standards and principles for interpretation of human rights established at the international level, some of which may later become embedded in both national and regional institutions. Some of these instruments remain an *aspiration* as opposed to a legal requirement. Nonetheless, if States observe the conventions they have ratified through their own legal processes and procedures, human rights are safeguarded for mankind.

**Magna Carter** (1215) The first Bill of Rights states: "Wherefore we will and firmly decree that the English church shall be free, and that the subjects of our realm shall have and hold all the aforesaid liberties, rights and concessions, duly and in peace, freely and quietly, fully and entirely..." (63)

**French Declaration of the Rights of Man** (1793) puts forth the idea that the rights of the people, human rights, stand higher than law. It declared: "Any law which violates the inalienable rights of man is essentially unjust and tyrannical; it is not a law at all..."

**The Declaration of Independence** (1776, USA) states: "We hold these truths to be self-evident, that all men are created equal, and that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness".

**Charter of the United Nations - Preamble** (June 1945) entered into force Oct. 24, 1945.

Reaffirms and formalizes fundamental rights after the Second World War: "We the peoples of the United Nations determined to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained".

**Universal Declaration of Human Rights** (December 1948) \*\*\*\*\*

It is often called the International Bill of Human Rights. The General Assembly of the United Nations adopts a *standard* for interpretation of basic human rights. This is not a legally binding document.

In the Preamble it states: "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world..."

**European Convention on Human Rights and Fundamental Freedoms** (1950) entered into force 1953 (Enforced by the European Court of Human Rights in Strasbourg.) In the Preamble it states: "Being resolved, as the governments of European countries which are like-minded and have a common heritage of political traditions, ideals, freedom and the rule of law, to take the first steps for the collective enforcement of certain of the rights stated in the Universal Declaration..."

**European Social Charter** (1961) Extends economic and social rights to the European Convention on Human Rights.



**International Covenant on Civil and Political Rights** (1966) entered into force Mar. 23, 1976. States: "The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant." Article 3

**International Covenant on Economic, Social and Cultural Rights** (ICESCR, 1966) entered into force 1976.

Reconfirms:

"All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." PART I (1)

► The UN adopted these two covenants in order to give legal effect to the rights and duties embodied in the Universal Declaration of Human Rights. It is monitored by the UN Human Rights Committee.

**Convention on the Status of Refugees** (1951) The word 'refugee' is defined: "...owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country...". Article 1 "Noting that the United Nations High Commissioner for Refugees is charged with the task of supervising international conventions providing for the protection of refugees...". Preamble

**Elimination of all Forms of Racial Discrimination** (1965) It declares: "States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end..." Article 2(1)

**Convention on the Elimination of all forms of Discrimination against Women** (1979) It states: "For the purposes of the present Convention, the term 'discrimination against women' shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field". PART I Article I

**Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment** (1984)

"Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction." Part 1 (1)

**Declaration of the Rights of the Child** (1959) **Convention on the Rights of the Child** (1989)

"States Parties shall respect the right of the child to freedom of thought, conscience and religion." Article 14 (1)

"States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts." Article 31 (1)

**Convention on the Rights of the Child** (1990) It declares: "1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status". PART 1, Article 2

**Declaration on the Elimination of Violence against Women** (1993) Affirms: "...that violence against women constitutes a violation of the rights and fundamental freedoms of women and impairs or nullifies their enjoyment of those rights and freedoms, and concerned about the long-standing failure to protect and promote those rights and freedoms in the case of violence against women...". Preamble

**UK Human Rights Act** (1998) It reconfirms that this act is: "...a safeguard for existing human rights. A person's reliance on a Convention right does not restrict- (a) any other right or freedom conferred on him by or under any law having effect in any part of the United Kingdom; or (b) his right to make any claim or bring any proceedings which he could make or bring apart from sections 7 to 9." (11).

Non-governmental organizations such as **Amnesty International** and **Human Rights Watch** have been campaigning for years worldwide. Amnesty International is a Nobel Peace Prize-winning grassroots activist organization with more than 2.2million supporters, activists and volunteers in more than 150 countries campaigning for human rights nationwide. The organization investigates and exposes abuses, educates and mobilized the public, and works to protect people wherever justice, freedom, truth and dignity are denied.

► Can you think of any other Conventions or Declarations that have not been mentioned above?

As you research the internet for your Terminology Projects, add more to this list.

.....  
.....  
.....

**LANGUAGE FOCUS TASKS**

*Legal English and the Common Law & Legal Grammar Handbook***LANGUAGE FOCUS 1 – Terminology - Chapter One and Chapter Two**

**TASK IN PAIRS:** *in the chart below, there are many lexical items taken from Chapter one and Chapter two. Try to think of which legal documents they were taken from: three are related and one word is out of context. The first one has been done for you.*

**TASK A - Which one word is out of context?**

0	recital	article	preamble	statute
1	enactment	judgment	code	legislation
2	ratify	adopt	mitigate	amend
3	charter	treaty	accord	declaration
4	a resolution	an act	long title	short title
6	Maastricht	Rome	Lisbon	Frankfort
7	signatory	ratification	accession	legislation
8	constitutional convention	Royal Prerogative	Royal Assent	Prime Minister
9	legal codes	ratio decidendi	stare decisis	binding precedent
10	House of Lords	House of Commons	Lords Spiritual	Lords Temporal
11	Scotland Act of 1998	constitutional reform	devolution	sovereignty

**TASK B Match the words in column a with the definitions in column b.**

1	recital		nations (States) that are party to an agreement.
2	legally binding		having legal effect.
3	declaration		to confirm or approve of an agreement officially so that it becomes valid.
4	jurisdiction		is the judicial decision which future courts must follow when deciding on similar cases.
5	High Contracting Parties		treaties can be amended with these additions.
6	treaty		In international law, it is the territory over which a State has legal authority.
7	protocols		an introductory statement (to an act, a constitution or other legal instrument which explains the document's basis and objective).
8	preamble	1	a series of listed points providing background information and explaining a document's purpose.
9	ratify		to make an official statement. It is not legally binding.
10	ratio decidendi		a Latin phrase meaning: "stand by the decision" - is a legal phrase referring to the obligation of courts to honor past precedents.
11	binding precedent		rights and powers assigned to a king or queen.
12	stare decisis		a Latin phrase meaning "the reason for the decision." - the principal on which a judicial decision is based.
13	Royal prerogative		convention, a pact, an accord, an alliance, charter.
14	constitutional convention		an obligation not imposed by the law or by judicial precedent but by usage.

**TASK C – Word formation**

*Can you fill in the empty spaces with the proper form of the word?*

verb	noun (concept)	noun (person(s))	adjective	adverb
	obligation	x	obligatory obligated	x
interpret		interpreter interpretivists	interpretive	x
judge	judgment		judgmental	x
judicialize	judicialization	judiciary	judicial	judicious judiciously
litigate		litigant litigator	litigatory litigative litigational litigated	x
	approbation approval	x	approved approving	approvingly
ratify		x	x	x
	prohibition	x	prohibitive prohibitory	prohibitively

**TASK C**

*Insert the appropriate word in the spaces (verb, noun, noun concept, adjective, adverb).*

- 1) The right of .....review is one of the powers of the Supreme Court.
- 2) The so-called .....believe that the Court must confine itself to norms clearly stated in the language of the Constitution.
- 3) Lord Bingham's opinion is considered to be the leading ..... in the case.
- 4) The bill was not ..... because it did not have a majority vote.
- 5) Should the wearing of the burqa be .....in public schools?
- 6) The settlement ends after more than five years of .....on behalf of the residents.
- 7) The parliaments of Australia and Indonesia have not yet ..... the treaty.

**TASK E – Prefixes and suffixes**

*Can you fill in the missing suffixes or prefixes to the following words?*

	Prefixes	
0	contested	<i>uncontested</i>
1	legal	
2	compatible	
3	accessible	
4	direct	
5	lawful	
	<b>Suffixes</b>	
0	constitution	<i>constitutional</i>
6	implement	
7	sovereign	
8	limit	
9	parliament	
10	violate	

## Legal English and the Common Law &amp; Legal Grammar Handbook

**LANGUAGE FOCUS 2 – Terminology - Chapter Two****TASK A - Which one word is out of context?**

1	judge-made law	unwritten law	written law	common law
2	primary legislation	subordinate legislation	secondary legislation	delegated legislation
3	House of Commons	elected body	Lower House	Upper House
4	outlaw	override	approve	block
5	defendant	prosecution	offence	license

**TASK B - True or False?***According to the Scotland Act of 1998...*

1	.....	A law that is approved must receive the Royal Assent before it becomes an Act.	
2	.....	A Bill is the legal name of the law.	
3	.....	Scotland still remains part of the United Kingdom with the Prime Minister as head of state and part of the legislature.	
4	.....	The UK can continue to legislate for Scotland.	
5	.....	The power of the UK Parliament has been changed by the Scotland Act 1998.	
6	.....	The Scottish Parliament may make laws.	
7	.....	Scotland can make a law outside the territory of Scotland.	
8	.....	Scotland has the legislative competence (the power to act juridically) to regulate its own international trade with other countries.	

**TASK C - Match the words in column a with the definitions in column b.**

1	came into force		to use official authority to ignore or change a decision that was made.
2	fine		to give legal effect to an Act, a treaty, etc.
3	to contravene an Act		to cite as legally binding
4	to invoke		to prohibit, ban
5	exempt		offence (BrE) or offense (AmE)
6	override		to violate, to come into conflict with
7	outlaw		a sum of money
8	crime		free or released from a duty or liability

**TASK D – Word formation Fill in the spaces below with the appropriate word form**

verb	noun concept	adjective
to establish		established
to constitute	constitution / constitutionality ( <i>allowed by the constitution</i> )	
	amendment	x
	legislation / legislator ( <i>person</i> )	legislative
to regulate	( <i>person and thing</i> )	regulatory / regulated
to govern	government	
to enact		x
	implementation	

- 1) The authorities have failed so far to ..... a law allowing unrestricted immigration.
- 2) One purpose of the Act is to ..... the law about parliamentary constituencies.
- 3) The Scottish Parliament will have wide ..... and ..... powers.
- 4) The Scottish Parliament is responsible for the ..... of international obligations.
- 5) The UK today is a ..... monarchy.
- 6) The Scotland Act provided for the ..... of a Scottish Parliament and Administration.
- 7) The European Union has proposed new ..... to control the hours worked by employees.

*Legal English and the Common Law & Legal Grammar Handbook*  
**LANGUAGE FOCUS 3 – Chapter five– The Language of Civil Law**

**TASK A** - Match the terms from Chapter four in column a with the definitions in column b.

1	claimant		a manufacturer or seller's liability for any damages or injuries suffered by the buyer as the result of a defective product.
2	duty of care		an order of the court that something will or will not be done (equitable remedy).
3	product liability		A civil or criminal judicial proceeding
4	negligence		the party who committed a tort, the 'wrongdoer' (the defendant)
5	injunction		a standard of conduct for human activity; the legal duty to conduct oneself in a reasonable manner
6	trespass		the injured party, the person who seeks a remedy against the tortfeasor
7	tortfeasor		to set 'right' a 'wrong', to gain satisfaction or compensation for a wrong suffered.
8	redress		failure to exercise the standard duty of care.
9	action		the money the defendant is ordered by the court to pay the plaintiff for the loss or injury suffered.
10	damages		An unlawful act committed against a person ( <i>battery</i> - physical contact) or property of another.

**TASK B VERB-NOUN COLLOCATION – Civil Law**

Match the following verbs in column a with the nouns in column b

1	to seek		victims for damage (injuries or losses)
2	failing to exercise		the claimant's right
3	to breach		reasonable care
4	to vindicate (reaffirms, gives force to)		damages, or an injunction
5	to compensate		a contract

**TASK C – WORD FORMATION** Fill in the spaces below with the appropriate word form in the empty spaces. Sometimes more than one word form is possible [ (1) (2) (3) ]

Words that are not necessarily used in a legal context have not been included in the table.

verb	noun concept / noun person	adjective
to interpret	(3) / interpreter / interpretivists	interpretative, interpretive, interpretational
to persuade	x	
to act	(2)	actionable
x		contingent
deduce		deductive

**TASK D** – Fill in the spaces with the appropriate form of the word from the table above.

- 1) .....evidence can convince the jury on the facts of the case to decide on a verdict of guilty or not guilty.
- 2) Growth in the EU is ..... on all countries in the Eurozone complying to budget cuts.
- 3) The civil law method is ..... in approach, moving from the general rule to its application in the individual case.
- 4) If something that you do or say to someone is ..... , it gives them a valid reason for bringing a legal case against you.

*Legal English and the Common Law & Legal Grammar Handbook***LANGUAGE FOCUS 4 - THE EUROPEAN DIMENSION – Chapter Three and HUMAN RIGHTS****TASK A True (T) or false (F)?**

1	The Council of Europe	was established to prevent future war and to maintain international peace and security.
		has 47 Member States
		has two official languages: English and French.
		is another name for the Council of the European Union
2	The ECHR	is a legally binding instrument
		comes into force only after it has been ratified and deposited with the Secretary General of the Council of Europe by all the signatories to the convention.
		was inspired by the Universal Declaration of Human Rights of 1948.
3	Citizenship of the Union	EU citizens can stand as a candidate in elections to the European Parliament in a Member State even if he/she no longer resides in state of national citizenship.
		When traveling in a country outside the EU, an EU citizen is entitled to protection from the consular authorities of any other country if their consulate is not represented.
		EU citizens can choose where to live and work in the Union.
4	The Universal Declaration of Human Rights	is a legally binding document.
		is an aspiration as opposed to a legal requirement.
		set up standards and principles for interpretation of human rights.

**TASK B Which one word is out of context?**

1	EEC	ECHR	TEU	UDHR
2	United Nations	Court of Justice	International Court of Justice	Charter of the United Nations
3	relief	redress	remedy	damages
4	discharged	abolished	implemented	dissolved
5	violation	observance	infringement	breach
6	The Netherlands	Italy	France	Great Britain
7	Council of the European Union	Court of Justice	Court of Auditors	Council of Europe
8	International Court of Justice	French and English	judicial organ	Luxembourg

**TASK C – Collocation**

*Match the words in column A with the words in column, and column C with column D.*

A	B	C	D
official	organ	declaration	in accordance with
judicial	language	invoke	precedent
Community	the treaty	to act	order
incorporate	members	remedial	of incompatibility
constitutional	States	persuasive	certified
signatory	statutes	discretionary	authentic
entitled to	by law	equally	powers
prescribed	protection	duly	rights

*Legal English and the Common Law & Legal Grammar Handbook***LANGUAGE FOCUS 5 – Chapter four – The Language of Criminal Law**

**TASK A – WORD FORMATION** Fill in the spaces below with the appropriate word form in the empty spaces. Sometimes more than one word form is possible [ (1) (2) (3) ]

Words that are not necessarily used in a legal context have not been included in the table.

verb	noun concept / noun person	adjective
to convict	(2) / conviction	x
to comply		x
to judge	(3) judge / / judiciary	judicious
to accuse to stand accused (verb phrase)	3) accuser / / accusation	accusing / accusatory
to punish	punishment	
to to cross-examine	examination	x
to supervise	supervisor /	supervisory
to indict	indictment	

**TASK B – Fill in the spaces with the appropriate form of the word.**

- 1) Inspectors were sent to visit nuclear power plants and verify ..... with the treaty.
- 2) ..... is alleged to be a member of a well known terrorist group.
- 3) The Court is expected to give its ..... within the next three days.
- 4) Treason in many countries is ..... by death.
- 5) Everyone charged with a criminal offence has the right ..... witnesses against him.
- 6) The police under the ..... of the independent Crown Prosecution Service charge the defendant with the offence.
- 7) The Court of Appeals held that the appellants' ..... did not rest on the evidence of Miss Miles "to a decisive extent".
- 8) Attorneys for the ..... officers tried to delay the trial.

**TASK C - VERB-NOUN COLLOCATION**

Match the following verbs in column a with the nouns in column b (taken from Riley's Supplement)

1	to charge		acts as gatekeeper in a jury trial
2	to confront		over by a judge
3	The judge		the lawful order of a court
4	to be guilty beyond		and cross-examine the witness
5	compliance with		out by the police
6	conviction		against conviction
7	presided		with an offence
8	right to a		a reasonable doubt
9	an appeal		dismissed by the Court of Appeal
10	investigation is carried		fair trial

**TASK D Which one word is out of context?**

1	self-defence	reasonable force	unreasonable force	negligence
2	acquitted	found not guilty	convicted	discharged
3	provocation	murder	partial defence	manslaughter
4	first degree murder	reduced sentence	involuntary manslaughter	without intention to kill
5	diminished responsibility	mitigating circumstances	manslaughter	life imprisonment



*Legal English and the Common Law & Legal Grammar Handbook***LANGUAGE FOCUS 6 – REVIEW****A) TEXT comprehension****TREATY ESTABLISHING THE EUROPEAN COMMUNITY  
(CONSOLIDATED TEXT)****PART TWO****CITIZENSHIP OF THE UNION****Article 17**

1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall complement and not replace national citizenship.

2. Citizens of the Union shall enjoy the rights conferred by this Treaty and shall be subject to the duties imposed thereby.

**Article 18**

1. Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty and by the measures adopted to give it effect.

[2. and 3. omitted]

**Article 19**

1. Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate at municipal elections in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements adopted by the Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State.

**Questions**

1. In Article 17(1), which words are used to enact the law and give it the force of law?
2. Article 18(1), how would you interpret this clause? the clause "...subject to the limitations and conditions laid down by the Treaty and by the measures adopted to give it effect".
3. Article 19(1) Can an Italian citizen vote in local elections in other EU Member States? Explain.

**B) Law and Terminology****Exercise 1 True/False Criminal Law**

- a) In common law countries, the adversarial system of trial is a common feature in criminal law cases but not civil cases.
- b) A contested trial in the Crown Court is where the defendant declares that he or she has not committed the offences charged.
- c) In the inquisitorial method of trial, the dominant role is played by the court; however the judge must remain passive while listening to the evidence of the two parties.
- d) When citizens receive a summons for jury service, they have to respond: it is a civic duty.
- e) Appeals in the English legal system are generally on the law, not on the facts of the case.

**Exercise 2 - Related words** *Identify the term that is out of context.*

a EU

The first pillar of Maastricht	European Communities	Community pillar	Common foreign and security policy
--------------------------------	----------------------	------------------	------------------------------------

**Criminal Law**

b	homicide (murder)	voluntary manslaughter	involuntary manslaughter	diminished responsibility	mitigating circumstances
---	-------------------	------------------------	--------------------------	---------------------------	--------------------------

c	indictable crimes (felonies)	Crown Court	trial by jury	summary offences (misdemeanors)
---	------------------------------	-------------	---------------	---------------------------------

**d Common Law Method**

judicial precedent	binding precedent	case law	stare decisis	statutes
--------------------	-------------------	----------	---------------	----------

**Exercise 3 Word Formation** - *Insert the correct form of the term in the blank space.*

a. The Human Rights Act 1998, does not impose criminal..... on public authorities, but may be invoked by a victim of a violation of a Constitutional right in order to safeguard his or her rights. [ LIBEL ]

b. Are there any other consequences of a declaration of .....? [referring to HRA].  
[ INCOMPATIBLE ]

c. .... is an example of a partial defense to murder. [ PROVOCATE ]

d. In English law, ... offenses are serious crimes. [ INDICT ]

**Exercise 4 DEFINITIONS** *Select the correct term from the alternatives below:*

judge                      claim                      invoke                      jury                      charge                      evidence

a	In a civil proceeding, a party presents a legal request to a court.	a	
b	Decides the sentence	b	
c	The means by which an issue of fact may be proved or disproved	c	
d	To call upon a higher authority for support or assistance	d	
e	To accuse of a criminal act	e	
f	Decides the verdict	f	

**Exercise 5 COLLOCATIONS** *Select the appropriate alternative.*

a. A legislative enactment at national level is necessary to ..... the treaty into the national legal system. enforce / integrate / incorporate

b. The EU is .....the European Communities, which are the 'first pillar of Maastricht'.  
founded on / formed by / organized with

c. The judge ..... the trial. decides on / presides over / supervisors over

d. When a person has a duty in tort, we say that he or she ..... to another.  
owes a duty / is obliged / is liable