

**ROVIGO
CUR**

LINGUA INGLESE GIURIDICA

ALISON RILEY

STUDENT FOLDER

2010-2011

Name

Please spend some time examining this Student Folder at the beginning of the Lingua inglese giuridica course

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Lingua inglese giuridica (6 crediti) - sede di Rovigo

a.a. 2010/2011 - Prof.ssa Alison Riley

Contenuti del corso

Lo studio della lingua inglese giuridica si colloca nell'ambito dell'*English for Specific Purposes* e ha come oggetto la conoscenza della lingua inglese nelle sue manifestazioni in ambito giuridico. Il corso si basa su un'introduzione alla lingua giuridica dell'ordinamento interno, con particolare riferimento alla *common law* inglese (fonti e testi, cultura giuridica, terminologia); inoltre si prendono in esame testi e lingua del diritto dell'Unione Europea e del diritto internazionale, con particolare riferimento alla tutela dei diritti umani.

Metodologia didattica e obiettivi: le lezioni si svolgono in lingua inglese, ma su richiesta degli studenti la docente è disponibile a fornire chiarimenti in italiano. Le lezioni si basano sull'esame e sulla discussione di testi giuridici originali nonché sull'approfondimento del linguaggio, della terminologia e del diritto dell'ordinamento giuridico in oggetto. Si prendono in esame concetti ed istituti giuridici attinenti i vari temi trattati nel programma, elencati qui di seguito. Si propone il raggiungimento dei seguenti obiettivi: l'acquisizione delle specifiche competenze linguistiche e delle conoscenze linguistiche, giuridiche e culturali necessarie per poter consultare e commentare testi giuridici originali in lingua inglese e per discutere di argomenti giuridici anche di natura comparata, usando un linguaggio appropriato; la padronanza della terminologia giuridica inglese di base e l'approfondimento delle conoscenze terminologiche nei vari settori presi in esame nel programma (es. diritto costituzionale, diritti umani); la capacità di ricercare e consolidare il lessico, le tematiche e le fonti del diritto in lingua inglese con metodi e strumenti idonei (opere di consultazione specialistiche, risorse attendibili in Internet).

Temi trattati

*I riferimenti numerici corrispondono alle relative sezioni del libro di testo in adozione: **Legal English and the Common Law***

A) English in Legal Contexts (Chapter One) - 1.1 Introduction. 1.2 Reading, vocabulary and context. Nelson Mandela: *Long Walk to Freedom* 1.3 A selection of texts on legal themes. 1.4 English legal contexts and English legal texts. *Inoltre, si consiglia la lettura di* 1.5 Features of English legal texts and language. 1.6 Discussion and reflection: Opinions on legal language.

B) The Language of a Legal System (Chapter Two) - 2.1 Introduction. 2.2 Legislation and the Legislature. Constitutional monarchy. 2.3 Consulting legislation: British constitutional reform. 2.4 The legislature: House of Commons and House of Lords. 2.6.1 Constitutional legislation (*pages 84-85*). *Inoltre, si consiglia la lettura di* 2.7 Reflection and comparison. La formazione della regola giuridica (di Federica Giardini).

C) From The Language of Civil Law (Chapter Five) 5.3 Introduction to common law method. Judicial precedent. The hierarchy of the English courts.

D) The European Dimension (Chapter Three) and Human Rights - 3.1 Introduction. 3.2 Languages in international contexts. 3.3 Consulting treaty law: the European Union. EU citizenship. 3.4 The European Convention on Human Rights. 3.6 Reflection and comparison: L'Italia e la Convenzione europea per i diritti dell'uomo (di Serena Forlati).

Testi integrativi del libro di testo:

- 1) European Convention on Human Rights (ECHR/CEDU);
- 2) Charter of Fundamental Rights of the European Union (Charter of Nice).

E) The Language of Criminal Law (Chapter Four) and Human Rights - 4.1 Introduction. 4.2 Criminal prosecution: the Crown Prosecution Service. 4.3 Criminal trial and conviction. 4.4 The elements of a crime: *actus reus* and *mens rea*. 4.5 Homicide and defences (4.5.1 and 4.5.2).

Testi integrativi del libro di testo:

- 1) European Convention on Human Rights + Protocol No. 6, Strasbourg, 28 April 1983 + Protocol No. 13, Vilnius, 3 May 2002.
- 2) Case studies: selections from the Strasbourg case law concerning the death penalty (*brani scelti dalla giurisprudenza della Corte di Strasburgo in materia di pena di morte*).

Esame

L'esame di Lingua inglese giuridica è un esame orale da svolgere in lingua inglese. L'esame consiste in due attività.

1) Personal Terminology Project. Tutti gli studenti porteranno all'esame il **Personal Terminology Project**, una ricerca consistente in 10 schede, ognuna delle quali dedicata ad un termine giuridico e contenente definizioni ed esemplificazioni in vari contesti giuridici del significato e dell'uso del termine individuato; il/la candidato/a dovrà essere in grado di commentare quanto esposto nel proprio lavoro. Si valuta la qualità della ricerca terminologica: attendibilità e varietà delle fonti citate, originalità, portata e precisione del *Project*, padronanza dei contenuti. Le modalità di svolgimento del *Project* sono disponibili sulla pagina web della docente nonché in Segreteria del CUR (Lingua inglese giuridica Prof. Riley - Student Folder 2010-2011). Il *Project* va consegnato durante il ricevimento studenti con anticipo rispetto all'appello da sostenere; consultare la pagina web per avvisi in merito. NB. Per la preparazione del Project è vivamente consigliata anche la frequenza al corso integrativo della prof.ssa **Patricia Sours**.

2) Discussione del programma. I candidati saranno interrogati in lingua inglese sui vari temi del programma e sono invitati pertanto a scegliere il primo argomento per la discussione. La valutazione si basa sulla conoscenza e comprensione dei testi giuridici, della terminologia e delle nozioni e fonti inerenti il programma e sulla capacità di commentare gli argomenti proposti, esprimendosi con un linguaggio appropriato, con particolare riguardo al linguaggio giuridico. Si valuterà positivamente anche l'illustrazione in sede d'esame di testi giuridici originali. I materiali, compresi i testi giuridici, necessari alla preparazione della prova orale sono contenuti nel libro di testo in adozione, assieme ai testi integrativi indicati nel Programma, e potranno inoltre essere integrati da ulteriori ricerche, ad esempio seguendo gli spunti proposti nei vari *Tasks* del libro, o nelle letture consigliate alla fine di ciascun capitolo (*Ideas for further reading*) oppure nei materiali proposti nella *Legal Grammar Handbook* (stesso volume, cap. 7-11).

Alcuni **studenti regolarmente frequentanti** e con una buona conoscenza della lingua inglese potranno chiedere di integrare l'esame orale con la presentazione e discussione durante le lezioni di un argomento dal programma. Gli studenti interessati sono pregati di presentarsi al ricevimento studenti entro la seconda settimana di lezioni.

Testi

A) Testo in adozione: *Legal English and the Common Law*, Alison Riley, Cedam, Padova, 2008; si trova nel volume il ***Legal Grammar Handbook* di Patricia Sours**, consigliato per la consultazione grammaticale (Chapters 7 to 11). Si prega di munirsi del testo prima del corso e di portarlo a tutte le lezioni in quanto contiene tutti i testi giuridici che verranno presi in esame a lezione (assieme ai testi integrativi), nonché le spiegazioni ed illustrazioni del intero programma di Lingua giuridica inglese: *pertanto non sono ammesse le fotocopie*. Fanno parte del programma i capitoli (con relative sezioni e pagine) concernenti i temi elencati nei Temi trattati (v. sopra).

B) Testi integrativi:

Reperibili online dai siti web ufficiali:

- European Convention on Human Rights (ECHR/CEDU): Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocol No. 14, Rome, 4 Nov 1950 *and* Protocols 6, 13 sul sito web del Consiglio d'Europa: www.echr.coe.int/echr/ (Click *Basic texts*). E' disponibile anche una traduzione italiana;
- Charter of Fundamental Rights of the European Union (2007/C 303/01) (Charter of Nice) sul sito web dell'Unione Europea: EUROPA <http://europa.eu/> alla pagina http://europa.eu/documentation/legislation/index_en.htm Si consiglia di scaricare anche la versione italiana del testo alla pagina http://europa.eu/documentation/legislation/index_it.htm
- Strasbourg case law (giurisprudenza, brani selezionati) sarà resa disponibile durante il corso presso la Segreteria del CUR e online sul sito web della docente.

C) Dizionario giuridico. Si consiglia l'utilizzo di un dizionario monolingue di termini giuridici inglesi di pubblicazione inglese o americana, a scelta, ad es. *The Oxford Dictionary of Law* Oxford University Press, UK.

D) Tutti gli studenti sono pregati di fornirsi *e di esaminare* una copia dello **Student Folder 2010-2011**, disponibile presso la Segreteria del CUR da metà Settembre 2010. Contiene particolari utili riguardo le modalità di svolgimento del corso nonché le indicazioni per il Personal Terminology Project.

Preparazione linguistica

Per seguire il Corso di Lingua inglese giuridica con profitto è necessaria una conoscenza dell'inglese generale non inferiore al livello pre-intermedio (B1 Council of Europe / Cambridge PET). Tutti gli studenti che necessitano di ulteriore preparazione linguistica generale prima di affrontare il corso sono consigliati di seguire gli appositi corsi di lingua generale organizzati dalla Facoltà fin dal primo anno in entrambi i semestri (chiedere informazioni presso la Segreteria del CUR sui corsi tenuti dalla prof.ssa P. Fiordelmondo).

Contemporaneamente alla frequenza al corso di Lingua inglese giuridica della prof.ssa Alison Riley, si consiglia vivamente anche la frequenza al corso integrativo tenuto dalla prof.ssa Patricia Sours.

Course information (Alison Riley's course)

Course dates: from Monday 4th October to Tuesday 14th December 2010

Lessons will be held every Monday and Tuesday (excluding public holidays) for a total of 42 hours.

Ricevimento studenti October-December 2010: Mondays 13,00-13,45

Tuesdays 13,00 by appointment only

Terminology Projects: please hand in your Project by Tuesday 14th December if you wish to sit the exam at the first opportunity in January (I° appello).

STUDY GROUPS

AN ACTION RESEARCH PROJECT FOR SUCCESSFUL LEARNING TOGETHER

INTRODUCTION TO STUDY GROUPS

***What are study groups?** Study groups are groups of 3 or 4 (maximum 5) students who work together regularly as a stable unit during this entire course, performing communicative activities in English.*

***A) Why form study groups?** We will use study groups on the course for these important reasons:*

- 1) To permit every student to take part directly in **communicative language activities** in class; this valuable opportunity **to practise using legal English together** in reading, discussion or vocabulary activities will contribute to improving your language skills and confidence and preparing you for the oral exam.*
- 2) To provide a **support** unit that can encourage individual members to attend lessons regularly, leading to **successful completion of the course**. Your study group can provide practical and human support (especially in the context of a large class); **collaborative learning** with group members can be more enjoyable and motivating than always working alone. N.B. We measure successful learning by taking and passing the exam at the end of the course. Our research has shown (Riley & Sours) that students who attend the full course regularly have excellent chances of success. By comparison, students who drop out of lessons tend not to attempt the exam.*
- 3) As part of your assessment for the Lingua inglese giuridica exam, **students who attend lessons regularly** (minimum 30 hours) may make a **seminar presentation** during the course, to substitute part of the oral exam. These presentations may be made individually or jointly in your **study group** if preferred. (Note that the contribution of each group member will receive an individual grade.) For students who make a seminar presentation, the oral exam will consist of a discussion of your Personal Terminology Project, only. For other students the oral exam will also include a discussion of topics studied on the course.*

***B) What will we do in study groups?** Two types of activity:*

- 1) **Communicative activities**: for example, discussion of legal topics, terminology activities, jigsaw reading (where each member reads a different section of text and presents it to the group). Always use English for these activities!*

- 2) **Support activities:** checking progress together, exchanging 'best practice' such as good ideas for studying or websites for terminology projects, communicating with absent group members to help them catch up, etc. Do these in English if you can, but if English is too hard or slow, you may choose to use Italian sometimes.

With students sitting near you today, discuss points C and D, below, before proceeding to point D

C) COOPERATION IN STUDY GROUPS

What are possible criteria for forming a study group?

Friendship? Similar language level? Personality? Similar learning style? Pure chance?

*Generally speaking, what **skills and qualities** do people need to work successfully in groups together?*

Think of: interpersonal skills; organisational skills; social skills; language skills; other skills.

And: qualities, such as patience, humour, collaborative spirit.

Which skills or qualities discussed above do you think you personally have? Do you have any weak areas? Are you willing to develop them?

On the basis of your discussion, do you think you could cooperate successfully together in a study group for this course? If so, proceed to step E, below. Or: change places and look for different group members at this point.

D) YOUR STUDY GROUP

Form a study group.

Spend a few minutes in conversation (in English!). Get to know other members of the group

Introduce yourselves and learn something about other group members. Why are they motivated to follow the course? What is their style of studying? Who are they?

Exchange names and any other information you need for your study group to function effectively (an e-mail address or mobile phone number?)

.....
Each student, make a note of group members, below.

Make an extra copy of group members to give to your teacher at the end of the lesson.

You may like to give your group a name.

STUDY GROUP:.....

GROUP MEMBERS:

N.B. If group membership changes during the course, please communicate new members to your teacher. Thank you!

Your PERSONAL TERMINOLOGY SYSTEM for the course

One of the main objectives of your Legal English course is to build a good specialised vocabulary (*lessico*) of English law terms. You can benefit from time spent on vocabulary development work in a variety of ways:

- ✓ as a study tool during the course
- ✓ as an aid to revision before the exam
- ✓ as a permanent resource that you can continue to build independently during your future studies

You are recommended to devote regular time each week to building your PERSONAL TERMINOLOGY SYSTEM: that is, your personal collection of specialised legal vocabulary that you learn during the course. Your System will consist of many terms, perhaps as many as two hundred, or more. You will use definitions, examples, translations, etc., presented in course materials and at lessons. For ideas on how to develop your PERSONAL TERMINOLOGY SYSTEM, see your course book, *Legal English and the Common Law* (Alison Riley, Cedam, 2008) page 14 and consult pages 9-14.

Your PERSONAL TERMINOLOGY PROJECT for the exam

In addition to your personal terminology SYSTEM, described above, part of the examination for this course consists of the preparation and discussion of a PERSONAL TERMINOLOGY PROJECT, as explained in the Course syllabus (see your Programma del corso). This consists of a collection of 10 law terms that each student chooses individually from the many terms covered in our course syllabus (Programma). You will need to use your course book, *Legal English and the Common Law*, for the preparation of your Project (see below); in addition, you will use law dictionaries and other books available in the Library, and Internet research, to complete your work.

Resources: your course book

For your Project, be sure to make full use of your course book, *Legal English and the Common Law* (Riley) together with Patricia Sours' *Legal Grammar Handbook* published in chapters 7 to 11 of the same volume. The book contains many definitions and explanations of terms, including some ideas for translation into Italian, and there are many examples of language in original legal contexts for your consultation, also in the *Legal Grammar Handbook*.

N.B. For each of your 10 terms for the Project, at least one 'example in context' (see below) must be chosen from the book. (You may find it helpful to consult the Subject Index, pages 451 to 455.)

Additional resources

Use specialised law dictionaries, such as the *Oxford Dictionary of Law*, and other specialised works in the Department library, also the glossary of *English for Law* (Riley, 1991). Law dictionaries may also be consulted on Internet.

For EU terminology, use the European Union website (www.europa.eu) where you can also find legal texts such as the Treaties and case law of the Court of Justice, in English, Italian and the other EU languages. A multilingual database is also available on the Europa website (follow Services – IATE on the home page) as well as many specialised glossaries.

The Library also contains relevant textbooks for your consultation: there are texts on various branches of English law (such as contract, constitutional law, criminal law) as well as international human rights and European Union law, and introductions to the English and American legal systems. Such books contain excellent definitions and examples of terms. Use the index to search for relevant pages.

How to begin your Personal Terminology Project

Begin work on your **Project** early in the course and make it an integral part of your studies. As you study each part of the Programme (for example, **English in legal contexts, Chapter One**, or the **Language of a legal system, Chapter Two**), choose 2 or 3 terms of interest, directly from the materials covered on the course. Your completed Project should reflect the full programme for the course. Do not focus on only one topic or branch of the law.

Before you begin, examine ALL these instructions carefully, including the 3 examples (the terms *action*, *Court of Justice of the European Communities* and *to bind*).

What is a 'law term'?

A law term may be a single word (e.g. contract, jurisdiction, sentence, ratify, Equity, enforceable), or a couplet or group of words (e.g. rule of law, preliminary ruling procedure, Supreme Court of the United Kingdom, absolute monarchy, Treaty on European Union). It may be an institutional term, as the examples show. Include one or two terms that are not nouns (e.g. a verb or an adjective).

Useful hints

- ✓ Use a range of appropriate reference sources. Make good use of your course book. In addition, use resources in the Library (*Biblioteca*) and on Internet, especially official websites.
- ✓ Always note down the sources of definitions, examples and translations as you research them, so you do not need to find them again later.
- ✓ If you choose a term that you find in a legal text you are studying, you can use the text to provide your first example in context.
- ✓ For your 'examples in context', use original legal texts where possible, and find examples that illustrate the meaning and use of the term particularly well.

For each term, your project will include the following:

- grammatical information (noun, verb, adj. etc.)
- at least two definitions of the term from different reference sources (always identify your sources)
- at least two examples of the term in use in real legal contexts (include complete, meaningful sentences or paragraphs and always precisely identify the source you have consulted (e.g. 'Treaty on European Union, Article 6(1), in *Legal English and the Common Law*' - you will find this example on page 98; if, instead, you consulted the same Treaty text on the European Union website, then give that information); at least one example will come from your course book, *Legal English and the Common Law*, or from the *Legal Grammar Handbook* (see above)
- a translation and/or comment on the equivalent term in Italian terminology (identify your source; if the translation is your own idea, say so); for parameters, consult *Legal English and the Common Law*, 2.1.3 Translating legal terminology
- related words: words may be related in meaning, for example, synonyms (e.g. crime – offence), and they may be related by family (e.g. crime – criminal, criminality)
- collocations (typical pairs or groups of words including the term itself, e.g. TERM: **imprisonment** COLLOCATIONS: life **imprisonment**, 6 months' **imprisonment**, a term of **imprisonment**.); for more on collocations, see *Legal English and the Common Law*, pages 13, 235, 287.

Criteria for assessment

In your **personal terminology project**, you will:

- show that you know and understand the 10 terms and their use in legal English;
- show your ability to research legal vocabulary using appropriate works of reference;
- show sensitivity to the use of terms in different legal contexts and to legal and cultural distinctions, for example, between the concepts of English common law and Italian civil law;
- show familiarity with a range of English legal materials, illustrated by your selection of 'examples in context'.

And remember ...

- for terms with multiple legal meanings, you will gain credit for illustrating the different meanings (e.g. *self-defence* in criminal law and in international law)
- to check your work carefully for accuracy before handing it in
- to select your 10 terms from different parts of the course programme (not just one or two modules)
- to include some contemporary examples (for example from newspapers or websites: when quoting news, also give the date)
- there is no 'correct answer' for each term. **Complete the project in your own personal way.**

Printing and delivery

Projects should be printed or typewritten. If possible, print on both sides of the page. On the front page, clearly write your name, matriculation number and degree course, with the academic year and date or relevant exam period.

Please include an index at the front of the Project, listing the 10 terms contained in your Project.

It is helpful to highlight the 10 terms in **bold** each time they occur in a definition or example.

Your completed Terminology Project may be handed in for assessment at the end of the course or at the previous exam appello. Delivery by e-mail is not accepted because of past experience. In exceptional cases, students may arrange (in person or by e-mail) to post the Project, clearly identified, by traditional mail. Address the Project to me and post to the Law Faculty address.

Alison Riley

***EXCLUDED TERMS:**

Act Advocate Barrister Civil law Claim Code Common law
Constitution Contract Crime Guilty House of Commons House of Lords
Judge Jury Justice Law Lawyer Legislation Parliament Right Solicitor
State Treaty

Please note that the above list of terms are EXCLUDED.

Do not select any of these commonly used terms for inclusion in your Project.

Aim for originality in your selection of terms and in researching your definitions and examples!

****Now examine the examples of good work provided on the following pages**

Personal terminology project: example 1

TERM: ACTION (noun)

Definition:

An **action** is “a proceeding in which a party pursues a legal right in a civil court”
Oxford Dictionary of Law

“An **action** is a lawsuit; legal proceedings before a civil court in which a party sues for a legal right. (If you take **legal action** you proceed against someone in a court of law)”

English for Law, glossary

Examples in context:

“On July 10, 1957, Mrs Letang, the Plaintiff, was on holiday in Cornwall. She was staying at a hotel and thought she would sunbathe on a piece of grass where cars were parked. While she was lying there, Mr Cooper, the Defendant, came into the car park driving his Jaguar motor car. He did not see her. The car went over her legs and she was injured. On Feb. 2, 1961, more than three years after the accident, the Plaintiff brought this **action** against the Defendant for damages for loss and injury caused by (1) the negligence of the Defendant in driving a motor car and (2) the commission by the Defendant of a trespass to the person.”

Lord Denning, in the case of *Letang v Cooper*, Court of Appeal (in *Legal English and the Common Law*, chapter 5.2.4: Actions in tort: trespass and negligence)

Should the European Parliament, the Council or the Commission, in infringement of this Treaty, fail to act, the Member States and the other institutions of the Community may **bring an action before the Court of Justice** to have the infringement established.

EC Treaty, Article 232 (first paragraph)

Related words

***Action** – proceedings – lawsuit – suit – actionable (adj)

Collocations

***Action** – legal action - to bring an action against someone – to bring an action before a court - to take action against someone – actions in tort

Translation

***Azione**, procedura, procedimento, processo civile in genere; l'azione penale è detta **prosecution**.

De Franchis, Dizionario Giuridico

Note: the Treaty texts can be accessed on the EU website, specifically: www.europa.eu.int/eur-lex/lex/en/treaties/index.htm

Personal terminology project: example 2

TERM

COURT OF JUSTICE OF THE EUROPEAN COMMUNITIES

(n + prep + n + prep + art + adj + n)

Definition:

Court of Justice of the European Communities

The **Court of Justice** ensures compliance with the law in the interpretation and application of the founding Treaties. It is composed of the same number of judges as there are Member States (Article 221) and therefore at present has 27 judges. Partial replacement takes place every three years. The judges select one of their number as President of the Court, for a renewable three-year term. The judges are assisted by eight advocates-general who are appointed for six years by agreement among the Member States.

The Court may sit in chambers (3-5 judges), as a Grand Chamber (13 judges) or as a Full Court.

From http://europa.eu/scadplus/glossary/eu_court_justice_en.htm

Court of Justice of the European Communities (ECJ) Established under the Treaty of Rome to ensure that in the interpretation and the application of the EC Treaty the law is observed. ... The ECJ has jurisdiction, *inter alia*, to give preliminary rulings on the interpretation of the Treaties and the validity and interpretation of the acts of the institutions (primarily Regulations, Directives and Decisions) (Article 234 EC). *Osborn's Concise Law Dictionary, 10th ed.*

Examples in context:

In proceedings before the **European Court of Justice** in Luxembourg any one of the official languages of the Member States may be designated as the 'language of the case', depending on the parties to the action. The case is conducted in this language with simultaneous interpretation of oral proceedings into other languages as required. Judgments of the Court are issued in all official EU languages . . .

Note: Under Article 2(2) of the Treaty of Lisbon, the Court will be renamed the 'Court of Justice of the European Union'.

From *Legal English and the Common Law*, chapter 3.2.3 The European Union and multilingualism

From the Treaty establishing the European Community :

Article 220 EC (ex Article 164)

"The **Court of Justice** shall ensure that in the *interpretation and application* of this Treaty *the law is observed*"

From *EU Law Text, cases and materials* by Paul Craig & Grainne de Burca (2nd ed., pp.78-79)

"The many different issues on which the **Court** may be called to adjudicate include matters of constitutional significance such as the proper division of powers between the States and the

Community, and widely varying matters of substantive law from competition policy to social policy , to agriculture or to transport.”

“The **Court** decides cases between Community institutions and Member States, between individuals and their employers, and on a wide range of legal issues between parties which have been referred from a national court.”

Related words: also known as the **European Court of Justice** / the **Court of Justice**

Collocations: case law of the Court of Justice of the European Communities

Abbreviations: ECJ and CJEC

Translation: Corte di Giustizia / Corte di Giustizia delle Comunità Europee

Personal terminology project: example 3

TERM **TO BIND (vb.) (irregular: bind – bound – bound)**

Definitions

To place a person or persons under legal obligation; to place a court under legal obligation to act in accordance with a previous judicial decision.

English for Law (glossary)

impose a legal or contractual obligation on

Concise Oxford Dictionary

Bind. To obligate. To bring or place under definite duties or legal obligation ... A man is *bound* by his contract or promise, by a judgment or decree against him ...

Black's Law Dictionary, 5th ed.

Examples in context

House of Lords precedents **are binding on** all other UK courts.

The House of Lords considers its own precedents as 'normally **binding**' but will depart from a previous decision when it appears right to do so', to prevent injustice or restricting 'the proper development of the law'. ...

Even the House of Lords **is bound by** the European Court of Justice. Also, under s.2 of the Human Rights Act 1998, all courts and tribunals in the UK must take into account the case law of the European Court of Human Rights and other ECHR bodies ...

From *Legal English and the Common Law*, chapter 5.3.3 Following precedent: the ratio decidendi and the hierarchy of the English courts

"Another salient feature of the English system is the doctrine of the **binding** case. By this doctrine the authority of the courts is hierarchical; a court which is inferior in authority to another court is obliged to follow ('**bound by**') a court of superior authority if called upon to decide upon facts similar to facts already tried by the superior court."

From *Introduction to English Law*, Philip James, in *English for Law*

"Ratification is the constitutional process by which a legislature confirms the government's action in signing a treaty, and thus the government may submit an instrument of ratification to the depository government and become **bound** by the agreement."

Dictionary of International and Comparative Law by James Fox

Related words

Bind – binding – oblige – obligation – compulsory – contract – treaty

Collocations

Bind – to be binding on – binding case – binding precedent – bound to follow – to be bound by (an agreement / a higher court, etc.)

Translation

Vincolare, obbligare

Vocabulary in the law

party	suit	claim
	land	trust
offer	force	will
	criminal	convention
advocate	justice	
	jury	source
case		judge
	crown	promisee
freedom of movement		contract

Task

Which of the English words in the box above do you recognise and understand?

Can you explain what these words mean or translate them into your language?

*In your opinion, how many of these words or phrases have **legal meanings**?*

Compare your ideas with another student, or check by using a dictionary.

Dictionary task: *Use a good **monolingual learner's dictionary** (e.g. The Longman Dictionary of Contemporary English (LDOCE), The Oxford Advanced Learner's Dictionary, Collins CoBuild, Longman Active Study Dictionary) or a good **bilingual dictionary** (English-Italian / Italian-English) to check the legal meanings of the words in the box and extend and clarify your own ideas.*

Follow-up: *Legal English and the Common Law*

In your textbook, consult Chapter 1, pages 9-10:

1.1.2 'Vocabulary in the Law: dictionary use and examples in context'

Vocabulary in the law: legal definitions

Observations: *did you discover that all the 20 words given have a specific legal meaning? In fact, many words with specific legal meanings are already familiar to us, because they are part of our general English vocabulary.*

Law terms also found in everyday language may have:

legal meaning(s) related to, but more specialised than, their meaning(s) in general English;
or legal meaning(s) completely different from their meaning(s) in general English.

This means that in a legal context, we should always be 'suspicious' about the meaning and use of vocabulary: is an 'ordinary' word which we find in a text really a law term, with specific legal meaning? If so, how can we best discover its meaning, and understand and learn the term precisely from the legal point of view?

Study the legal meaning of the 20 terms given below, and decide whether this meaning is related to or completely different from the general English meanings you already know.

Advocate – the term *advocate* describes an expert in advocacy: i.e. an expert in presenting and arguing cases in court proceedings on behalf of one of the parties. In Scottish terminology, lawyers are called *advocates*. In the English legal system the type of lawyer specialised in advocacy is called a barrister.

Case – in law, a case is a trial, or other legal enquiry; it is also a set of legal circumstances.

Claim – a party that makes a civil *claim* presents a legal request to a court to determine a matter

Contract – a contract is an agreement between two or more parties that creates legal rights and duties for each of them.

Convention – a *convention* is another name for a treaty, or pact: it is a written agreement between states or other international subjects that creates legal obligations between them e.g. the European *Convention* on Human Rights.

Criminal (adj.) relating to crime, e.g. *criminal* law: the branch of the law relating to crime; (noun) a *criminal* (or offender) is a person who has committed a crime (or offence).

Crown – the *Crown* is the monarch or monarchy, in the capacity of head of state or as an institution representing the state.

Force – in international law, *force* may be defined as 'aggressive policy involving coercion through acts or threats of action by economic, military or political means against the political independence or territorial integrity of a state' *Dictionary of International and Comparative Law*, James R. Fox.

Freedom of movement – the EC Treaty establishes four *freedoms of movement* which are basic to the functioning of the common market and are guaranteed by Community law: *freedom of movement* of goods, persons, capital and services.

Judge – a judge is a public official with authority to hear and decide disputes brought before a court for decision.

Jury – a *jury* is a body of (12) persons who decide the facts of a case (usually criminal) and give a decision that the person accused of the crime is guilty or not guilty.

Justice – as a concept, *justice* is the moral ideal of being right, just; in relation to a claim, etc. it is the quality of being reasonable, justifiable or right; a *justice* is a judge in a court of law, esp. in American English.

Land – the most important form of property: it is the part of the earth's surface which it is possible to own, and includes the air above it, soil below it, trees, buildings etc. on it.

Offer – a contract is formed when an *offer* made by one party to enter a legally binding agreement is accepted by the other.

Party – each of the sides involved in a legal dispute is a *party* to the case; each of the sides that concludes a contract is a *party* to the contract, also called a *contracting party*; in international law, a *High Contracting Party* is a state that has concluded an agreement by treaty.

Promisee – one of two parties to a promise which forms the basis of a contract: the *promisee* is the party who receives and accepts the promise made by the other party.

Source – a *source* of law is the origin of a valid legal rule within a particular legal system e.g. legislation is a primary *source* of English law.

Suit – a *law suit* is sometimes used as another name for legal action in a civil case (it was originally only used for cases involving a particular area of English law called Equity, but is now used less specifically).

Trust – a *trust* is a particular type of property arrangement created by Equity in common law legal systems: under a trust, property is transferred from A (the settlor) to B (the legal owner and trustee) for the benefit of C (the beneficiary). The trust makes it possible for weak beneficiaries, such as minors, to have their property rights protected.

Will – a *will* is a written document (sometimes called 'last will and testament') where a person states their wishes for the disposal of their property after their death.

Conclusions and follow-up activity: *As students of legal English, you need to become attentive to words and phrases and create a vocabulary system where you store specific terms, noting their meaning(s) and use in a legal context systematically.*

Think about how you can best organise your system for English legal vocabulary, to develop during the Legal English course. What books or materials do you need? What system have you used before for foreign language vocabulary or for legal terminology in your own language? How does your system need modifying or integrating for English legal vocabulary? Bring your ideas to the next lesson for discussion.

A word about dictionaries: *To help you reflect about appropriate instruments for your legal vocabulary system, use any dictionaries you currently have available, and see if you succeed in finding the specific legal meanings of the 20 terms above.*

This may include one or more of the following types of reference work:

- a bilingual dictionary (e.g. English-Italian translations);
- a monolingual learners' dictionary (written for foreign students of the language, with definitions and examples in English);
- a monolingual English dictionary (all in English, intended for native speakers of the language);
- an English law dictionary (English explanations of law terms);
- a bilingual law dictionary (e.g. English-Italian translations/explanations).

What advantages or limitations have you noted?

To keep up your English and constantly improve your knowledge and skills in the English language

Websites of general interest and newspapers

www.bbc.co.uk the BBC (British Broadcasting Corporation – an enormous website that includes video clips, podcasts, language activities and courses and access to BBC World Service and radio.

www.cnn.com CNN (American broadcasting company, also offering live video)

www.guardian.co.uk The Guardian (The Guardian newspaper is also available internationally in The Guardian Weekly edition)

www.timesonline.co.uk The Times (The Times newspaper also contains daily law reports – giurisprudenza)

www.independent.co.uk The Independent (another quality British newspaper)

<http://global.nytimes.com/> The Herald Tribune, global edition New York Times (newspaper)

Institutional websites

<http://europa.eu> The European Union multilingual website (UE)

www.un.org The United Nations (ONU)

<http://www.un.org/en/documents/index.shtml> United Nations documentation centre

www.coe.int The Council of Europe with access also to the European Court of Human Rights (Consiglio d'Europa)

www.amnesty.org Amnesty International (the non-governmental independent human rights organisation)

www.direct.gov.uk British government website

www.usa.gov USA government web portal

Monolingual learner's dictionaries (examples only)

Macmillan English Dictionary for Advanced Learners www.macmillandictionaries.com

Oxford Advanced Learner's Dictionary (also encyclopedic edition) www.oup.co.uk

Longman Dictionary of Contemporary English www.pearsonlongman.com

Collins COBUILD English Dictionary *or* Advanced Dictionary www.cobuild.collins.co.uk