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ОБРАЗОВАТЕЛЬНОЕ УЧРЕЖДЕНИЕ
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**Сборник текстов для самостоятельной работы студентов
для развития профессионально-ориентированной
коммуникативной компетенции.**

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Пояснительная записка

Настоящее пособие является основной частью учебно-методического комплекса, предназначенного для обучения английскому языку студентов юридических институтов и факультетов.

Пособие построено на принципе взаимосвязанного обучения видам речевой деятельности на профессионально-ориентированном материале. Тексты пособия тематически связаны с тематикой предметов, которые изучаются на юридическом факультете.

Цель учебного пособия – дальнейшее углубление и расширение навыков устной и письменной речи, обогащение словарного запаса, приобретение навыков правильного понимания и перевода оригинального английского текста по специальности, богатого лексикой, а зачастую и сложными грамматическими конструкциями, формирование умения самостоятельного чтения, а также развитие элементарных навыков оформления в виде аннотаций и кратких обзоров полученной научной информации.

Пособие состоит из 2 частей, включающих основной материал и приложение. Основной материал содержит тексты с заданиями и вопросами дискуссионного характера. Тематика текстов: проблема высшей меры наказания, изнасилования, юношеской преступности. Тексты основаны на фактическом материале, журнальных статьях, документах и т.д. В приложение вынесена наиболее употребительная терминологическая лексика по специальности.

Пособие позволит развить и закрепить навыки чтения, перевода, устного и письменного изложения профессиональных материалов. Может быть полезно не только студентам юридического факультета, но и всем изучающим английский язык. При отборе статей учитывались не только языковые достоинства материала, но и его познавательная ценность. Все статьи связаны со специальностью студентов. Текстовые материалы подобраны с таким расчетом, чтобы дать обучаемым представление о разных по стилю и характеру статьях, ознакомить их с различными видами построения таких статей и развить умение ориентироваться в них. Тексты легко поддаются пересказу и обсуждению и содержат слова, словосочетания и обороты, характерные для научной речи.

Одним из источников обогащения словарного запаса студентов старших курсов может быть индивидуальное чтение узкопрофильной научной и общественно-политической литературы под руководством и контролем преподавателя. В этом случае словарный запас увеличивается за счет терминов, типичных для той или иной конкретной области юриспруденции, характерных для языка газетной публицистики, часто совпадающих с общенаучной лексикой

PART ONE

CAPITAL PUNISHMENT - AN IDEA WHOSE TIME HAS COME AGAIN

J. A. Parker

Capital punishment has been the subject of increasing debate in the American society in recent days.

In recent years, few murderers have been executed. In 1957, when 65 executions took place, the nation witnessed 8,060 murders. In 1981, when 1 execution occurred, there were 22,520 murders.

Our murder rate is the highest in the industrial world. It is even higher than the rate of death by violence in certain war zones.

In Northern Ireland, for example, there were 8.8 deaths per 100,000 population in the years 1968-1974. In 1980, in the United States, there were 10.2 deaths per 100,000 by murder.

Similarly, during the German bombardment of London in the years 1940-1945, there were 21.7 deaths per 100,000 as a result. In Detroit, from the years 1972-1978, there were 42.4 deaths per 100,000 from murder.

While there may be disagreement about the element of cause and effect, it is clear that as we have departed from capital punishment our society has seen an epidemic of murder.

Between 1966 and 1972, no death penalties were carried out. In 1972, in the case of *Furman v. Georgia*, the Supreme Court invalidated the death sentence in both state and federal courts. The grounds of the decision were sweeping - that without specific legislative guidelines, the death penalty was automatically an arbitrary punishment. The vote, however, was narrow, 5-4.

Following this decision, states legislatures passed laws clearly setting forth procedures for judging when death was the appropriate punishment. Thirty-eight states adopted this approach. As crimes were committed and sentences passed, the issue once again was litigated in the courts. As a result, from 1972 to 1976, no cases reached the Supreme Court and no executions occurred.

From 1976 to 1981, the Supreme Court used various procedural arguments to invalidate specific death sentences. A judgment in an Ohio case, for example, was thrown out on the grounds that the lower courts had not given sufficient consideration to mitigating factors before invoking the death penalty. An Alabama ruling was invalidated on grounds that the jury was not given an opportunity to find that the crime was not premeditated.

Finally, in 1981, with Justice Potter Stewart having retired and been replaced by Sandra Day O'Connor, the court began to decline to interpose procedural objections to capital punishment, and once again the death penalty has been applied.

At the present time, there is only one major challenge to capital punishment laws (the subject of an article in this issue by George C. Smith and Daniel J. Popeo). That challenge is based on statistical studies showing racial disparities in imposition of the death sentence. The Georgia death penalty is being challenged on behalf of a black man sentenced to death for killing a white police officer. The

evidence includes a study showing that those who killed whites in Georgia were eleven times more likely to receive the death penalty than those who killed blacks. A Federal appellate court rejected the appeal, but the Supreme Court has decided to hear the case in its next session.

In this case, Warren McCleskey, a black male recidivist, was tried and convicted in 1979 of murdering a police officer, plus two counts of armed robbery. The jury found two statutory aggravating factors - murder in the course of a robbery, plus killing a police officer performing his official duties - and therefore sentenced McCleskey to death. The Eleventh Circuit firmly rejected McCleskey's discrimination arguments by a 9-3 vote.

The theory in the McCleskey case - that the race of the victim rather than the perpetrator of the crime is a key element in determining which murderers are executed and which are not - is viewed by authors Smith and Popeo as revealing that the advocates of such a theory "simply lack the facts to press the more direct case they would much prefer - i.e., a straightforward claim that the death penalty is disproportionately imposed on black defendants." As a result of the Justice Department's 1985 survey of sentencing outcomes, it is now documented that, "Whereas 12 blacks were sent to death row for every 1,000 blacks arrested for murder and non-negligent homicide, a significantly higher ratio of 16 out of 1,000 whites arrested for those same crimes were sent to death row. That means a 33 percent greater probability of receiving the death sentence for the white murderer.... Whereas only 1.1 percent of black death-row inmates were actually executed, 1.7 percent of white death-row inmates were executed. The white inmate thus has a 55 percent greater likelihood of actual execution than his black counterpart."

Since the facts contradict the notion that race is a primary factor in their convictions or executions, the notion that the victim's race is a key element appears particularly strained. Placing racial considerations aside, however, the debate over the morality and deterrent effect of capital punishment is likely to continue for some time.

Is it, somehow, "immoral" to execute murderers? At the present is time, there are some in the religious community and elsewhere in the American society who argue that it is. In the Judeo-Christian tradition, however, the weight of evidence may be found on the opposite side.

The distinguished Christian writer C.S. Lewis argued that, "We can rest contentedly in our sins and in our stupidities ... but pain insists on being attended to. God whispers to us in our pleasures, speaks in our conscience, but shouts in our pains: It is His megaphone to rouse a deaf world. A bad man, happy, is a man without the least inkling that his actions do not 'answer,' that they are not in accord with the laws of the universe. A perception of this truth lies at the back of the universal human feeling that bad men ought to suffer. It is no use turning up our noses at this feeling, as if it were wholly base... . Some enlightened people would like to banish all conceptions of retribution or desert from their theory of punishment and place its value wholly in the deterrence of others or the reform of the criminal himself. They do not see that by doing so they render all punishment

unjust. What can be more immoral than to inflict suffering on me for the sake of deterring others if I do not *deserve* it? And if I do deserve it, you are admitting the claims of 'retribution.' And what can be more outrageous than to catch me and submit me to a disagreeable process of moral improvement without my consent, unless (once more) I *deserve* it?"

The Sixth Commandment, it is widely recognized, is correctly translated from the Hebrew as "Thou shalt not murder." The Mosaic Code, in fact, provided the death penalty for murder and for many other crimes, most of which would not be considered capital offenses today. Christian forgiveness, while a mandate for individuals, is not such for duly constituted governmental authority. St. Paul wrote that government "does not bear the sword in vain" but is appointed by God "to execute His wrath on the wrongdoer." The dictum of Jesus that, "All who take the sword will perish by the sword" may be seen as a declaration that the death penalty for murder is indeed just.

Some critics of capital punishment argue that it violates the Eighth Amendment, which forbids cruel and unusual punishments. Yet, they forget that the Eighth Amendment was made part of the Constitution in 1791 at a time when governments throughout the world had established methods of execution which were intended to inflict maximum suffering such as burning, drawing and quartering, impalement, and pressing. It is such actions which were viewed as "cruel and unusual," not the act of executing a murderer. Indeed, capital punishment existed in the United States before the adoption of the Bill of Rights - and has continued to exist for more than two hundred years.

Yet another argument presented by critics of capital punishment is that, placing the moral and constitutional questions aside, it simply does not deter crime. In this instance, while some data seems to support the critics' assessment, the burden of the evidence would lead to an opposite conclusion.

Professor Isaac Ehrlich of the University of Chicago has concluded that over the period 1933-1969, "an additional execution per year ... may have resulted on the average in seven or eight fewer murders." Dr. Ehrlich has shown that previous investigations, which did not find deterrent effects of the death penalty, suffer from fatal defects. He believes that it is possible to demonstrate the marginal deterrent effect of the death penalty statistically.

What we know with certainty is that as executions for murder have declined, murder itself has dramatically increased. Those who argue that life imprisonment is a sufficient deterrent to protect society overlook the fact that most of the killers sentenced to life in prison are back on the streets in approximately fourteen years. "Today, there is no true life sentence," declared Robert Johnson, assistant professor of justice at American University's School of Justice. "It all depends on individual parole boards, but on a first-degree murder conviction a realistic minimum term served would be between seven and fourteen years." In New York, prisoners serving life sentences become eligible for parole in just nineteen months.

To the argument that capital punishment degrades the condemned and the executioner equally, New York City's Mayor Edward Koch responds: "Let me ask you to consider which one of the following cases disgraces and outrages human

dignity more. One Lemuel Smith was convicted last year in Dutchess County for murder. He had already been convicted in Schenectady for a kidnapping and rape, for which he received two twenty-five-years-to-life sentences. He had also already been convicted of murder in Albany, for which he received another twenty-five-years-to-life sentence. While serving these three life sentences in Green Haven Prison, Smith lured a woman corrections officer ... into the Catholic chaplain's office and there strangled her to death and mutilated her body. ... A fourth life sentence is meaningless. The status of the law in New York has effectively given him a license to kill"

Mayor Koch argues that, "Only moral ciphers could equate the infliction of a supremely just legal penalty with the horrifying ordeals that ... innocent human beings ... endured. And this says nothing of the endless grief visited upon those who loved them. ... Murder is sui generis in the realm of social and moral evil. The sanctity of human life cannot credibly be proclaimed without capital punishment. ... Capital punishment must be endorsed and, in the appropriate cases, applied, if we are to have a truly civilized society."

The distinguished English legal philosopher Sir James Stephen declared that, "The fact that men are hanged for murder is one great reason why murder is considered so dreadful a crime."

It is the simple justice of capital punishment which has been clear throughout history to most observers. In a debate on the subject more than a decade ago, the late Senator John McClellan (D-Ark.) asked: "What other punishment is 'just' for a man, found to be sane, who would stab, strangle, and mutilate eight student nurses? What other punishment is 'just' for men who would invade the home of members of a rival religious sect and shoot to death men, women, and children, after forcing a mother to watch as her three young children were drowned before her eyes? What other punishment is 'just' for a band of social misfits who would invade the homes of people they had never even met and stab and hack to death a woman eight and a half months pregnant and her guests?"

The overwhelming majority of the American people support capital punishment. Recent polls indicate that 72 percent of Americans favored executing murderers, the highest percentage since 1936. Support for the death penalty has risen sharply since 1966, when 42 percent of those interviewed favored the death penalty. A majority of all groups - men and women, whites and blacks - supported capital punishment.

Justice Oliver Wendell Holmes wrote, in "The Common Law," that, "The first requirement of a sound body of law is that it should correspond with the actual feelings and demands of the community...."

It is high time that we rejected the notion that sadistic murderers can be "rehabilitated." The job of society and those who act in its name is to remove murderers from our midst, not provide them with an opportunity to kill again. Beyond this, retribution is a legitimate function of society. Professor Walter Berns notes that, "We in the United States have always recognized the legitimacy of retribution. We have schedules of punishment in every criminal code according to which punishments are designed to fit the crime and not simply to fit what social

science tells us about deterrence and rehabilitation; the worse the crime, the more severe the punishment. Justice requires criminals (as well as the rest of us) to get what they (and we) deserve, and what criminals deserve depends on what they have done."

It is a misreading of our religious tradition to believe that men are not responsible for the consequences of their actions and that it is in violation of our moral teachings to execute murderers. "Whoso sheddeth man's blood, by man shall his blood be shed," states Genesis (9:6). In the Bible (Exodus 21:12), exactly twenty-five verses after the Sixth Commandment, "Thou shalt not kill," the Law says, "He that smiteth a man so that he die, shall be surely put to death." This sentiment is repeated in Leviticus (24:17) which states, "He who kills a man shall be put to death." Again, in Numbers (35:30-31) it is said: "If anyone kills a person, the murderer shall be put to death on the evidence of witnesses.... Moreover, you shall accept no ransom for the life of a murderer who is guilty of death; but he shall be put to death."

The philosophical position of opponents of capital punishment contradicts not only our religious and legal tradition, but common sense as well. Florida's Governor Graham, who has signed nearly fifty death warrants, cites the case of a restaurant robbery seen by a customer. "Afterward," recounts Graham, "he was the only witness. So the two guys took him out to the Everglades and shot him in the back of the head. If they had felt that being convicted of robbery and first-degree murder was sufficiently different, they might have had second thoughts." Indeed, those critics of capital punishment who argue that it is not, in fact, a deterrent, are, in most cases, opposed to executing murderers regardless of the deterrent fact.

In this connection, Professor Ernest van den Haag writes: "Common sense, lately bolstered by statistics, tells us that the death penalty will deter murder, if anything can. People fear nothing more than death. Therefore, nothing will deter a criminal more than the fear of death. Death is final. But where there is life there is hope. Wherefore, life in prison is less feared. Murderers clearly prefer it to execution — otherwise, they would not try to be sentenced to life in prison instead of death (only an infinitesimal percentage of murderers are suicidal). Therefore, a life sentence must be less deterrent than a death sentence. And we must execute murderers as long as it is merely possible that their execution protects citizens from future murder. ... I have occasionally asked abolitionists if they would favor the death penalty were it shown that every execution deters, say, five hundred murders. The answer to this admittedly hypothetical question, after some dodging, has always been no.... Abolitionists want to abolish the death penalty regardless of whether it deters. The nondeterrence argument they use is a sham. ... It is fair to conclude that they would rather save the life of a convicted murderer than that of any number of innocent victims. In their eyes, the sanctity of the life of the murderer exceeds that of any future murder victims."

Given our escalating murder rate, and the intellectual and moral bankruptcy of the arguments of those who have opposed the execution of murderers, it seems clear that capital punishment is an idea whose time has come - again.

Vocabulary to the text

capital punishment - смертная казнь, высшая мера наказания

death penalty - смертная казнь

death sentence - смертный приговор

guideline - директива, руководящие указания; общий курс, направление

arbitrary - произвольный; дискреционный

litigated – судиться (с кем-л.); быть тяжущейся стороной (в судебном процессе); оспаривать (на суде); (**case**) случай, являющийся предметом судебного спора; судебное дело

invalidate - лишать законной силы, делать, признавать недействительным, несостоятельным

mitigating - уменьшение (вины), смягчение (наказания)

invoke - просить, умолять, упрашивать; ходатайствовать (о чем-л.); призывать (к чему-л.); осуществлять (что-л.), способствовать совершению (чего-л.)

ruling – 1) заведование, руководство, управление, правление; постановление; судебное решение; постановление судьи; 2) господствующий, правящий; главный, превалирующий, преобладающий

premeditated - заранее обдуманный; преднамеренный, предумышленный

disparity - неравенство

on behalf of - от лица, от имени (кого-л.)

statutory - установленный, предписанный (законом)

perpetrator - злоумышленник, нарушитель, правонарушитель, преступник

ratio - отношение, пропорция; коэффициент, соотношение (**between; of; to**)

inmate - заключенный

inkling – намек; легкое подозрение; слабое представление (**of** - о чем-л.)

deterrence - сдерживание, препятствование; удержание

wrath - гнев, ярость; глубокое возмущение

dictum - афоризм, изречение

impalement - сажание на кол

condemned - осужденный; приговоренный

lure - завлекать, соблазнять

corrections officer - сотрудник исправительного учреждения

chaplain - священник

mutilate - калечить, обезображивать, увечить, уродовать

ordeal - суровое испытание

sui generis - редкий, редкостный, уникальный

stab - наносить удар (**at**); вонзать (**into**); ранить (острым оружием), закалывать

infinitesimal - бесконечно малый

Discussion Questions

1. List the objections to capital punishment that Parker attempts to refute (there are at least eight). Which of his rebuttals is the most convincing? Which is the least convincing? Explain.
2. Does the fact that Parker is black affect our acceptance of his argument?
3. Explain the comment by Sir James Stephen: "The fact that men are hanged for murder is one great reason why murder is considered so dreadful a crime."
4. Explain Walter Berns's opinion of *rehabilitation*.

Writing Suggestions

1. Choose one or two of Parker's issues and develop an opposing view. You may need to support your claim with statistics, expert opinion, and examples of noteworthy cases. (Notice how Quindlen uses the case of Ted Bundy.)
2. Try to explain the views of abolitionists who "want to abolish the death penalty regardless of whether it deters."

THE RIGHT TO BEAR ARMS

Warren E. Burger

Our metropolitan centers, and some suburban communities of America, are setting new records for homicides by handguns. Many of our large centers have up to ten times the murder rate of all of Western Europe. In 1988, there were 9,000 handgun murders in America. Last year, Washington, D.C., alone had more than 400 homicides - setting a new record for our capital.

The Constitution of the United States, in its Second Amendment, guarantees a "right of the people to keep and bear arms." However, the meaning of this clause cannot be understood except by looking to the purpose, the setting, and the objectives of the draftsmen. The first ten amendments - the Bill of Rights - were not drafted at Philadelphia in 1787; that document came two years later than the Constitution. Most of the states already had bills of rights, but the Constitution might not have been ratified in 1788 if the states had not had assurances that a national Bill of Rights would soon be added.

People of that day were apprehensive about the new "monster" national government presented to them, and this helps explain the language and purpose of the Second Amendment. A few lines after the First Amendment's guarantees - against "establishment of religion," "free exercise" of religion, free speech and free press - came a guarantee that grew out of the deep-seated fear of a "national" or "standing" army. The same First Congress that approved the right to keep and bear arms also limited the national army to 840 men; Congress in the Second Amendment then provided:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

In the 1789 debate in Congress on James Madison's proposed Bill of Rights, Elbridge Gerry argued that a state militia was necessary:

to prevent the establishment of a standing army, the bane of liberty. ...Whenever governments mean to invade the rights and liberties of the people, they always attempt to destroy the militia in order to raise an army upon their ruins.

We see that the need for a state militia was the predicate of the "right" guaranteed; in short, it was declared "necessary" in order to have a state military force to protect the security of the state. That Second Amendment clause must be read as though the word "because" was the opening word of the guarantee. Today, of course, the "state militia" serves a very different purpose. A huge national defense establishment has taken over the role of the militia of 200 years ago.

Some have exploited these ancient concerns, blurring sporting guns - rifles, shotguns, and even machine pistols - with all firearms, including what are now called "Saturday night specials." There is, of course, a great difference between sporting guns and handguns. Some regulation of handguns has long been accepted as imperative; laws relating to "concealed weapons" are common. That we may be "over-regulated" in some areas of life has never held us back from more regulation of automobiles, airplanes, motorboats, and "concealed weapons."

Let's look at the history.

First, many of the 3.5 million people living in the thirteen original Colonies depended on wild game for food, and a good many of them required firearms for their defense from marauding Indians — and later from the French and English. Underlying all these needs was an important concept that each able-bodied man in each of the thirteen independent states had to help or defend his state.

The early opposition to the idea of national or standing armies was maintained under the Articles of Confederation; that confederation had no standing army and wanted none. The state militia - essentially a part-time citizen army, as in Switzerland today - was the only kind of "army" they wanted. From the time of the Declaration of Independence through the victory at Yorktown in 1781, George Washington, as the commander in chief of these volunteer-militia armies, had to depend upon the states to send those volunteers.

When a company of New Jersey militia volunteers reported for duty to Washington at Valley Forge, the men initially declined to take an oath to "the United States," maintaining, "Our country is New Jersey." Massachusetts Bay men, Virginians, and others felt the same way. To the American of the eighteenth century, his state was his country, and his freedom was defended by his militia.

The victory at Yorktown - and the ratification of the Bill of Rights a decade later - did not change people's attitudes about a national army. They had lived for years under the notion that each state would maintain its own military establishment, and the seaboard states had their own navies as well. These people, and their fathers and grandfathers before them, remembered how monarchs had used standing armies to oppress their ancestors in Europe. Americans wanted no part of this. A state militia, like a rifle and powder horn, was as much a part of life as the automobile is today; pistols were largely for officers, aristocrats - and dueling.

Against this background, it was not surprising that the provision concerning firearms emerged in very simple terms with the significant predicate - basing the right on the *necessity* for a "well regulated militia," a state army.

In the two centuries since then - with two world wars and some lesser ones - it has become clear, sadly, that we have no choice but to maintain a standing national army while still maintaining a "militia" by way of the National Guard, which can be swiftly integrated into the national defense forces.

Americans also have a right to defend their homes, and we need not challenge that. Nor does anyone seriously question that the Constitution protects the right of hunters to own and keep sporting guns for hunting game any more than anyone would challenge the right to own and keep fishing rods and other equipment for fishing - or to own automobiles. To "keep and bear arms" for hunting today is essentially a recreational activity and not an imperative of survival, as it was 200 years ago; "Saturday night specials" and machine guns are not recreational weapons and surely are as much in need of regulation as motor vehicles.

Americans should ask themselves a few questions. The Constitution 15 does not mention automobiles or motorboats, but the right to keep and own an automobile is beyond question; equally beyond question is the power of the state to regulate the purchase or the transfer of such vehicle and the right to license the vehicle and the driver with reasonable standards. In some places, even a bicycle must be registered, as must some household dogs.

If we are to stop this mindless homicidal carnage, is it unreasonable:

1. to provide that, to acquire a firearm, an application be made reciting age, residence, employment, and any prior criminal convictions?
2. to require that this application lie on the table for ten days (absent a showing for urgent need) before the license would be issued?
3. that the transfer of a firearm be made essentially as that of a motor vehicle?
4. to have a "ballistic fingerprint" of the firearm made by the manufacturer and filed with the license record so that, if a bullet is found in a victim's body, law enforcement might be helped in finding the culprit?

These are the kinds of questions the American people must answer if we are to preserve the "domestic tranquility" promised in the Constitution.

Vocabulary to the text

metropolitan center – столичный городской центр

clause - статья

draftsman - автор документа, законопроекта, законодательного акта

to draft - составлять

to ratify - ратифицировать; одобрять, санкционировать; утверждать

assurance - гарантия, заверение

apprehensive - напуганный, испытывающий тревогу, полный страха, боящийся

to infringe - нарушать, преступать (закон, обязательство, клятву и т.п.); посягать (на чьи-л. права и т.п. - **on, upon**)

standing army - регулярная армия, постоянная армия

to invade - посягать (на чьи-л. права); нарушать (чьи-л. права, свободы и т.д.)
bane - разрушение
to exploit - пользоваться, использовать
to conceal - маскировать; прятать, скрывать, утаивать, укрывать
to maraud - мародерствовать, грабить, совершать набеги
able-bodied - трудоспособный
ratification - принятие
to oppress - подавлять, притеснять, угнетать
predicate - утверждение
to challenge - ставить под вопрос, оспаривать
carnage - резня, кровавая бойня, побоище
criminal conviction - осуждение в уголовном порядке
culprit - преступник; виновный, правонарушитель
domestic tranquility - соблюдение общественного порядка, правопорядка на территории страны
lobby - лобби, лоббисты, частые посетители кулуаров (парламента, конгресса) (группа лиц, "обрабатывающих" членов парламента/конгресса в пользу того или иного законопроекта)

Discussion Questions

1. Why does Burger recount the history of the Second Amendment so fully? Explain his reason for arguing that the Second Amendment does not guarantee the right of individuals to "bear arms."
2. Burger also uses history to argue that there is a difference between legislation against sporting guns and legislation against handguns. Summarize his argument.
3. How effective is his analogy between licensing vehicles and licensing handguns?

Writing Suggestions

1. Other people interpret "the right to bear arms" differently. Look at some of their arguments and write an essay summarizing their interpretations and defending them.
2. Burger outlines a policy for registration of handguns that would prevent criminal use. But at least one sociologist has pointed out that most guns used by criminals are obtained illegally. Examine and evaluate some of the arguments claiming that registration is generally ineffective.
3. Analyze arguments of the National Rifle Association, the nation's largest gun lobby. Do they answer Burger's claims?

DECONSTRUCTING DATE RAPE

Suzanne Fields

Every young girl, at least until recently, has thrilled to that famous stairway scene in *Gone with the Wind* when Scarlett beguilingly says, "No, no, no," and Rhett sweeps her into his arms to carry her upstairs anyway.

Today, certain "sex awareness counselors" and feminist radicals insist that Rhett was not a dreamboat after all, but a rapist, and what Scarlett might have thought about the experience that romantic night at Tara is as irrelevant as her contented smile the morning after. In fact, even if Scarlett had said, "Yes, yes, yes," the man-haters would call it rape anyhow.

Rape has suddenly become the four-letter word with more meanings than snow has in Eskimo. It is, according to feminist writer Robin Warshaw, our constant companion, a crime "more common than left-handedness or heart attacks or alcoholism." Indeed, it seems that rape has become a metaphor. In the rush to find rape everywhere, radical feminists have trivialized, if not ignored, the central issue: whether a woman has consented to, or even welcomed, sexual intercourse. To read much of the feminist literature on the subject, consent is no defense at all against the charge of rape.

Susan Estrich, onetime Dukakis campaign manager who now teaches law at the University of Southern California, writes: "Many feminists would argue that so long as women are powerless relative to men, viewing 'yes' as a sign of true consent is misguided." Given this sort of logic, even a false charge of rape can be seen as having redeeming political merit because it registers a protest against oppression.

"To use the word [yes] carefully would be to be careful for the sake of the violator, and the survivors don't care a hoot about him," says Catherine Comins, assistant dean of Student Life at Vassar. Comins believes that even the falsely accused can have a valuable experience of a different kind: "I think it ideally initiates a process of self-exploration. 'How do I see women?' 'Do I have the potential to do to her what they say I did?' Those are good questions."

Ms. Comins would be at home at Dartmouth University, a place where feeling speaks louder than fact. Philip Weiss in *Harper's* describes how Dartmouth women have formed sex-offense brigades. Like the witch hunters of Salem, they prosecute vendettas against men they merely *imagine* violated them, even when the alleged victims did not necessarily express outrage at the time of the putative crime. One woman succeeded in getting a man suspended for a semester for "sexual assault," although she waited three years to complain. She conceded, moreover, that she did not object when he penetrated her with his fingers in the men's room of his dorm one evening when they both had had too much to drink.

At Brown, women write the names of accused rapists on bathroom walls. Women at the University of Wisconsin are concerned about the thought as well as the deed, warning in a brochure that men should "stop fantasizing about rape." A Swarthmore College pamphlet describes "acquaintance rape" as incidents "ranging from crimes legally defined as rape to verbal harassment and inappropriate innuendo." *Innuendo?*

There has been more writing on rape and less real study of it, it is safe to say, than of any other major crime. Feminists often cite Mary Koss, who is frequently identified as the "leading scholar" in the field, to substantiate their claims that date rape is a clear and unambiguous offense. The data Koss collected about rape comes from interviews she conducted with 6,159 college students for a "study" funded by the Center for Antisocial and Violent Behavior of the National Institute of Mental Health. Koss found that 15 percent of the women had been raped and another 11 percent experienced attempted rape. Yet although this study is regarded as "authoritative," these are in fact not real statistics and the answers reported are not necessarily the answers given by respondents in the study but merely Koss's *interpretations* of the answers. Fully 73 percent of the women Koss identified as having been raped said they did not themselves think they were raped, and "raped" or not, 42 percent had sexual intercourse again with their "rapist." Koss actually identifies 2,024 experiences of unwanted sexual contact against a woman's will including fondling, kissing, or petting. Who's counting here?

Rape is the bandwagon on which most of our leading feminists have climbed to establish their moral bona fides. Susan Brownmiller, who could be described as the mother of date rape scholarship, grounds her argument in the fundamental differences between the sexes: "[Rape] is nothing more or less than a conscious process of intimidation by which *all men* keep *all women* in a state of fear." Andrea Dworkin goes even farther, describing all women as making up an occupied country of inferiors and stops just short of calling every episode of intercourse, including loving intercourse, rape. Naomi Wolf, author of *The Beauty Myth*, sees little distinction between rape and sex: "Sexual violence is seen as normal by young women as well as young men."

It is little wonder that when Betty Friedan complained that feminists spend too much time protesting rape when women have many other concerns, she was viciously set upon by her sisters for "ignoring the victims."

Nancy Ziegenmeyer, who was raped by a stranger who threatened to kill her and who went public in a famous series in the Des Moines *Register*, lectures young college women that date rape is "just as serious" as what happened to her and says that rape "will touch one of every three women in this country, although only one in ten will report it. *Mademoiselle* picks up the same theme, asking its readers: "How can it be that three of the twelve women in your aerobics class, or two of the eight women in your office, will be or have been raped?"

Where do these figures come from? What can they really mean? We're never told. The avalanche of statistics keeps overwhelming us. *Mademoiselle* went to Dr. Diana Russell, a sociologist and author of *Sexual Exploitation*, who, after interviewing a cross section of women in San Francisco, said that half the rape victims she spoke to had been raped more than once. Many had been raped or abused as children. "The perpetrators in most of those cases were an acquaintance or intimate of the victim," Russell writes. "It's a pattern of revictimization."

The definition of "rape victim" is crucial to these discussions. In the Middle Ages, rape was punished by castration and blinding, and not so long ago it was a hanging offense nearly everywhere in America with the suspect being lucky to get

a trial in many places. The sexual revolution, which scrambled so many of the signals between men and women, transformed certainty into conjecture. "Date rape" is in this sense the offspring of a one night stand between the sexual revolution and the feminist movement which society as a whole is being forced to adopt and support.

Nearly all newspapers continue to withhold identification of the rape victim, although Alan Dershowitz, Harvard professor and trial lawyer, has argued that the notion is outdated, based on the idea that a woman not a virgin at marriage was "damaged goods." Even so, Dershowitz nevertheless concedes that naming a woman who charges "date rape" is different from naming a woman who is jumped by a man from behind the bushes. When a *New York Post* editorial called for making clear legal distinctions between stranger rape and a sexual encounter which has been preceded by a series of "consensual activities" - drinking, a visit to a man's home, a walk on a deserted beach at three o'clock in the morning, feminists were enraged. Their project to make rape, whatever the adjective placed in front of it, symbolic of relations between the sexes had been challenged.

The ultimate tragedy of all this political jousting is that it trivializes what is one of the most capital offenses. If yes means no just as much as no means no, and if a victim does not need to know she has been victimized, then how can we distinguish the crime from the rhetoric? If rape is merely in the eye of the social scientist or feminist activist, one of the most heinous crimes known to mankind becomes merely a "misunderstanding." Guilt and innocence melt into each other and we are all victims.

Vocabulary to the text

date - свидание

rape - изнасилование

stairway - лестница, пролет лестницы

beguiling - заманчивый, привлекательный, притягательный

dreamboat - мужчина, о котором можно только мечтать

rush - стремление, погоня, гонка (за чем-л.)

trivialize - опошлять; превращать в банальность

consent - соглашаться, давать согласие (**to**)

sexual intercourse - половые сношения

redeem - возвращать, обретать вновь, получать обратно

oppression - гнет, притеснение, угнетение

hoot - малая толика, малая степень, малое количество (*Do not pay a hoot of attention to it.* - Не придавайте этому ни малейшего значения).

vendetta - вендетта, кровная месть

outrage - грубое нарушение (закона, чужих прав, приличий и т.п.); произвол; акт насилия; грубое применение силы

putative - мнимый, предполагаемый

concede - признавать

deed - действие, деяние

harassment - причинение беспокойства (телефонными звонками и пр.); приставание, преследование, назойливое ухаживание, домогательство
innuendo - косвенный намек; инсинуация (**about**)
unambiguous - недвусмысленный, точно выраженный
fondle - ласкать
bandwagon - победившая сторона, победители (*to be on the bandwagon* - победить; *to climb on/ to jump aboard the bandwagon* - примкнуть/примазаться к победившей партии или к стороне, имеющей перевес)
bona fide - добросовестный; истинный, настоящий, подлинный
intimidation - запугивание; устрашение
inferior - подчиненный
set upon - подстрекать (к чему-л.), подбивать (на что-л.)
avalanche - лавинообразный
perpetrator - злоумышленник, нарушитель, правонарушитель, преступник
withhold - отказывать (в чем-л.); воздерживаться (от чего-л.)
encounter - случайная встреча; мимолетное свидание; первое знакомство
consensual - согласованный; всеобщий
heinous - гнусный, отвратительный, плохой, противный, ужасный

Discussion Questions

1. The author criticizes several studies that are meant to prove the prevalence of date rape. What is the basis of her criticism? Do you find any weaknesses in her objections?
2. What is the significance of the author's reference to punishment for rape in earlier times?
3. Why does the author deplore the attempt by some people to define rape so broadly? How do you think the author would define rape? Would she distinguish date rape from other kinds of rape?

Writing Suggestions

1. If there has been public concern on your campus about date rape, describe what measures, both official and unofficial, have been taken to deal with it. Evaluate the effectiveness of the measures. Suggest any other steps that in your view would reduce the problem.
2. Try to explain the reasons that date rape has become so common, "more common than left-handedness or heart attacks or alcoholism," according to one writer. Is it merely a matter of definition? Or is it a reality born of changing social conditions?

THE CASE FOR TORTURE

Michael Levin

It is generally assumed that torture is impermissible, a throwback to a more brutal age. Enlightened societies reject it outright, and regimes suspected of using it risk the wrath of the United States.

I believe this attitude is unwise. There are situations in which torture is not merely permissible but morally mandatory. Moreover, these situations are moving from the realm of imagination to fact.

Suppose a terrorist has hidden an atomic bomb on Manhattan Island which will detonate at noon on July 4 unless ... (here follow the usual demands for money and release of his friends from jail). Suppose, further, that he is caught at 10 A.M. of the fateful day, but - preferring death to failure - won't disclose where the bomb is. What do we do? If we follow due process - wait for his lawyer, arraign him - millions of people will die. If the only way to save those lives is to subject the terrorist to the most excruciating possible pain, what grounds can there be for not doing so? I suggest there are none. In any case, I ask you to face the question with an open mind.

Torturing the terrorist is unconstitutional? Probably. But millions of lives surely outweigh constitutionality. Torture is barbaric? Mass murder is far more barbaric. Indeed, letting millions of innocents die in deference to one who flaunts his guilt is moral cowardice, an unwillingness to dirty one's hands. If *you* caught the terrorist, could you sleep nights knowing that millions died because you couldn't bring yourself to apply the electrodes?

Once you concede that torture is justified in extreme cases, you have admitted that the decision to use torture is a matter of balancing innocent lives against the means needed to save them. You must now face more realistic cases involving more modest numbers. Someone plants a bomb on a jumbo jet. He alone can disarm it, and his demands cannot be met (or if they can, we refuse to set a precedent by yielding to his threats). Surely we can, we must, do anything to the extortionist to save the passengers. How can we tell 300, or 100, or 10 people who never asked to be put in danger, "I'm sorry, you'll have to die in agony, we just couldn't bring ourselves to. . . ."

Here are the results of an informal poll about a third, hypothetical, case. Suppose a terrorist group kidnapped a newborn baby from a hospital. I asked four mothers if they would approve of torturing kidnappers if that were necessary to get their own newborns back. All said yes, the most "liberal" adding that she would administer it herself.

I am not advocating torture as punishment. Punishment is addressed to deeds irrevocably past. Rather, I am advocating torture as an acceptable measure for preventing future evils. So understood, it is far less objectionable than many extant punishments. Opponents of the death penalty, for example, are forever insisting that executing a murderer will not bring back his victim (as if the purpose of capital punishment were supposed to be resurrection, not deterrence or retribution). But torture, in the cases described, is intended not to bring anyone back but to keep innocents from being dispatched. The most powerful argument against using

torture as a punishment or to secure confessions is that such practices disregard the rights of the individual. Well, if the individual is all that important - and he is - it is correspondingly important to protect the rights of individuals threatened by terrorists. If life is so valuable that it must never be taken, the lives of the innocents must be saved even at the price of hurting the one who endangers them.

Better precedents for torture are assassination and preemptive attack. No Allied leader would have flinched at assassinating Hitler, had that been possible. (The Allies did assassinate Heydrich.) Americans would be angered to learn that Roosevelt could have had Hitler killed in 1943 - thereby shortening the war and saving millions of lives - but refused on moral grounds. Similarly, if nation A learns that nation B is about to launch an unprovoked attack, A has a right to save itself by destroying B's military capability first. In the same way, if the police can by torture save those who would otherwise die at the hands of kidnappers or terrorists, they must.

There is an important difference between terrorists and their victims that should mute talk of the terrorists' "rights." The terrorist's victims are at risk unintentionally, not having asked to be endangered. But the terrorist knowingly initiated his actions. Unlike his victims, he volunteered for the risks of his deed. By threatening to kill for profit or idealism, he renounces civilized standards, and he can have no complaint if civilization tries to thwart him by whatever means necessary.

Just as torture is justified only to save lives (not extort confessions or recantations), it is justifiably administered only to those *known* to hold innocent lives in their hands. Ah, but how can the authorities ever be sure they have the right malefactor? Isn't there a danger of error and abuse? Won't We turn into Them?

Questions like these are disingenuous in a world in which terrorists proclaim themselves and perform for television. The name of their game is public recognition. After all, you can't very well intimidate a government into releasing your freedom fighters unless you announce that it is your group that has seized its embassy. "Clear guilt" is difficult to define, but when 40 million people see a group of masked gunmen seize an airplane on the evening news, there is not much question about who the perpetrators are. There will be hard cases where the situation is murkier. Nonetheless, a line demarcating the legitimate use of torture can be drawn. Torture only the obviously guilty, and only for the sake of saving innocents, and the line between Us and Them will remain clear.

There is little danger that the Western democracies will lose their way if they choose to inflict pain as one way of preserving order. Paralysis in the face of evil is the greater danger. Some day soon a terrorist will threaten tens of thousands of lives, and torture will be the only way to save them. We had better start thinking about this.

Analysis

Levin's controversial essay attacks a popular assumption which most people have never thought to question - that torture is impermissible under any

circumstances. Levin argues that in extreme cases torture is morally justified in order to bring about a greater good than the rights of the individual who is tortured.

Against the initial resistance that most readers may feel, Levin makes a strong case. Its strength lies in the backing he provides for the warrant that torture is sometimes necessary. This backing consists in the use of two effective argumentative strategies. One is the anticipation of objections. Unprecedented? No. Unconstitutional? No. Barbaric? No. Second, and more important, are the hypothetical examples that compel readers to rethink their positions and possibly arrive at agreement with the author. Levin chooses extreme examples - kidnapping of a newborn child, planting a bomb on a jumbo jet, detonating an atomic bomb in Manhattan - that draw a line between clear and murky cases and make agreement easier. And he bolsters his moral position by insisting that torture is not to be used as punishment or revenge but only in order to save innocent lives.

To support such an unpopular assumption the writer must convey the impression that he is a reasonable man, and this Levin attempts to do by a searching definition of terms, the careful organization and development of his argument, including references to the opinions of other people, and the expression of compassion for innocent lives.

Another strength of the article is its readability - the use of contractions, informal questions, conversational locutions. This easy, familiar style is disarming; the reader doesn't feel threatened by heavy admonitions from a writer who affects a superior, moral attitude.

Vocabulary to the text

case for - аргументы за

torture - пытка

throwback - переключение

enlightened - просвещенный; хорошо информированный; свободный от предрассудков и суеверий

outright - совершенно, полностью; до конца; открыто, прямо; без утайки; немедленно, тотчас

regime - режим; власть, система, строй

wrath - гнев, ярость; глубокое возмущение

mandatory - обязательный, принудительный

realm - область, сфера

arraign - привлекать к суду; обвинять; требовать ответа; предъявлять обвинение

subject – подвергать

excruciating - мучительный

flaunt - выставять себя напоказ, рисоваться

cowardice – трусость; малодушие; робость

bring oneself to – заставлять

jumbo jet - авиалайнер-гигант

extortionist - вымогатель

poll - опрос, выяснение мнения

objectionable - нежелательный; спорный; неприятный, ужасный
extant - сохранившийся, дошедший до наших дней, существующий в настоящее время
resurrection - воскресение (из мертвых); возрождение, воскрешение (обычая и т.п.); возобновление; восстановление
deterrence - сдерживание, препятствование; удержание (от враждебных, преступных или военных действий); устрашение
retribution - воздаяние, возмездие, кара, наказание, расплата
dispatch - убийство; насильственная смерть
assassination - убийство; террористический акт
flinch - уклоняться, отступать (от выполнения долга, намеченного пути и т. п.)
renounce - отказываться (от чего-л.; обыкн. путем формального заявления); отвергать, не признавать; отказываться подчиняться
extort - вымогать (деньги); выпытывать (тайну и т. п.; у кого-л. - **from**)
thwart - мешать; расстраивать, разрушать (планы и т. п.)
recantation - отречение, отказ (от убеждений, веры и т. п.)
malefactor - правонарушитель, преступник; злодей, злоумышленник
murky – мрачный; грязный; печальный, грустный, подавленный
inflict - причинять (боль, страдание, убыток; кому-л. - **on**)
bolster – поддерживать; усиливать, укреплять

DEATH PENALTY'S FALSE PROMISE: AN EYE FOR AN EYE

Anna Quindlen

Ted Bundy and I go back a long way, to a time when there was a series of unsolved murders in Washington State known only as the Ted murders. Like a lot of reporters, I'm something of a crime buff. But the Washington Ted murders - and the ones that followed in Utah, Colorado, and finally in Florida, where Ted Bundy was convicted and sentenced to die - fascinated me because I could see myself as one of the victims. I looked at the studio photographs of young women with long hair, pierced ears, easy smiles, and I read the descriptions: polite, friendly, quick to help, eager to please. I thought about being approached by a handsome young man asking for help, and I knew if I had been in the wrong place at the wrong time I would have been a goner.

By the time Ted finished up in Florida, law enforcement authorities suspected he had murdered dozens of young women. He and the death penalty seemed made for each other.

The death penalty and I, on the other hand, seem to have nothing in common. But Ted Bundy has made me think about it all over again, now that the outlines of my sixties liberalism have been filled in with a decade as a reporter covering some of the worst back alleys in New York City and three years as a mother who, like most, would lay down her life for her kids.

Simply put, I am opposed to the death penalty. I would tell that to any judge or lawyer undertaking the voir dire of jury candidates in a state in which the death

penalty can be imposed. That is why I would be excused from such a jury. In a rational, completely cerebral way, I think the killing of one human being as punishment for the killing of another makes no sense and is inherently immoral.

But whenever my response to an important subject is rational and completely cerebral, I know there is something wrong with it - and so it is here. I have always been governed by my gut, and my gut says I am hypocritical about the death penalty. That is, I do not in theory think that Ted Bundy, or others like him, should be put to death. But if my daughter had been the one clubbed to death as she slept in a Tallahassee sorority house, and if the bite mark left in her buttocks had been one of the prime pieces of evidence against the young man charged with her murder, I would with the greatest pleasure kill him myself.

The State of Florida will not permit the parents of Bundy's victims to do that, and, in a way, that is the problem with an emotional response to capital punishment. The only reason for a death penalty is to exact retribution. Is there anyone who really thinks that it is a deterrent, that there are considerable numbers of criminals out there who think twice about committing crimes because of the sentence involved? The ones I have met in the course of my professional duties have either sneered at the justice system, where they can exchange one charge for another with more ease than they could return a shirt to a clothing store, or they have simply believed that it is the other guy who will get caught, get convicted, get the stiffest sentence. Of course, the death penalty would act as a deterrent by eliminating recidivism, but then so would life without parole, albeit at greater taxpayer expense.

I don't believe deterrence is what most proponents seek from the death penalty anyhow. Our most profound emotional response is to want criminals to suffer as their victims did. When a man is accused of throwing a child from a high-rise terrace, my emotional - some might say hysterical - response is that he should be given an opportunity to see how endless the seconds are from the thirty-first story to the ground. In a civilized society that will never happen. And so what many people want from the death penalty, they will never get.

Death is death, you may say, and you would be right. But anyone who has seen someone die suddenly of a heart attack and someone else slip slowly into the clutches of cancer knows that there are gradations of dying.

I watched a television reenactment one night of an execution by lethal injection. It was well done; it was horrible. The methodical approach, people standing around the gurney waiting, made it more awful. One moment there was a man in a prone position; the next moment that man was gone. On another night I watched a television movie about a little boy named Adam Walsh, who disappeared from a shopping center in Florida. There was a reenactment of Adam's parents coming to New York, where they appeared on morning talk shows begging for their son's return, and in their hotel room, where they received a call from the police saying that Adam had been found: not all of Adam, actually, just his severed head, discovered in the waters of a Florida canal. There is nothing anyone could do that is bad enough for an adult who took a six-year-old boy away from his parents,

perhaps tortured, then murdered, him and cut off his head. Nothing at all. Lethal injection? The electric chair? Bah.

And so I come back to the position that the death penalty is wrong, not only because it consists of stooping to the level of the killers, but also because it is not what it seems. Just before Ted Bundy's most recent execution date was postponed, pending further appeals, the father of his last known victim, a twelve-year-old girl, said what almost every father in his situation must feel. "I wish they'd bring him back to Lake City," said Tom Leach of the town where Kimberly Leach lived and died, "and let us all have at him." But the death penalty does not let us all have at him in the way Mr. Leach seems to mean. What he wants is for something as horrifying as what happened to his child to happen to Ted Bundy. And that is impossible.

Vocabulary to the text

death penalty - смертная казнь

buff – любитель

goner - умерший, мертвый человек; конченный, пропавший человек; обреченный на неудачу вариант, пропавшее дело

law enforcement authority - правоприменяющий орган; полицейский орган; полицейские власти

outline - 1) очертание; контур 2) набросок; эскиз; конспект, план, схема; краткое содержание 3) основные положения, принципы; основная идея

voire dire (examination) - предварительная проверка допустимости в суд свидетеля или присяжного заседателя

cerebral - мыслительный, умственный, интеллектуальный

inherently - по сути, своему существу, в действительности, в своей основе

gut – инстинкт

hypocritical - лицемерный, притворный, ханжеский (**about**)

club - наносить удар, бить (дубиной, прикладом)

sorority - женский клуб, женское общество, женское объединение (в колледже, университете)

buttock - зад, ягодица

sneer - насмехаться, глумиться

stiff - непоколебимый, непреклонный

sentence - приговор, осуждение, обвинительное заключение

albeit - хотя (и). Возник как "all though it be (that)"

proponent - защитник, сторонник, поборник

profound - глубокий, основательный; мудрый; глубоко прочувствованный

prone position - положение лёжа на животе, положение на животе, пронация

stoop - опускаться, деградировать

pending - незаконченный, ожидающий решения; надвигающийся, близкий, грозящий

injunction - директива, предписание, приказ, указание

vengeance - месть, мщение

explicitly – эксплицитно; ясно, недвусмысленно; детально, подробно

Discussion Questions

1. "An eye for an eye" is a biblical injunction that is often misunderstood. What kind of vengeance does it prescribe?
2. What claim does Quindlen defend in this essay? (The title of the essay is a clue.) Is it explicitly stated anywhere?
3. What conflict in herself is Quindlen trying to resolve? How does she respond to the conventional arguments against capital punishment?
4. Why does she use Ted Bundy throughout as an example of the criminal condemned to death? Is his example an effective one? Explain your answer.
5. What personal references contribute most strongly to her argument?

Writing Suggestions

1. If you disagree with Quindlen's claim about capital punishment, offer a rebuttal to her argument.
2. Although it isn't always easy to make a clear distinction, we all make decisions based on both reason and emotion. Think of an important decision - choosing a lover or a marriage partner, deciding to have children, selecting a career, choosing to commit (or not commit) an illegal act - and explain how you came or would come to a conclusion based on a compromise between reason and emotion or a rejection of one in favor of the other.

A CRIMINAL JUSTIFIES HIMSELF

Tony Parker and Robert Allerton

My first question is this: If you were to describe yourself in one word, would the description invariably be "a criminal"?

Yes, definitely. That's what I am, I never think of myself in any other way.

And have you any intention of changing, of going straight or reforming?

None whatsoever. There's one thing, though, I'd like to make clear right at the start - and that is, I don't want to try and pass myself off as a "master criminal" or anything like that. I'm not. I've had successes and failures in life like everyone else, and I'm nothing out of the ordinary as far as criminals go. I don't consider myself cleverer than most, or even cleverer than the police, for example: sometimes I have been, and quite obviously sometimes not. On the whole I'd say I was just the ordinary run of professional criminal, similar to - well, let's say to a bank clerk from Surbiton in the straight world. But having said that, still definitely "a criminal," yes . . .

Is there any particular form of crime, or criminal activity, which you wouldn't commit?

A year or two ago I used to think I'd never go in for drug-trafficking, but now I'm not so sure about that. I've never actually done it yet, but as I get older I seem to be losing my inhibitions, I don't feel as strongly about it as I used to. There's only one thing I still feel I could never do, and that's poncing (= pimping). To me

it's the worst thing of the lot, I'd never stoop to it - or at least I hope I wouldn't. Maybe I'm old-fashioned, or sentimental about women or something - I just can't stomach the idea of pouncing at all. I've nothing but contempt, real, deep contempt, for ponces.

There's no other limit you'd set yourself?

No, I'll go as far as necessary, whatever it is.

What does that mean, exactly?

What it says. If it was ever necessary to kill somebody, well, I'd go up to and including that. I'd kill somebody in a fit of temper, I'm quite capable of that - or if they were trying to stop me getting something I'd really made up my mind to have. Or if they were holding me down, and there was so much at stake that I'd just got to get away. But I think most people have it in them to do murder at some time in their lives, under certain circumstances.

The thing that I find most difficult to understand about you is that you're apparently quite undeterred by your repeated prison sentences. You've now reached the stage, with your record, that when you're caught next time it's more than likely you'll get about eight years' preventive detention. I don't understand how you can be prepared to face that.

I'm not prepared. This is the thing which people like you can never grasp. I'm no more "prepared" to do eight years' P.D. than you're prepared to knock somebody down in your car tomorrow. I don't think too much about the one more than you do about the other. It's an ever-present risk but one doesn't dwell on it - do you see what I mean? ...

I don't want to do eight years, no - but if I have to I have to, and that's all there is to it. If you're a criminal, what's the alternative to the risk of going to prison? Coal-miners don't spend their time worrying about the risk they might get killed by a fall at the coal-face either. Prison's an occupational risk, that's all - and one I'm quite prepared to take. I'll willingly gamble away a third of my life in prison, so long as I can live the way I want for the other two-thirds. After all, it's my life, and that's how I feel about it. The alternative - the prospect of vegetating the rest of my life away in a steady job, catching the 8:13 to work in the morning, and the 5:50 back again at night, all for ten or fifteen quid (10 or 15£) a week - now that really does terrify me, far more than the thought of a few years in the nick.

You don't think, then, that there's anything wrong in not working for your living?

But I do work for my living. Most crime - unless it's the senseless, petty-thieving sort - is quite hard work, you know. Planning a job, working out all the details of the best way to do it - and then carrying it out, under a lot of nervous strain and tension - and having to run round afterwards, if it's goods, fencing the stuff, getting a good price for it, delivering it to the fence, and so on - all this needs a lot of thinking and effort and concentration. It certainly is "work," don't kid yourself about that.

But anyway this whole point's not all that simple. A lot of other people don't "work" for their living, in the way you mean - but nobody goes on at them like they do at criminals. Quite a large proportion of the "upper classes," for instance.

You can see them any day round Piccadilly, Vigo Street, Savile Row - nattily dressed half-wits who've never done a stroke of work in their lives, popping in and out of Fortnum's or Scott's, spending all their time trying to get rid of the money their fathers and grandfathers and great-grandfathers left them. And usually it's that sort who get fiercest about people like me, saying we ought to be caned and whipped and flogged because we never do an honest day's work.

I can steal from people like that without the faintest compunction at all, in fact I'm delighted to do it. I remember once screwing the town house of the Duke of... well, I'd better not say who, because I didn't get caught for it. The inside of the house was the most beautiful place I've ever been in my life - gorgeous curtains and furnishings, antique furniture, silver bowls and vases all over the place, exquisite miniatures on the walls - it was a fabulous place. My only regret was I hadn't got a furniture van so I could strip it from top to bottom. His Lordship I suppose was up in Scotland shooting wild birds, or some other civilized hobby, and his house was just standing unused until he chose to come back and live in it again.

I remember after I'd come out I passed an old man in rags, standing on the street-corner scraping at a violin to try and earn himself a few coppers, and I thought: "You mug, why don't you go in there and at least get yourself a good sleep in one of his Lordship's unused beds for a night."

All the things that were in that house, all those beautiful possessions, the duke had got for himself without the faintest effort of any kind. Most of them had been handed down to him, and all he'd ever had to do to get the others was write out a check - and he probably didn't even do that for himself but had a flunkey to do it. Never in his whole life had he known what it was like to be short of anything. Well, I had, and I don't think it was wrong to steal enough from him to subsidize me for a bit.

And those people, when they have something nicked, they've got it all insured anyway, so they don't suffer. Sometimes they advertise for its return - you know, "Sentimental value" and all that. I'm sure I'd feel sentimental, too, about losing something worth a few hundred quid, only I'd be a bit more honest about it.

And the stuff I pinched from that particular house I appreciated, I did really. In fact, if it hadn't been too dangerous, I'd gladly have kept a lot of it to have around my own place, because it was so beautiful. But I never felt bad about taking it - why should I? I feel terrific. He'd got no cause for complaint, because it was taken, after all, by someone who could really appreciate its artistic merit, not one of those insensitive thugs who couldn't differentiate between Royal Worcester and a Woolworth's chamber-pot. . . .

What about wages-snatches?

... All right, wages-snatches. I'll try and take it from the beginning.

If I can see a chance of earning myself - or making myself, if you prefer it - a few thousand quid all at one go, naturally I'll do it. It's only what people, millions of them, are trying to do on the football pools every week. You could say: "Yes, but they're trying to do it honestly" - to which I'd reply: "It depends on your definition of honest, because while they're trying to get themselves several

thousand of someone else's money for the outlay of a few shillings and no work. I'm trying to get it by some careful thinking and plotting, some bloody hard effort, and the risk of my own liberty into the bargain."

So who's doing more to earn the money - me or the pools "investors," as they're called? (By the promoters, of course. It's the old con-man's trick of persuading a mug you're going to give him something for nothing, playing on people's natural avarice and greed.) The "investors" trust to luck to bring them a lot of money - well, I bank on my own efforts.

But there's a difference. Pools winnings come out of what the "investors" hand over voluntarily, so those who lose have no complaint. Workers don't hand over their wages voluntarily for you to steal.

I'll say they don't. But look, don't try to break my heart. Who loses on a wages-snatch - the workers? Of course not. It's the company - and they can usually stand it. It's the same with banks - if I have a few thousand from a bank, theoretically it's their customers' money I've taken. But you never hear of a bank apportioning the losses round their customers, do you? "We're so sorry, Major Bloodworthy, somebody blew our safe last night and took ten thousand quid - and it was your ten thousand that was in there!" Mind you, I'm not saying they shouldn't; to me it's quite an attractive idea.

No, let's face it, most of these people are insured against robberies, so it's only the insurance companies who pay up.

But this doesn't in any way defend the use of violence to get it, does it, by cashing (hitting with a blackjack) the man carrying the wages-bag for instance?....

Bob...

Yes, all right. So violence is wrong, on a fundamental level, I admit that. But on a day-to-day level it just happens that it's a tool of my trade and I use it - like an engineer uses a slide-rule, or a bus-driver the handbrake, or a dentist the drill. Only when necessary, and only when it can't be avoided. If I've got to whack a bloke with an iron bar to make him let go of the wages-bag he's carrying, O.K., so I'll whack him. If he lets go without any trouble, I don't. That's all.

I don't indulge in it, you know, for the sheer pleasure of the thing. I'm no sadist. This has always been my theory, that I'll take whatever job comes along. If there's a vanload of stuff to be pulled, I'll pull it; a screwing job, I'll screw it; a safe-blowing, I'll blow it - and so on. And if it's a coshing job, well then, I'll use a cosh. . . .

I can remember the first time quite clearly, I was only a kid, sixteen or seventeen, and thought myself a real tearaway of course. There was an old woman, a pawnbroker I think she was, lived in a little house just off Cable Street somewhere. Me and a couple of my mates heard that on Saturday nights she always had a bomb in there. Money was short and we decided to have it.

We went along about nine o'clock one Saturday night with shooters, banging on the door and shouting out: "Mrs. Rosenbloom, Mrs. Rosen-bloom!" or whatever her name was. "Let us in, it's urgent, we've got to talk to you." She opened the door, and seeing we were only kids she let us in. When we were inside we shoved

her back into her kitchen and knocked her into a chair, telling her to keep quiet while we turned the place inside out looking for the money.

So of course she starts screaming and raving like a mad woman. Before we went in it'd been decided it was going to be my job to keep her quiet. I rammed my shooter up against her ear and said; "Belt up, you old faggot, or I'll pull the trigger."

It made not a blind bit of difference, she just yelled all the louder for help. The other two were tearing everything to bits trying to find where she'd hidden her money, and this racket she was making was really getting on their nerves, so one of them said: "Oh, for Christ's sake, hit the old bag, can't you? If you don't lay her out she'll have the whole neighborhood on us."

And I just couldn't do it. All I could do was stand there bleating: "Shut up, will you! I'm warning you, I'll pull the trigger." Naturally it didn't stop her. Finally one of the other two walked over, took the gun out of my hand, and belted her unconscious. He put the gun back in my hand, really angry, and he said: "It's her or us, you silly bastard, can't you see that?"

It taught me the lesson, and after that I was all right. ...

Not long after that there was another job, in a warehouse in Islington: And this one got rid of the last of my scruples about violence. While we were in the place the night watchman heard us moving about and he came up the stairs to the floor we were on, to see what was going on. On the landing were a couple of five-gallon oil drums. When I saw him coming towards us, I lifted one of them right over my head and let him have it. It knocked him back all the way downstairs, but he lay at the bottom yelling blue murder, so I took a fire extinguisher off the wall and went down and laid him out with it. I didn't try to batter him to death or anything, just put him out and stop his noise. I didn't feel angry, savage, anything like that - I don't think I felt anything, just dispassionate about it, knowing it'd got to be done, because he was threatening us and our safety with his noise.

You felt no compunction at all about hitting him like that?

No, none. I feel if someone takes a job as night watchman he's got to be prepared to be hit if he tries to make a hero of himself. I wouldn't have touched him if he'd left us alone, but since he tried to stop us he got what he earned. Personally I think he was stupid, he should have kept quiet and kept his nose out of it. What was he trying to do, win himself a medal? And what was he hoping to get from it, anyway - a pat on the shoulder from the gov'nor, "Good fella, Jim," a gold watch when he retired? Anyone who takes a job like that wants his brains testing, to me he does. Perhaps I'm missing something, but I can't see anything admirable in it at all, these heroes trying to win themselves medals for about nine-pounds-ten a week. You read in the papers sometimes - "Last night Mr. Jim Smith tried to tackle some bandits and he's now in hospital recovering from concussion." It always gives me a laugh, if it was a job I was on that it's referring to. O.K., so the bloke's a hero and got his name in the paper. So what's he got for it? Concussion. And what have I got? What I went for, which is what I would have got anyway, and he needn't have got his concussion trying to stop me.

But it's fortunate not everybody uses your methods, isn't it, or else we'd all be living in the jungle?

But we *are* living in a jungle. You've put your finger on it with that word, though, because that's all it is, a question of method. Lots of people take money off others, but they use other ways of doing it. Some of them are considered respectable. Personally I don't think they are - but it's a matter of opinion, that's all.

A landlord gets money out of people when he puts their rents up, by extortion, by playing on the fact they've got nowhere else to live. And the Law upholds him in doing it. Yet really all he's doing is stealing money from people. But if I go along and steal that money from him he screams to the Law, and they come after me to try and get his money back for him. If his tenant screams to the police that his landlord's robbing him, they do nothing of course. No: He perpetrates his crime upheld by all the respectability of society, without any risk on his part of going to prison. Well, personally, I think my method's a lot more straightforward and honest than his is. And I don't pretend to be doing anything other than what I am - stealing. But the landlord does. And what's more, I don't go in for robbing poor people, either, like he does. Thieving off your own kind, that's terrible.

Or take the case of a jeweller. He's a business man, and he's in the game to make money. O.K., so I'm a business man too, and I'm also out to make money. We just use different methods. The jeweller makes a profit - and often a very big profit - out of what he sells. On top of that he fiddles the income tax and the purchase tax, and even the customs duty as well if he can get away with it. That's considered all right by him and others like him, and if he makes enough to buy himself a big house and a posh car everyone looks up to him as a clever fellow, a shrewd business man. But how's he got his money? By rooking people, taking advantage of soft young couples getting engaged to sell them a more expensive ring than they can afford, and fiddling the authorities whenever he can. But at least he didn't steal it. Well, what's in a name? Tell me exactly where the line is between thieving and "shrewd business" and I might believe it. What's more, the jeweller can insure himself against people like me going and pinching his stock. But I can't insure against the police nicking me, can I? The Law's on one side only, the side of the pretenders, that's all.

It's funny, there's a few criminals, you do meet them from time to time, who won't do any violence. A firm I was with once, there was three of them besides me, we were discussing some job we had in view - a wages-snatch I think it was - where it was obvious we'd have to whack someone to get what we wanted. One of the three was one of these humanitarian types, you know, had what you might call a conscientious objection to using violence altogether. He went on about it so long the other two started to dither as well. We had a long argument about it, and my ~~line was the one I've already explained~~: If violence needs doing, then you've got to do it. Some people won't hand over to you what you want just like that, so you've got to whack them. Well, this whole job fell through because they didn't look at it my way at all, they were scared about the thing. Once you start drawing lines here, there, and everywhere about what you will do, and what you won't, you might as well give up villainy altogether. It's amateurism - and the amateur's the curse of

thieving like he is of any other game. The only approach I can go along with is to be a professional, and get on with whatever comes.

Vocabulary to the text

pass off - постепенно прекращаться, проходить (об ощущениях и т.п.); сбывать, подсовывать; выдавать (**for, as** - за кого-л.); отвлекать внимание от чего-л.

poncing (= pimping) - маленький, ничтожный, незначительный; болезненный
stoop - унижение; стремительное падение; наклонять, нагибать; уступать, поддаваться; опускаться, деградировать; унижаться

gamble away - постоянно играть в азартные игры; проиграть, спустить деньги (в игре)

petty-thieving sort - воришка; вор, жулик, мошенник

nattily - опрятно, аккуратно

half-wit - слабоумный; дурак, глупец

compunction - угрызения совести; терзания; раскаяние; сожаление

flunkey - подхалим, подлиза, лизоблюд

thug - убийца; головорез, киллер

avarice - алчность; жадность, скупость

handbrake - ручной тормоз

pawnbroker - ростовщик, ссужающий деньги под залог

blue murder – (в роли сущ.) неприятная или опасная ситуация; (в роли межд.) караул!; помогите!; убивают!

to cry blue murder - причитать; плакаться, жаловаться во весь голос

like blue murder - на полном ходу, на полной скорости

fire extinguisher - огнетушитель

concussion - удар, сотрясение; толчок; взбалтывание; контузия; вымогательство с использованием угроз/насилия

villainy - злодейство; злая выходка; злодеяние, преступление; подлость, низость, мерзость

fallacious - ложный, неверный, неправильный, ошибочный (о доказательстве, доводе); вводящий в заблуждение, обманчивый, иллюзорный

Discussion Questions

1. Do you detect fallacious reasoning in the following statements? Examine the statements that precede or follow them in the interview in order to understand the context.

a. "... I think most people have it in them to do murder at some time in their lives, under certain circumstances."

b. "A lot of other people don't 'work' for their living, in the way you mean - but nobody goes on at them like they do at criminals."

c. "Never in his whole life had he known what it was like to be short of anything. Well, I had, and I don't think it was wrong to steal enough from him to subsidize me for a bit."

d. "He [the Duke]'d got no cause for complaint, because it was taken, after all, by someone who could really appreciate its artistic merit, not one of those insensitive thugs who couldn't differentiate between Royal Worcester and a Woolworth's chamber-pot."

e. "So violence is wrong, on a fundamental level, I admit that. But on a day-to-day level it just happens that it's a tool of my trade and I use it - like an engineer uses a slide-rule, or a bus-driver the handbrake, or a dentist the drill."

2. How does Robert Allerton justify his use of violence against the old woman pawnbroker and the night watchman at the warehouse? Is there any weakness in his defense?

3. Are his analogies between burglar and landlord and burglar and jeweler sound?

Writing Suggestions

1. The introduction to this interview says: "An English career criminal discusses the philosophy of his occupation." Write a letter to the criminal, summarizing your principal criticisms of the reasoning he uses to justify his occupation. Name specific fallacies, if possible. If some of his arguments seem valid, point these out as well.

2. Invent an occupation for yourself (such as mercenary soldier, phony doctor or lawyer, smuggler of contraband goods, drug dealer) that might be regarded dubiously by most people, and write an essay in which you defend your work. Invite your classmates to discover any fallacies.

JUVENILE JUSTICE IS DELINQUENT

Rita Kramer

Anyone who reads newspapers or watches TV is familiar with scenes of urban violence in which the faces of those who rob and rape, maim and kill get younger and younger. On the streets, in the subways, and even in the schools, juvenile crime has taken on a character unthinkable when the present justice system was set up to deal with it. That system, like so many of the ambitious social programs designed in the sixties, has had unintended results. Instead of solving society's ills, it has added to them.

The juvenile justice system now in place in most parts of the country is not very different from New York's Family Court. Originally conceived to protect children (defined by different states as those under age sixteen, seventeen, or eighteen) who ran afoul of the law, it was designed to function as a kind of wise parent providing rehabilitation. The 1950s delinquent, who might have been a shoplifter, a truant, or a car thief, would not be treated like an adult criminal. He was held to be, in the wording of the New York statute, "not criminally responsible ... by reason of infancy." He would be given a hearing (not a trial) closed to the press and public and the disposition (not a sentence) would remain sealed, so the juvenile would not be stigmatized by youthful indiscretion. The optimistic belief was that under the guidance of social workers he would undergo a change of character.

Legal Aid Lawyers

It was a dream destined to become a nightmare. In the early 1960s, the character of juvenile court proceedings underwent a radical transformation. Due process was interpreted to grant youthful "respondents" (not defendants) not only the services of a lawyer, but also the protections the criminal justice system affords adults, who are liable to serious penalties if found guilty.

In the hands of Legal Aid Society lawyers (and sometimes sympathetic judges), the juvenile system focuses on the minutiae of procedural technicalities at the expense of fact-finding, in order to achieve the goal of "getting the kid off." The question is not whether a teenage boy has beaten up a homeless old man, shot a storekeeper, or sodomized a little girl. He may even admit the act. The question is whether his admission can be invalidated because a police officer forgot to have him initial his responses to the Miranda warnings in the proper place or whether the arresting officer had probable cause to search him for the loaded gun that was found on him.

It has become the lawyer's job not only to protect his young client from punishment but from any possibility of rehabilitation in the system's various facilities. The best interests of the child or adolescent have been reinterpreted to mean his legal rights, even when the two are in opposition. He now has the right to continue the behavior that brought him into the juvenile court, which he leaves with the knowledge that his behavior had no real negative consequences to him.

Even when there are consequences, they are mild indeed, a fact not lost on his peers. Eighteen months in a facility that usually has TV, a basketball court, and better food and medical care than at home is, the worst that all but the most violent repeat offenders have to fear in New York. The system, based on a person's age and not his crimes, fails either to restrain or retrain him.

As juvenile courts were changing, so were juvenile criminals. As recently as the early seventies, the majority of cases before children's and family courts were misdemeanors. In New York City, the most common charge was "jostling," pickpocketing without physical contact. By 1991, robbery - a charge that involves violence against people - had outpaced drug-related offenses as the largest category of crimes by juveniles. Between 1987 and 1991, the fastest-growing crime by juveniles was loaded-gun possession, and metal detectors and spot police checks had become routine in some inner-city high schools.

Cases of violent group assault - "kids" causing serious physical injury "for fun" - had increased dramatically. Predatory behavior was becoming a form of entertainment for some of the urban young, white as well as black and Hispanic. Last year, according to Peter Reinharz, chief of New York City's Family Court Division, 85 percent of the young offenders brought into Family Court were charged with felonies. "These are dangerous people," Mr. Reinharz says. "We hardly ever see the nonviolent any more."

Nationwide figures compiled by the FBI's Uniform Crime Reporting Program in 1990 showed the highest number of arrests of youth for violent offenses - homicide, armed robbery, rape, aggravated assault - in the more than twenty-five years that the statistics have been compiled. Juvenile arrest rates, after rising

steadily from the mid-1960s through the 1970s, remained relatively constant until the 1989-1990 statistics revealed a 26 percent increase in the number of youths arrested for murder and nonnegligent manslaughter, while arrests for robbery had increased by 16 percent, and those for aggravated assault by 17 percent.

But the system still defines juveniles as children rather than as criminals, a distinction that makes little sense to their victims or to the rest of the public. Family Court turns the worst juvenile offenders over to the adult system for trial, but they are still sentenced as juveniles.

When anything does happen it's usually so long after the event, so short in duration, and so ineffective that it's no wonder the young men who rob, maim, rape, and terrorize don't perceive those actions as having any serious consequences. Eighty percent of chronic juvenile offenders (five or more arrests) go on to adult criminal careers.

Is it possible to change these young criminals? And what should be done to protect the community from them?

The first necessity is legislation to open juvenile court proceedings to the public and the press. It makes no sense to protect the privacy of those who are a palpable menace to their neighbors or scruple about "stigmatizing" them. A repeat offender should know the authorities will make use of his past record in deciding what to do with him next time. At present, a young habitual criminal is born again with a virgin record when he reaches the age to be dealt with by the adult system.

Opening court records would also make it possible to undertake follow-up studies to find out what works and what doesn't in the various detention facilities and alternative programs designed to rehabilitate. Taxpayers have a right to know what outcomes they are getting for the \$85,000 a year it costs to keep a juvenile offender in a secure facility in New York state.

Intervention should occur early, while there is still time to try measures that might make a difference. First offenders should be required to make restitution to their victims or perform community service. A second arrest should be followed by stronger measures. For those who have families who undertake to be responsible for them, there should be intensive supervision by well-trained probation officers with manageable caseloads. For those who require placement out of the home, it should include intensive remedial schoolwork and practical training in some job-related skill. The youth should remain long enough for such efforts to have some hope of proving effective.

Sanctions should be swift and sure. Once arrested, a court appearance should follow without delay, preferably on the same day, so that there is a clear connection made between behavior and its consequences. Placement in appropriately secure institutions, locked away from the community for definite periods of time, should be the immediate and inevitable response to repeated acts of violence. And incarceration should involve some form of work that helps defray its cost to the community, not just a period of rest and recreation. Young criminals should know that is what they can expect.

A growing cadre of violent teenage boys are growing up with mothers who are children and no resident fathers. What they need most of all is structure and supervision. We may not be able to change attitudes, but we can change behavior. While there is no evidence that any form of therapy can really change a violent repeat offender into someone with empathy for others, it has been demonstrated that the one thing that can result in impulse control is the certainty of punishment.

The present system actually encourages the young to continue their criminal behavior by showing them that they can get away with it. No punishment means a second chance at the same crimes. A significant number of boys arrested for violent crimes were out on parole at the time of the arrest.

They think of the system as a game they can win. "They can't do nothing to me, I ain't sixteen yet" is a repeated refrain in a system that breeds contempt for the law and for the other institutions of society. It is time to acknowledge its failure and restructure the system so that "juvenile justice" ceases to be an oxymoron. We owe it to the law-abiding citizens who share the streets and schools with the violent few to protect the rights of the community and not just those of its victimizers.

Vocabulary to the text

delinquent - преступный, виновный, провинившийся; совершивший правонарушение

maim - калечить, увечить, уродовать;

unintended - непреднамеренный, неумышленный

family court - суд по семейным делам (местный суд специальной юрисдикции в штате)

conceive - полагать, размышлять; постигать; представлять себе; задумывать

afoul - в запутанном состоянии; в состоянии ссоры, конфликта

shoplifter - магазинный вор

truant - прогульщик; школьник, прогуливающий уроки; лентяй

wording – формулировка

statute - закон, законодательный акт парламента; статут; устав

infancy - малолетство; несовершеннолетие

disposition - постановление, положение (договора, закона); разрешение дела; решение по делу

stigmatize - клеймить, позорить

youthful indiscretion - глупость по молодости

legal aid - бесплатная юридическая помощь

minutiae - детали; мелочи

sodomize - заниматься содомией

adolescent - молодой человек; юноша; девушка; подросток

restrain - сдерживать, ограничивать; держать в границах

retrain – переобучать (ся)

misdemeanor - судебнаоказуемый проступок, преступление; проступок

jostle - толчок; столкновение, удар; давка, толкотня

inner city - старая, центральная часть города

assault - нападение

predatory - грабительский, хищнический; хищный

felony - уголовное преступление

aggravated assault - нападение при отягчающих обстоятельствах

non-negligent manslaughter - простое умышленное убийство

habitual criminal - закоренелый преступник

incarceration - заключение в тюрьму

on parole - под честное слово

victimize - делать своей жертвой; мучить

HEEDING THE CRY FOR FAMILY

Ellen Goodman

This is what passes for a happy ending after a sequence of family disasters: A twelve-year-old boy has gotten what he wants.

Gregory Kingsley, sturdy and unshakable in the face of courtroom lawyers in Florida, has a new family, a new name, and a new life. The boy who went from mother to father to pillar to post in the foster-care system is now permanently home as Shawn Russ.

More to the point, the child who will be forever known as the son who "divorced" his parents has grabbed a chance to reach his own goal: "I'm doing this for me so I can be happy."

Happiness is not guaranteed, of course, and happy endings do not always stay that way. It doesn't take a seer to wonder how he will wrestle over his lifetime with his new-old identity and new-old families.

But in its extended form, this was a story ripe enough for a Dickensian novel. There was enough family pathos to make the term "dysfunctional family" sound like an antiseptic label in the dictionary of psychobabble. And everything has changed.

Now George Russ - a man neglected by his own father, a lawyer with eight children who met Gregory at a home for abused and neglected boys - has a new adopted son.

Now Rachel Kingsley - a high school dropout who gave birth at nineteen to a premature Gregory, a divorced mother, poor, perhaps abused, certainly neglectful - has been legally severed from her son.

And now Jeremiah and Zachariah Kingsley - who also did time in foster care and live with the mother whom the court ruled neglectful - no longer have a brother named Gregory.

The importance of the case is not that it granted one boy a so-called divorce. It's that for once, the sound of a child's voice was heard above the din of adult concerns. For once, when the family and the state both miserably failed him, a child was allowed to sue and speak for his own best interests.

The case, even more than the judgment, cast light on some hard dilemmas about families that fall apart and a child welfare system with so many cracks that it lets the kids keep on falling.

It raised questions about when to support biological families and when to give up on them. About how much time a troubled parent may need to get his or her life together again and how little time a child has. About the damage done when the state prematurely severs the ties between parent and child and the damage done when it takes too long.

These are not new issues. When Rachel Kingsley portrayed herself as a mother whose chief crime was poverty, it struck a chord. She is not the first parent to express bewildered anger that the state would pay money for foster care when she could have used it for parent care.

When a stream of witnesses described her as a woman who drank and smoked marijuana, slept with men for money, and left the kids for days on end, it struck a nerve. They are not the first neighbors, friends, or family members who want to rescue children.

When the state workers described the rock and hard place of their foster-care mandate, it had a dismal familiarity. On the one hand, they are supposed to give priorities to biological families, allow parents time to restore their ties. On the other hand they are told that children should not languish in foster families.

But this time, the deciding voice belonged to the one person who was an expert on his life. It was Gregory who cut through the debate about neglect.

Whatever his mother's troubles or intentions, for eighteen months of foster care, he testified, she never phoned or wrote. "I thought she forgot about me. I thought she didn't care about me." Whatever the pros and cons about biological families and adoption, he said with remarkably emotional clarity: "I just want a place to be."

I don't know how much of a legal precedent he has set. There are some 420,000 children in foster care. How many of those children can wend their way to or through the legal system? How many adults want to adopt them?

In some ways, Gregory's story is a foster child's favorite fantasy. But it may have a greater impact on our national consciousness than our law.

We live in a time of renewed emphasis on the importance of the traditional family, the biological family, parental authority. Children's rights are often dismissed as the dangerous and disruptive tools of people who want to destroy families.

In Florida, however, we met a boy who wanted the right to create a family. He reminded us that every family story is different. What matters most is not biology, but belonging. This time, it was the child who knew best. Just call him Shawn.

Vocabulary to the text

sturdy - сильный, обладающий большой физической силой; выносливый; крепкий, здоровый (о человеке, животном); не идущий на компромиссы; непреклонный, негибкий, стойкий, неуступчивый

unshakable - непоколебимый, непреклонный

foster - воспитывать, обучать, растить, проявлять родительскую заботу (о ком-л.)

pathos - пафос (эмоциональный оттенок); пафосное высказывание; что-л., вызывающее грусть, печаль, сострадание; восприимчивость, чувствительность

psychobabble - невнятный лепет

premature - преждевременный, ранний; необдуманый, непродуманный, опрометчивый, поспешный; недоношенный ребенок

din - шум, грохот, гудение, гул; шуметь, грохотать; оглушать, лишать слуха (очень громким звуком); гудеть, звенеть в ушах; зудеть, надоедать, назойливо повторять

dismal - мрачный; унылый; гнетущий, тягостный, давящий; зловещий; (о человеке) печальный; угрюмый; подавленный; (*the dismal*s) уныние, хандра, упадок духа; подавленное настроение

languish - увядание; ослабление; томный вид, томность; слабеть; чахнуть; вянуть; томиться; изнывать; тосковать (**for**); напускать томный вид

pros and cons - за и против

Questions for Discussion and Writing

1. How does Kramer explain the idea that "legal rights" of the child and "the best interests of the child" may be in conflict? What reasons does she give for arguing that the juvenile justice system must be reformed? Who would benefit most from the reforms? Do her solutions seem feasible?

2. What issues does Goodman raise in the Gregory Kingsley case about "families that fall apart"? Does she offer a solution? Can you think of other areas of their lives in which children, aged twelve, should be given equality with adults to make decisions?

3. If you are familiar with a case of alleged child abuse in which the government intervened, tell whether that experience taught you anything about how children's rights are protected or denied.

Topics for Research

1. The Walter Polovchak case, 1982: Walter Polovchak, a fourteen-year-old Russian boy, refused to return to the Soviet Union with his parents after a visit to the United States. The Supreme Court granted him the right to remain in the States when his parents returned to Russia. The American Civil Liberties Union unsuccessfully defended the right of the parents to force their son to return with them.

2. Religious objections of parents to medical care for their children.

3. Corporal punishment in our schools: the law and the practice.

4. The facts about child abuse.

5. The disappearance of American childhood: Have children already been "liberated"?

DEATH BY CHOICE

Daniel C. Maguire

Who would dare arrogate to himself the decision to impose death on a child or unconscious person who is not in a position to assent or dissent to the action? What right does any person have to make decisions about life and death in any way that assumes absolute and ultimate authority over another human being? Could a doctor make such a decision? It would seem that he could not. His medical skills are one thing, the moral decision to end a life is another. How would a family feel who learned that a doctor had reached an independent decision to terminate their father's life?

Could the family make such a decision? It would seem not, for several good reasons. There might be a conflict of interest arising from avarice, spite, or impatience with the illness of the patient. And even if these things were not present, the family might be emotionally traumatized when their pain of loss is complicated by the recollection of their decision. Also, the family might constitute a split and therefore a hung jury. Then what?

Could a court-appointed committee of impartial persons make the decision? No, it would seem not. They would not only be impartial but also uninformed about the personal realities of the patient. The decision to terminate life requires a full and intimate knowledge of all the reality-constituting circumstances of the case. Strangers would not have this.

The conclusion, therefore, would seem inescapable that there is no moral way in which death could be imposed on a person who is incapable of consent because of youth or irreversible loss of consciousness.

This objection contains so much truth that my reply to it will contain much agreement as well as disagreement. To begin with, it should be noted that we are discussing not the legality but the morality of terminating life without the consent of the patient. Terminating life by a deliberate act of commission in the kinds of cases here discussed is illegal in this country. By an ongoing fiction of American law it would be classified as murder in the first degree. Terminating by calculated omission is murky at best and perilous at worst under current law. Therefore, it can be presumed that any conclusion we reach here will probably be illegal. This is a morally relevant fact; it is not to be presumed morally decisive, however, since there may be good moral grounds to assume the risk of illegality. As we have stated, morality and legality are not identical.

With this said, then, let us face up to the objection. There are two parts to my response. First, holding the question of *who should decide* in abeyance for the moment, I would suggest that there are cases where, if that difficult question could be satisfactorily answered, it would seem to be a morally good option (among other morally good options) to terminate a life. In other words, there are cases where the termination of a life could be defended as a moral good if the proper authority for making the decision could be located. Of course, if the objections raised against all those who could decide are decisive, then this otherwise morally desirable act would be immoral by reason of improper agency.

There are cases where it would appear to be arguably moral to take the necessary action (or to make the necessary omission) to end a life. Dr. Ruth Russell tells this story:

I used to annually take a class of senior students in abnormal psychology to visit the hospital ward in a training school for medical defectives. There was a little boy about four years old the first time we visited him in the hospital. He was a hydrocephalic with a head so immensely large that he had never been able to raise it off the pillow and he never would. He had a tiny little body with this huge head and it is very difficult to keep him from developing sores. The students asked, "Why do we keep a child like that alive?"

The next year we went back with another class. This year the child's hands had been padded to keep him from hitting his head. Again the students asked, "Why do we do this?" The third year we went back and visited the same child. Now the nurses explained that he had been hitting his head so hard that in spite of the padding he was injuring it severely and they had tied his arms down to the sides of his crib.

What are the defensible moral options in this kind of case? One might be to keep the child alive in the way that was being done. This might show a great reverence for life and reinforce society's commitment to weak and defective human life. It may indeed be the hallmark of advancing civilization that continuing care would be taken of this child. Termination of this child's life by omission or commission might set us on the slippery slope that has led other societies to the mass murder of physically and mentally defective persons.

All of this is possibly true but it is by no means self-evidently true to the point that other alternatives are apodictically excluded. This case is a singularly drastic one. Given its special qualities, action to end life here is not necessarily going to precipitate the killing of persons in distinguishably different circumstances.

Furthermore, keeping this child alive might exemplify the materialistic error of interpreting the sanctity of life in merely physical terms. This interpretation, of course, is a stark oversimplification. It is just as wrong as the other side of the simplistic coin, which would say that life has no value until it attains a capacity for distinctively personal acts such as intellectual knowledge, love, and imagination. A fetus, while not yet capable of intellectual and other distinctively personal activity, is on a trajectory toward personhood and already shares in the sanctity of human life. (This does not mean that it may never be terminated when other sacred values outweigh its claim to life in a conflict situation.)

The sanctity of life is a generic notion that does not yield a precisely spelled-out code of ethics. Deciding what the sanctity of life requires in conflict situations, such as the case of the hydrocephalic child described by Dr. Russell, may lead persons to contradictory judgments. To say that the sanctity of life requires keeping that child alive regardless of his condition, and that all other alternatives impeach the perception of life as sacred, is both arrogant and epistemologically unsound. In this case, maintaining this child in this condition might be incompatible with its sacred human dignity. It might not meet the minimal needs of human physical existence. In different terms, the sanctity of death might here take precedence over

a physicalist interpretation of the sanctity of life. There is a time when human death befits human life, when nothing is more germane to the person's current needs. This conclusion appears defensible in the case of the hydrocephalic boy.

Also, to keep this child alive to manifest and maintain society's respect for life appears to be an unacceptable reduction of this child to the status of means. Society should be able to admit the value of death in this case and still maintain its respect for life. Our reverence for life should not be dependent on this sort of martyrdom.

The decision, therefore, that it is morally desirable to bring on this boy's death is a defensible conclusion from the facts and prognosis of this case. (We are still holding in abeyance the question of who should make that decision.) There are two courses of action that could flow from that decision. The decision could be made to stop all special medication and treatment and limit care to nourishment, or the decision could be made in the light of all circumstances to take more direct action to induce death.

There is another case, a famous one ..., where the life of a radically deformed child was ended. This is the tragic case of Corinne van de Put, who was a victim of thalidomide, a drug that interfered with the limb buds between the sixth and eighth weeks of pregnancy. Corinne was born on May 22, 1962, with no arms or shoulder structure and with deformed feet. It would not even be possible to fit the child with artificial limbs since there was no shoulder structure, but only cartilage. Some experts said the chances for survival were 1 in 10 and a Dr. Hoet, a professor of pathological embryology at the Catholic University of Louvain, was of the opinion that child had only a year or two to live. Eight days after the baby was born, the mother, Madame Suzanne van de Put, mixed barbiturates with water and honey in the baby's bottle and thus killed her daughter.

During the trial, Madame van de Put was asked why she had not followed the gynecologist's advice to put the child in a home. "I did not want it," she replied. "Absolutely not. For me, as an egoist, I could have been rid of her. But it wouldn't have given her back her arms." The president of the court pointed out that the child appeared to be mentally normal. "That was only worse," said Madame van de Put. "If she had grown up to realize the state she was in, she would never have forgiven me for letting her live."

Is Madame van de Put's decision to be seen as one of the several morally defensible options available in this case? I think that it is. Again, this does not say that other solutions have no moral probability. As Norman St. John-Stevan points out in his discussion of this case, there are individuals who, though terribly disadvantaged, live fruitful and apparently happy lives. He speaks of Arthur Kavanagh, who was born in 1831 without limbs. No mechanical mechanism could be devised to help him. According to St. John-Stevan, however, Kavanagh managed to achieve some mystifying successes.

Yet throughout his life he rode and drove, traveled widely, shot and fished. From 1868 until 1880 he sat as Member for Carlisle and spoke in the Commons. In addition, he was a magistrate, a grand juror, a poor-law guardian, and he organized a body to defend the rights of landlords.

St. John-Stevas, however, does admit that "Not everyone can be an Arthur Kavanagh...." Neither could everyone be a Helen Keller. The problem is that no one knows this when these decisions are made. The option to let the person live and find out is not necessarily safe. The person may not have the resources of a Kavanagh or a Keller and may rue both the day of birth and the decision to let him live. As Madame van de Put said, Corinne may "never have forgiven me for letting her live." The decision to let live is not inherently safe. It may be a decision for a personal disaster. There are persons living who have found their lives a horror, who do not think they have the moral freedom to end their lives, and who ardently wish someone had ended life for them before they reached consciousness. It is little consolation to these people to be told that they were let live on the chance that they might have been a Beethoven. The presumption that the decision to let live will have a happy moral ending is gratuitous and is not a pat solution to the moral quandary presented by such cases.

Interestingly, in the van de Put case, the defense counsel told the jury that he did not think Madame van de Put's solution was the only one, but that it was not possible to condemn her for having chosen it. It could have been moral also to muster all possible resources of imagination and affection and give Corinne the ability to transcend her considerable impairments and achieve fullness of life. In this very unclear situation, this could have been a defensible option. It was not, however, one without risks. It could have proved itself wrong.

The decision to end Corinne's life was also arguably moral, though, again, not without risks. It could not be called immoral on the grounds that it is better to live than not to live regardless of the meaning of that life. This is again a physicalist interpretation of the sanctity of life. It also could not be called immoral on the grounds that this kind of killing is likely to spill over and be used against unwanted children, etc., since this case has its own distinguishing characteristics which make it quite exceptional. It could not be called immoral because it is direct killing since ... the issue is not directness or indirectness, but whether there is proportionate reason.

In this case, then, as in the case of the hydrocephalic boy, we have a situation where the imposition of death could seem a moral good, prescinding still from the question of who should decide. There could be other cases, too, where death could be seen as a good. Suppose someone suffers severe cerebral damage in an accident but due to continuing brainstem activity can be kept alive almost indefinitely through tubal nourishing and other supportive measures. Would it not seem a clear good if a decision could be made to withdraw support and allow death to have its final say? The spectacle of living with the breathing but depersonalized remains of a loved one could make death seem a needed blessing. In conclusion, then, there are cases where the imposition of death would seem a good. It was logically indicated to state that conclusion before going to the main thrust of the objection, the question of who could decide when the person in question can give no consent.

Vocabulary to the text

arrogate - дерзко, самонадеянно претендовать, требовать; без основания приписывать; присваивать

assent - дать согласие, соглашаться (на ч-л., с ч-л.), выражать согласие, изъявлять согласие (**to**)

dissent - возражать, не соглашаться, расходиться во взглядах, расходиться во мнениях (**from**)

avarice - алчность; жадность, скупость

spite - злоба, злость; озлобленность; недоброжелательство

split - дробление, разделение; разногласия, раскол

hung jury - суд присяжных, не выработавший единого решения

consent – согласие; позволение, разрешение

irreversible - неизменяемый, необратимый; фиксированный; непреложный, нерушимый

deliberate act - умышленное действие

ongoing - ведущийся, действующий, проводящийся

perilous - опасный, рискованный, тяжелый

abeyance - состояние неопределенности, неизвестности, ожидания; временное бездействие

abnormal psychology - психопатология

defective - лицо с физическими или умственными недостатками

tiny - очень маленький, крошечный

sore - болячка, рана, язва

reverence - почтение; почтительность; глубокое уважение; почитание; благоговение

hallmark - клеймо, проба; признак (хорошего воспитания, породы и т. п.)

omission - недосмотр, ошибка, упущение

commission - доверенность; полномочие; указание, приказание действовать каким-л. образом **slippery slope** - движение, курс, какие-л. действия, ведущие к провалу, неприятностям, бедам

precipitate - низвергать, повергать; ввергать; торопить, ускорять, форсировать; подгонять; бросаться очертя голову; действовать поспешно

sanctity - святость, безгрешность, праведность, благочестие; неприкосновенность, святость (**of** - чего-л.)

stark - абсолютный, полный, совершенный, полнейший, совершеннейший, безоговорочный **oversimplification** - упрощенчество

foetus - (утробный) плод

spelled out - прописью; прописной

unsound - необоснованный, неосновательный

dignity - достоинство, гордость; светскость; чувство собственного достоинства

befit - подходить, подобать, соответствовать, приличествовать кому-л.

germane - уместный, подходящий, соответствующий (**to**)

martyrdom – мученичество; мука, пытка, мучение

medication – лечение; препарат, лекарство, средство

thalidomide - талидомид (транквилизатор с вредным побочным действием)
limb - конечность
bud – почка
cartilage - хрящ
grand juror - член большого жюри
rue - раскаиваться, сожалеть; чувствовать угрызения совести (по поводу чего-л. - **for**); горевать, каяться, печалиться
ardently - горячо, пылко
quandary - затруднительное положение; затруднение; недоумении
muster – осмотреть; проверять
transcend - переступать пределы; превосходить, превышать

IN THE FACE OF DEATH: RIGHTS, CHOICES, BELIEFS

James M. Wall

A book about how to commit suicide has vaulted to the top of the bestseller lists. *New York Times* columnist Anna Quindlen admits that she picked up *Final Exit* out of curiosity, but kept it for another reason. The day may come when she will want to know how to die with a minimum of pain and anguish. And if that day does come, "whose business is it, really, but my own and that of those I love?" Derek Humphry's little volume, published in the spring, went unnoticed until it was highlighted in the *Wall Street Journal*. Then media coverage was immediate and widespread, pushing the book to the top of the *Times* bestseller list.

Most commentators make the usual demurs, reminding us that the choice to die should be made in discussions with loved ones and professional counselors. And they point out that teenagers and adults despondent over temporary - or even permanent - burdens are not the book's intended audience. Only the terminally ill who face prolonged and painful suffering should be encouraged to prepare for the time when, as Quindlen says, "I may feel so bereft of strength, purpose, stamina, and the will to live that I may want to know what constitutes a lethal dose of Secenal."

The issue here is clearly one of controlling how and when one dies - the understandable longing of the human spirit to name the time and place for a final exit. In our secular culture this seems an entirely reasonable desire, one which deserves fulfillment. But the desire to take one's own life is the epitome of modern individualism. If one thinks ultimate reality is located no higher than human personality, what one does with one's life is one's own affair. Betty Rollin, who wrote an introduction to *Final Exit*, is a television journalist who assisted in the suicide of her mother, who was terminally ill from ovarian cancer. Rollin argues that "some people want to eke out every second of life - no matter how grim - and that is their right." But others, she insists, do not, and "that should be their right."

But is it? When Quindlen maintains that her death is her business and that of "those I love," she does not consider the significance of suicide on the wider circles of life that surround her. John Donne's reminder that none of us is an island speaks

to the point: The death of each individual has a ripple effect in the present and into the future.

If, as modernity dictates, the individual is supreme, then our responsibility is only to ourselves, since there is no God who gave us life or who awaits us in death. But if we believe that life derives from a loving Creator, then suicide must be considered within a larger context. In a nonreligious culture, *Final Exit* assures people that, in the face of death, individual choice is all that matters. Only someone who accepts individualism as the highest good would be so confident that there is an obvious qualitative difference between the "freely chosen" decision to die made by a person facing a terminal illness and a decision made by a physically healthy but mentally tormented individual.

In considering the "right to die," it is important to distinguish between the comatose patient being kept alive by mechanical means and the person still capable of making decisions. When consciousness disappears permanently, a decision to die becomes the responsibility of others, who may reach the judgment that for all practical purposes life for an individual has concluded and that therefore artificial supports need not be maintained.

Richard Lamm, the former governor of Colorado who has campaigned against excessive medical costs, recently cited the case of a patient in a Washington, D.C. hospital who had been in a comatose state since Lamm was a high school student. The patient has survived entirely through artificial means in a condition which benefits neither that person nor society. In this case, the larger community has not acted in the best interest of either the individual or the community. Fear of political and legal retribution from "right-to-life" activists has forced the medical community to preserve the person's life. That decision reflects a narrow definition of "life" held by a small but politically strong group of activists.

An individual does not have the "right to die" when individual choice has disappeared and the decision of life or death has fallen to the community (primarily the family). That is why it is so important to instruct one's family in advance not to employ excessive means to sustain life when there is no prospect of recovering consciousness.

But what about a conscious decision to commit suicide? Though an individual may rationalize that his or her death would be to everyone's advantage, suicide leaves a void in a network of close relationships. Its impact does not stop with "those I love." Friends, former teachers, colleagues, distant family relations, even casual acquaintances are all affected by suicide. The web of life, as Joseph Sittler so aptly put it, is like a spider web: Touch any part, and the entire web shimmers.

Despite Humphry's caveats and warnings, his book is irresponsible. There is, admittedly, a difference between the elderly terminal patient in horrible pain who wants all pain to cease and the despondent teenager whose pain is one of low self-esteem. But the difference is finally one of degree. The terminally ill person, out of personal suffering and a concern for the impact a lingering illness has on family and the immediate human circle, may turn to suicide. But the emotionally distraught teenager or adult may reach the same conclusion: My pain is too great, and my presence is detrimental to those around me. To make that decision before

life involuntarily leaves us is a decision we are free to make, but it is a choice that is ultimately selfish. It is not surprising that our culture, which regards individual choice as inviolable, would find so much merit in a book like *Final Exit*.

Vocabulary to the text

commit suicide - покончить жизнь самоубийством

vault - перепрыгнуть, перейти (на более высокую позицию)

columnist - корреспондент, обозреватель (ведущий постоянную рубрику)

anguish - боль, мука, страдание, мучение; тоска

coverage - сфера действия; рамки, границы, масштаб

demur - возражение

counselor - консультант, советник

despondent - унылый, подавленный, угнетенный, отчаявшийся (**about, over**)

burden - ноша, груз, тяжесть; бремя

bereft - лишенный, утративший

stamina - запас жизненных сил; внутренние резервы организма; выдержка, выносливость, стойкость

Seconal - "Секонал" (фирменное название снотворного средства)

longing - сильное желание, стремление, жажда чего-л. (**for, after**)

epitome - конспект, сокращение; краткое изложение

ovarian - яичниковый

eke out - восполнять, пополнять

ripple effect - волновой эффект

terminal illness - неизлечимая, смертельная болезнь; болезнь в последней стадии

void - пустота; пустое место; чувство пустоты (в сердце)

aptly - кстати, к месту, вовремя (обычно о высказывании)

caveat - предупреждение, предостережение, предупреждение; разъяснение, толкование, пояснение

admittedly - общеизвестно, по общему признанию; правда, конечно, надо сказать (вводное слово со значением уступки)

lingering illness - затяжная болезнь

distraught - потерявший рассудок, обезумевший (от горя и т. п.; **at, over, with**)

detrimental - приносящий убыток; причиняющий ущерб; пагубный, губительный, вредный (**to**)

Questions for Discussion and Writing

1. Ostow argues that only the state should be allowed to make a decision concerning the lives of the terminally ill. Do you agree with his conclusion? Why or why not?

2. The American Academy of Neurology states that "a physician's duty aggressively to promote the well-being of the patient presumes that some chance of improvement or recovery remains." In other words, if a treatment cannot *cure* or improve, it should be discontinued. What is your view of such a policy?

3. Under what circumstances would Maguire sanction euthanasia? Based on the cases he describes, how would he define the sanctity of life?

Topics for Research

1. The hospice solution
2. Handicapped newborns: Who should decide?
3. Noteworthy cases involving the right to die

GAY AND LESBIAN RIGHTS

In the last decade homosexual men and women have mounted an increasingly active campaign for a legal revolution that would extend their civil rights and forbid discrimination. They have called for passage of new laws and repeal of old rules regarding marriage, adoption, housing, employment, medical insurance, and military service.

Gays and lesbians define themselves as members of an identifiable group entitled, like other groups in our society who have not enjoyed full equality and freedom, to special protection that would enable them to live openly as homosexuals and to participate more fully in American life. They argue that special laws are necessary because homosexual men and women are more vulnerable than heterosexuals to rejection and discrimination. Beyond protection from wrong, the National Gay and Lesbian Task Force also seeks the majority's acceptance of homosexual activity and relationships. One spokesperson says, "We also have a right - as heterosexual Americans already have - to see government and society affirm our lives." The Task Force is seeking passage of a federal gay rights bill.

Opposition to homosexual rights is based in part on religious and moral beliefs as well as long-standing social conventions governing relations between the sexes. But some objections flow from a refusal to accept sexuality as a basis for so-called special rights or legal protection beyond what is already on the books in most states, designed to protect every citizen, regardless of sexual orientation. Civil rights for gays and lesbians are, in the words of one critic, "one more division in a fragmented society. To race, creed, sex, and class we must now add sexuality."

A *Newsweek* poll in August 1992 showed widespread support for some rights demanded by gays and lesbians - health insurance, inheritance rights, and social security for homosexual spouses - but equally widespread disapproval of legally sanctioned gay marriages and adoption rights. Legislation and court decisions have reflected a similar ambivalence. A number of cities now allow homosexual partners to register as domestic partners with accompanying benefits. Several states also permit adoption by same-sex couples. In at least six states and 110 towns and cities gays and lesbians are protected by law against job discrimination. But the courts and the public have been reluctant to accede to all demands for change. In 1980 the U.S. Supreme Court upheld Georgia's sodomy law, forbidding sexual intercourse between adults of the same sex. In 1992 the voters of Colorado approved a ballot initiative that denied homosexuals preferential treatment or

protection against discrimination. At least seven other states plan to introduce similar ballot initiatives in 1994. In January 1993 President Clinton announced that he would lift the ban, imposed in 1982, on gays and lesbians in the military services. But opposition from military officials, influential senators and representatives, and vocal segments of the public forced the president to postpone repeal of the ban for six months while a specific plan is formulated. The argument about military service seems likely to become only one part of a national debate about homosexual rights in all areas of American life.

Vocabulary to the text

repeal - аннулирование, отмена (закона, резолюции, приговора и т.п.); аннулировать, отменять (закон); отказываться

vulnerable - уязвимый; ранимый

Task Force - специальная комиссия по изучению данного вопроса; группа специалистов для решения конкретной задачи; *воен.* (временная) оперативная группа; *воен.* экспедиционный корпус

creed - мировоззрение; убеждения (политические, научные и т.п. взгляды); вероисповедание

ambivalence - метания; непоследовательность, двойственный подход (к кому-л., чему-л.); неуверенность, нерешительность; амбивалентность; двойственность переживания (психическое состояние, в котором каждая установка уравновешена своей противоположностью); неопределенность

reluctant - делающий что-л. с большой неохотой, по принуждению; сопротивляющийся; неохотный; вынужденный, вырванный силой

accede - соглашаться (**to**); примыкать, присоединяться (**to**); принимать (должность и т.п.); вступать (в должность, во владение, в организацию - **to**)

ballot - избирательный бюллетень; баллотирование; голосование (преим. тайное); итоги голосования; жеребьевка; голосовать; тянуть жребий

MAJORITY OPINION OF THE SUPREME COURT ON HOMOSEXUAL RELATIONS

Byron R. White

Sodomy was a criminal offense at common law and was forbidden by the laws of the original 13 states when they ratified the Bill of Rights. In 1868, when the Fourteenth Amendment was ratified, all but 5 of the 37 states in the Union had criminal sodomy laws. In fact, until 1961, all 50 states outlawed sodomy, and today, 24 states and the District of Columbia continue to provide criminal penalties for sodomy performed in private and between consenting adults. Against this background, to claim that a right to engage in such conduct is "deeply rooted in this nation's history and tradition" or "implicit in the concept of ordered liberty" is, at best, facetious.

Privacy of the Home

Respondent, however, asserts that the result should be different where the homosexual conduct occurs in the privacy of the home. He relies on *Stanley v. Georgia* (1969), where the Court held that the First Amendment prevents conviction for possessing and reading obscene material in the privacy of his home: "If the First Amendment means anything, it means that a state has no business telling a man, sitting alone in his house, what books he may read or what films he may watch."

Stanley did protect conduct that would not have been protected outside the home, and it partially prevented the enforcement of state obscenity laws; but the decision was firmly grounded in the First Amendment. The right pressed upon us here has no similar support in the text of the Constitution, and it does not qualify for recognition under the prevailing principles for construing the Fourteenth Amendment. Its limits are also difficult to discern. Plainly enough, otherwise illegal conduct is not always immunized whenever it occurs in the home. Victimless crimes, such as the possession and use of illegal drugs do not escape the law where they are committed at home. *Stanley* itself recognized that its holding offered no protection for the possession in the home of drugs, firearms, or stolen goods. And if respondent's submission is limited to the voluntary sexual conduct between consenting adults, it would be difficult, except by fiat, to limit the claimed right to homosexual conduct while leaving exposed to prosecution adultery, incest, and other sexual crimes even though they are committed in the home. We are unwilling to start down that road.

Even if the conduct at issue here is not a fundamental right, respondent asserts that there must be a rational basis for the law and that there is none in this case other than the presumed belief of a majority of the electorate in Georgia that homosexual sodomy is immoral and unacceptable. This is said to be an inadequate rationale to support the law. The law, however, is constantly based on notions of morality, and if all laws representing essentially moral choices are to be invalidated under the Due Process Clause, the courts will be very busy indeed. Even respondent makes no such claim, but insists that majority sentiments about the morality of homosexuality should be declared inadequate. We do not agree, and are unpersuaded that the sodomy laws of some twenty-five states should be invalidated on this basis.

Accordingly, the judgment of the Court of Appeals is reversed.

Vocabulary to the text

immunize - иммунизировать

consent – согласие; позволение, разрешение; соглашаться, давать согласие (to); одобрить; допускать, позволять, разрешать

adultery - нарушение супружеской верности, прелюбодеяние

assert - утверждать; заявлять, объявлять, декларировать, провозглашать; обеспечивать, отстаивать, защищать (свои права и т.п.); доказывать

rationale - разумное объяснение; логическое обоснование; основная причина

Due Process Clause - пункт (поправок V и XIV к конституции США) о надлежащей правовой процедуре

sentiment - чувство; мнение, настроение, отношение (**against; for, in favor of**); сентиментальность

WHY HETEROSEXUALS NEED TO SUPPORT GAY RIGHTS

Donna Minkowitz

This is an article addressed to heterosexuals. Almost all mainstream *and* radical media are implicitly addressed to you, but this article has a more urgent agenda than most hetero apostrophes. Twenty years after lesbians and gay men threw coins, bottles, and an uprooted parking meter at the cops who were attempting to arrest them for being queer, many of you still don't think our rights are anything to fight for. Most of you still aren't by our side when we need you.

There is a myth that the gay community isn't oppressed any more. On the TV news, we are a powerful minority beginning to flex its perversely huge muscles. But that image ignores much of our experience. Young people, taught by their pop culture heroes to hate fags and dykes, are beating gay men and lesbians in the streets with a frightening frequency.

Beyond the violence and the hate-mongering, our enemies have used AIDS and an infestation of Reaganite judges to deal us serious civil-rights setbacks. If you see us putting our bodies on the line in increasingly brave and confrontational street demonstrations, that's because there are almost as many reasons for us to riot as there were twenty years ago. I am referring to much more than AIDS.

Officially sanctioned homophobia is now more common and more vicious than when I came out in the late seventies. The first rumblings of a new exuberance in antigay bigotry came in 1985, when syndicated columnists began to call for the quarantining or tattooing of HIV-positive gay men, and the *New York Post* gleefully used headlines like GAY AIDS DEN. Violence against us rose 41 percent that year in New York, and there is a connection. When "progressive" shows like *Saturday Night Live* use antigay routines, when superstars like Eddie Murphy go on about how much they hate bulldykes and fags, they send a message that we are expendable. So do preachers who hurl concepts of sin with the overt intention to destroy. More than one fundamentalist minister has called for the execution of homosexuals. In a 1986 pastoral letter that declared homosexual desire intrinsically immoral, the Vatican said that antigay violence was "only to be expected" if we press for civil rights.

Even lesbians and gay men who have never been assaulted are affected by the threat of violence. It controls the way we dress, who we walk with, even whether we feel free to hold hands in public. The thought that someone might sock me for looking too dykey used to make me throw on earrings whenever my hair was clipped too short for Jerry Falwell's comfort. I don't wear earrings any more, but I spend a lot of time looking over my shoulder.

The Supreme Court did its share to legitimize gay-bashing by affirming discrimination against us with its 1986 *Hardwick* ruling. Gays and lesbians, the justices said, could be arrested for sex that involved the genitals of one partner and the mouth or anus of the other. Although the ruling only addressed the legal status

of sodomy, many courts have interpreted *Hardwick* as denying gays and lesbians the right to sue for equal protection under the law.

If you're like most straight liberals or leftists, the phrase "life-style issues" began springing to your lips several paragraphs ago. Straights have always used this phrase to trivialize our movement, as though all we were fighting for were better couches and end tables from Bloomingdale's. But when a woman is denied the right to see her lover of five years, now incapacitated from a car accident, that is not a life-style issue. When a man is thrown out of his apartment after the death of his lover of many years (because New York's rent-control laws do not consider same-sex couples "family members"), you should be out on the streets with us calling it an outrage.

If you believe in civil rights, don't follow in the footsteps of the NAACP, whose chief lobbyist recently remarked that they had "no position" on gay and lesbian rights; don't imitate the B'nai B'rith Anti-Defamation League, which insisted on keeping the issue of antigay discrimination out of its videos ostensibly documenting prejudice against all groups. If you're a human-rights activist, don't pour shame on your cause like Amnesty International, which still refuses to plead the cases of gays and lesbians imprisoned or tortured for their sexual preference.

There's another reason to help us win our liberation. Homophobia hurts you almost as much as it hurts us. Smears against "mannish women" played a large roll in quelling the U.S. women's movement after the vote was won in 1920. Homophobia has been a weapon to enforce assigned gender roles: that women submit to male prerogatives, and that men exercise them. Feminists have sometimes been the last to understand this: In 1970, the National Organization for Women purged many dedicated activists after Betty Friedan sparked a "lavender menace" scare. Mainstream feminism is still noticeably cool to gay and lesbian liberation. The inevitable result is a straight, white, male elite dividing and conquering us once again.

There's a lot you can do beyond refusing to bash us yourselves. Take to the streets whenever our rights are being threatened (which is frequently). Don't back local political candidates who oppose domestic partnership rights for gay and lesbian couples; that's like supporting a candidate who isn't sure blacks should sit in the front of the bus. If you have children, teach them from an early age that both homosexuality and heterosexuality are paths open to them, and that they will grow to be wonderful adults in either case. When a radio announcer or a columnist or a politician says gays and lesbians should be punished, don't sit idly by. Don't sell us out.

Vocabulary to the text

agenda - программа работы, план мероприятий, намерения; повестка дня (на собрании)

dyke - лесбиянка

monger - используется в сложных словах, имеет значение "человек, занимающийся каким-л. неблагоприятным делом"

infestation - инвазия (заражение паразитами)

riot - бунт; восстание, мятеж; нарушение общественной тишины и порядка; разгул; необузданность; буйство, пышность, изобилие; что-л. очень популярное, пользующееся большим успехом; бунтовать, нарушать общественную тишину и порядок; быть необузданным; растрачивать попусту, тратить зря (время, деньги)

exuberance - богатство, достаток, избыток, изобилие

bigotry - слепая приверженность чему-л.; фанатизм; нетерпимость

to arouse, stir up bigotry - возбуждать нетерпимость, фанатизм

to demonstrate, display bigotry - показывать, демонстрировать слепую приверженность чему-л.

fanatical bigotry - фанатичная привязанность

ingrained bigotry - застарелая привязанность

narrow-minded bigotry - узколобость

religious bigotry - религиозный фанатизм

reverse bigotry - нетерпимость наоборот, предрассудки наоборот

HIV – (human immunodeficiency virus) вирус иммунодефицита человека, ВИЧ

bulldyke - лесбиянка

expendable - потребляемый, расходуемый; невозвратимый, невозстановимый; одноразового пользования; недлительного пользования (о товарах массового потребления)

overt - открытый; неприкрытый, очевидный, явный; публичный; несекретный, нескрываемый

bash - сильный удар; попытка; гулянка, веселое сборище; бить; сильно ударять

ostensibly - якобы; по видимости

AGAINST GAY MARRIAGE

Jean Bethke Elshtain

Every society embraces an image of a body politic. This complex symbolism incorporates visions and reflections on who is inside and who is outside; on what counts as order and disorder; on what is cherished and what is despised. This imagery is fluid but not, I will argue, entirely up for grabs. For without some continuity in our imagery and concern, we confront a deepening nihilism. In a world of ever more transgressive enthusiasms, the individual - the self - is more, not less, in thrall to whatever may be the reigning ethos. Ours is a culture whose reigning ethic is surely individualism and freedom. Great and good things have come from this stress on freedom and from the insistence that there are things that cannot and must not be done for me and to me in the name of some overarching collective. It is, therefore, unsurprising that anything that comes before us in the name of "rights" and "freedom" enjoys a prima facie power, something akin to political grace.

But perhaps we have reached the breaking point. When Madonna proclaims, in all sincerity, that mock masturbation before tens of thousands is "freedom of

expression" on a par, presumably, with the right to petition, assemble, and protest, something seems a bit out of whack - distorted, quirky, not-quite-right. I thought about this sort of thing a lot when I listened to the stories of the "Mothers of the Disappeared" in Argentina and to their invocation of the language of "human rights" as a fundamental immunity - the right not to be tortured and "disappeared." I don't believe there is a slippery slope from queasiness at, if not repudiation of, public sexual acts for profit, orchestrated masturbation, say, and putting free speech as a fundamental right of free citizens in peril. I don't think the body politic has to be nude and sexually voracious - getting, consuming, demanding pleasure. That is a symbolism that courts nihilism and privatism (however publicly it may be trumpeted) because it repudiates intergenerational, familial, and communal contexts and believes history and tradition are useful only to be trashed. Our culture panders to what social critic John O'Neill calls the "libidinal body," the body that titillates and ravishes and is best embodied as young, thin, antimaternal, calculating, and disconnected. Make no mistake about it: Much of the move to imagery of the entitled self and the aspirations to which it gives rise are specifically, deeply, and troublingly antinatal - hostile to the regenerative female body and to the symbolism of social regeneration to which this body is necessarily linked and has, historically, given rise.

Don't get me wrong: Not every female body must be a regenerative body. At stake here is not mandating and coercing the lives of individuals but pondering the fate of a society that, more and more, repudiates generativity as an animating image in favor of aspiration without limit of the contractual and "wanting" self. One symbol and reality of the latter is the search for intrusive intervention in human reproducing coming from those able to command the resources of genetic engineers and medical reproduction experts, also, therefore, those who have more clout over what gets lifted up as our culture's dominant sense of itself. One finds more and more the demand that babies can and must be made whenever the want is there. This demandingness, this transformation of human procreation into a technical operation, promotes a project Oliver O'Donovan calls "scientific self-transcendence." The technologizing of birth is antiregenerative, linked as it is to a refusal to accept any natural limits. What technology "can do," and the law permits, we seem ready to embrace. Our ethics rushes to catch up with the rampant rush of our forged and incited desires.

These brief reflections are needed to frame my equally brief comments on the legality, or not, of homosexual marriage. I have long favored domestic partnership possibilities - ways to regularize and stabilize commitments and relationships. But marriage is not, and never has been, primarily about two people - it is and always has been about the possibility of generativity. Although in any given instance, a marriage might not have led to the raising of a family, whether through choice or often unhappy recognition of, and final reconciliation to, the infertility of one or another spouse, the symbolism of marriage-family as social regeneration is fused in our centuries-old experience with marriage ritual, regulation, and persistence.

The point of criticism and contention runs: In defending the family as framed within a horizon of intergenerationality, one privileges a restrictive ideal of sexual

and intimate relations. There are within our society, as I already noted, those who believe this society can and should stay equally open to all alternative arrangements, treating "lifestyles" as so many identical peas in a pod. To be sure, families in modernity coexist with those who live another way, whether heterosexual and homosexual unions that are by choice or by definition childless; communalists who diminish individual parental authority in favor of the preeminence of the group; and so on.

But the recognition and acceptance of plural possibilities does not mean each alternative is equal to every other with reference to specific social goods. No social order has ever existed that did not endorse certain activities and practices as preferable to others. Ethically responsible challenges to our terms of exclusion and inclusion push toward a loosening but not a wholesale negation in our normative endorsement of intergenerational family life. Those excluded by, or who exclude themselves from, the familial intergenerational ideal, should not be denied social space for their own practices. And it is possible that if what were at stake were, say, seeking out and identifying those creations of self that enhance an aesthetic construction of life and sensibility, the romantic bohemian or rebel would get higher marks than the Smith family of Remont, Nebraska. Nevertheless, we should be cautious about going too far in the direction of a wholly untrammelled pluralism lest we become so vapid that we are no longer capable of distinguishing between the moral weightiness of, say, polishing one's Porsche and sitting up all night with an ill child. The intergenerational family, as symbolism of social regeneration, as tough and compelling reality, as defining moral norm, remains central and critical in nurturing recognitions of human frailty, mortality, and finitude and in inculcating moral limits and constraints. To resolve the untidiness of our public and private relations by either reaffirming unambiguously a set of unitary, authoritative norms or eliminating all such norms as arbitrary is to jeopardize the social goods that democratic and familial authority, paradoxical in relation to one another, promise — to men and women as parents and citizens and to their children.

Vocabulary to the text

thrall - невольник, раб; пленник; рабство; покорять, поработать

ethos - характер, преобладающая черта, дух; повадки

overarch - покрывать сводом; образовывать свод, арку

prima facie - с первого взгляда; по первому впечатлению; на первый взгляд

invocation - заклинание, мольба, просьба; призыв, обращение к музе; вызов (в суд)

slippery slope - движение, курс, какие-л. действия, ведущие к провалу, неприятностям, бедам

repudiation - отказ (подчиниться; от выполнения обязательств и т.п.); отречение (от чего-л.); отрицание; аннулирование долгов

orchestrated - гармонично сочетать

peril - опасность; риск, угроза; подвергать опасности; осмеливаться, отваживаться

voracious - прожорливый; жадный; ненасытный

pander - сводник; пособник, сообщник, соучастник; сводничать; угождать, баловать; потворствовать, пособничать (**to**)

libidinal - относящийся к либидо

titillate - щекотать; приятно возбуждать

ravish - похищать; воровать; доставлять большое удовольствие, приводить в восторг, восхищать

antinatalist - сторонник мероприятий, направленных на сокращение рождаемости

intergeneric - межродовой

untrammelled - беспрепятственный, свободный от ограничений

frailty - хрупкость; непрочность; тленность; моральная слабость, моральная неустойчивость; недостаток, порок

finitude – (матем.) конечность

Questions for Discussion and Writing

1. What is Elshtain's principal objection to gay and lesbian marriage? Why does she think that her long opening discussion of freedom and individualism is necessary to her thesis that gay and lesbian marriages will not produce socially desirable results? Do you think that Elshtain and Sullivan share any goals?

2. Summarize the arguments of the majority and minority Supreme Court decisions concerning the sodomy law in Georgia. What issues were stressed on each side? This decision was rendered in 1980. Do you think the same decision would be arrived at today? Explain why.

3. What, according to Minkowitz, are the two principal reasons that heterosexuals should support gay rights? Which of the two reasons emerges as more persuasive? Why?

Topics for Research

1. Religious attitudes toward homosexual rights
2. Homosexuality: choice or biology?

PART TWO

Topical Vocabulary

Law - закон

to go beyond the law - совершить противозаконный поступок

to keep within the law - придерживаться закона

- право; правоведение, законоведение, юриспруденция

to read law - изучать право, учиться на юриста

to hold good in law - быть юридически обоснованным

- профессия юриста

to practise law - быть юристом

- суд, судебный процесс

to go to law - подать в суд; начать судебный процесс

law-abiding - законопослушный

Attorney - поверенный; адвокат; юрист; атторней, прокурор

Attorney General - генеральный атторней (в Англии); министр юстиции (в США)

district attorney, circuit attorney - прокурор округа (в США)

Trial - судебное разбирательство; судебный процесс, суд

to be on one's trial - быть под судом

to stand, undergo trial - представлять перед судом

to put on trial - привлекать к суду

to give a fair trial - судить по закону, справедливо

Court - суд; судья; судьи

Supreme Court - Верховный суд

Court of Appeal - апелляционный суд

out of court - не подлежащий обсуждению, бесспорный

court martial - военно-полевой суд, трибунал

courthouse - здание суда

Penalty - наказание; взыскание; штраф

to impose a penalty - назначать наказание

to pay a penalty - расплачиваться

death penalty - смертная казнь

under penalty - под наказанием или под страхом наказания

upon penalty of death - под страхом смертной казни

Witness - свидетель, очевидец, понятой, доказательство, свидетельство (to, of)

to bear false witness - давать ложные показания

to examine, question a witness - допросить свидетеля

to call a witness - вызывать свидетеля

Murder – убийство; убивать, совершать зверское убийство

murderer - киллер, убийца; **murderess** - убийца (о женщине)

mass murderer, serial murderer - убийца-маньяк

Crime – преступление, злодеяние, правонарушение; нарушение закона, противозаконность, преступность

crime against humanity - преступление против человечества или против человечности

criminal – преступный, криминальный, уголовный; правонарушитель, преступник

criminal law - уголовное право

war criminal - военный преступник

crimination - обвинение в преступлении, резкое осуждение, порицание

Judge - судья

Judge Advocate General - генеральный прокурор

judge advocate - военный прокурор

- арбитр, третейский судья; эксперт

judicature - судопроизводство, отправление правосудия; устройство судебной системы

Supreme Court of Judicature - Верховный суд Англии (основан и утвержден в 1873 и 1875 гг.)

judicial - судебный; законный, принадлежащий закону

judicial murder - узаконенное убийство, вынесение смертного приговора невиновному

juridical - юридический; законный; правовой, судебный

juridical days - присутственные дни в суде

jurisconsult - юрист (особ. специализирующийся по гражданскому и международному праву)

Jury - присяжные

petty, common, trial jury - 12 присяжных, выносящих приговор по гражданским и уголовным делам

grand jury - большое жюри; присяжные, решающие вопрос о предании суду

packed jury - пристрастно подобранный состав присяжных

special jury - специальное жюри, специальный состав присяжных

coroner's jury - коронерское жюри, коллегия присяжных при коронере

Statute - закон, законодательный акт парламента; статут

statute law - право, выраженное в законах; законы, статутное право, "писанный закон"

statute books - существующее законодательство, свод законов

statutory - установленный, предписанный (законом)

Felony - уголовное преступление

felonry - преступные элементы

felonious - преступный; умышленный

Misdemeanor - судебнаказуемый проступок, преступление

misdemeanant - лицо, совершившее судебнаказуемый проступок

Perjury - клятвопреступление, лжесвидетельство

legal perjury - лжесвидетельство в суде

perjurer – лжесвидетель

Bail - заклад, залог, поручительство

save one's bail (surrender to one's bail) - явиться в суд в назначенный срок (об отпущенном под залог)

- гарант, поручитель

to admit/hold/let to bail - выпустить на поруки

to justify (as) bail – под присягой подтвердить кредитоспособность поручителя

bailiff - бейлиф, судебный пристав, помощник шерифа

bailiwick - округ бейлифа, юрисдикция бейлифа

Fraud - обман; мошенничество, жульничество; подделка

fraudulent - обманный; жульнический, мошеннический

fraudulent bankruptcy - злостное банкротство

Forgery - подделка, подлог, фальсификация, фальшивка

forgery – фальсификатор, фальшивомонетчик; тот, кто подделывает документы, подписи и т. п.

Defendant - ответчик; обвиняемый, подсудимый

defender - защитник

public defender - государственный защитник (назначается судом, если подсудимый не пользуется услугами личного адвоката)

defence – защита; сторона, защищающая на суде обвиняемого; часть судебного разбирательства, проводимого защитой

Prison – тюрьма

prison breaker - бежавший из тюрьмы; бежавший из-под стражи

prison camp - лагерь военнопленных

prison hospital - тюремная больница

prisoner - заключенный, арестант

prisoner on bail - подсудимый, отпущенный на поруки

prisoner of State - государственный преступник

Jail – тюрьма; тюремное заключение

to go to jail - попадать в тюрьму

to serve time in jail - отсидеть в тюрьме

to be sent to jail - быть приговоренным к тюремному заключению

Bar - барьер, отделяющий судей от подсудимых; суд, трибунал

the Bar - адвокатура, адвокатская практика

to pitch smb. over the bar - лишать кого-л. звания адвоката или права адвокатской практики

the bar of public opinion - общественное порицание

to call to the bar - принять в коллегия барристеров; присвоить звание барристера

Words and expressions

1. to handle legal matters – рассматривать, разбирать судебные дела
2. to present cases in higher courts – представлять, вести дела в вышестоящих судах, излагать доводы в вышестоящих судах
3. to plead guilty or not guilty to the charge – признавать себя виновным или невиновным в предъявленном обвинении
4. to be entitled to an attorney – иметь право на адвоката
5. to welcome plea bargains – приветствовать/одобрять переговоры о заключении сделки о признании вины
6. to make a formal accusation – предъявлять официальное обвинение
7. to reveal one's own criminal guilt – открывать / показывать свою виновность в совершении преступления
8. to acknowledge / recognize as a crime – признавать (считать, рассматривать) как преступление
9. to be legally bound – быть обязательным по закону
10. to draw up a will – составлять завещание
11. to prepare / draw up a contract – составлять контракт
12. to dismiss a case – прекратить дело; отклонить заявление
13. to issue a warrant for the arrest – выдать ордер на арест
14. to secure expert evidence – обеспечить свидетельские показания эксперта; доказательства, полученные экспертизой; показания эксперта
15. to hold the suspect in custody – держать подозреваемого под стражей
16. to show evidence of innocence – представить доказательства невиновности
17. to consider guilty of a crime – считать / признать виновным в преступлении
18. to bring a criminal prosecution against – возбудить уголовное дело против
19. to violate constitutional provisions – нарушать конституционные положения
20. to be based on judicial decisions – быть основанным на юридических решениях
21. to face criminal prosecution – предстать перед судом по уголовному обвинению
22. to handle legal work – рассматривать правовые вопросы
23. to sue a person for libel – возбуждать дело против кого-либо за клевету
24. to sue a low court for redress – искать защиты у суда
25. to swindle money out of a person – выманить у кого-либо деньги
26. to assert oneself (one's rights) – отстаивать свои права
27. to tamper with smb. – оказывать тайное давление, подкупать кого-либо
28. to induce smb. to do smth – заставлять кого-либо сделать что-либо

