

LET'S GET STARTED: DISCUSSION

What was important to you when you were looking for a place to live? For sure, the financial aspects, but possibly safety as well. When do you feel safe? Why? Do you think that criminal law may have anything to do with that? Why? Why not? Have a look at the questions below. Are you able to answer them? Write down the answers or discuss them with your friend. Over to you!

- ▷ What is criminal law?
- ▷ What types of offences are there?
- ▷ What types of punishments may be imposed on an offender?
- ▷ What is the purpose of criminal law?

READING 1: DEFINITION OF CRIMINAL LAW AND OFFENCES

Criminal law is another important branch of law. It is intended to protect society against crime.

The text below discusses the most important issues connected with criminal law. As you read, take a close look at the words in bold and try to memorise them.

What is criminal law?

Criminal law sets out the rules that define prohibited behaviours that threaten and may harm the general public. Such behaviours are called **offences**. In addition, criminal law prescribes **punishments** for **offenders** who have **committed** an offence. This is covered by what is known as **substantive criminal law**, which defines offences and punishments. On the other hand, **criminal procedure law** lays down the rules to be followed in order to enforce the rules of the substantive law, for example, what to do if you are a **victim** of an offence.

What types of offences are there?

Generally, offences can be divided into less serious offences, called **misdemeanours**, and more serious offences, called **crimes** or **felonies**. In some legal systems (UK, USA) offences are divided into summary offences, triable-either-way offences, and crimes. Depending on the category of the offence, offenders are **tried** before different courts, and different punishments may be imposed. Not only does the punishment



depend on the type of the offence, but also its **severity**. Offenders may receive a lower punishment if any **mitigating factors** exist, or the maximum punishment, in the case of **aggravated offences**.

What types of punishments may be imposed on an offender?

There are a number of punishments that may be imposed on offenders. In the case of less **severe** offences, the **perpetrator** may have to pay a **fine**, or serve a **community service**; in the case of more serious offences, offenders may be sentenced to **imprisonment**, **life imprisonment**, or may face the **death penalty**, although not all countries impose all of these punishments.

What is the purpose of criminal law?

Contrary to the common belief, the purpose of criminal law is not just to punish the offender. The essential purposes of criminal law include retribution, deterrence, incapacitation, rehabilitation and restoration. The concept of **retribution** assumes that offenders should be punished for their acts adequately to the offence they committed, not necessarily in the same manner inflicted on the victim. However, the punishment should be **severe** and **commensurable**. Further, criminal law assumes that punishment may act as a **deterrent** to future criminal acts, meaning that punishments can discourage other people from making the same mistake, or the offender from **relapsing to crime** in the future. The purpose of **incapacitation** is to separate the convict from the rest of the population, to protect the general public. Another purpose is to **rehabilitate** the offender, namely to help them become valuable members of society once they serve their sentence. In some instances, the offender may be ordered **to restore** the status that existed before the offence was committed.

Now, cover the text and try to answer the questions in *Discussion* again. Good luck!



LISTENING 1: NOW, YOU BE THE JUDGE!

PRACTICE 1

Go to the following website: www.LegalEnglishBasics.pl and play TRACK 10 and answer the questions below.

1. What was the defendant found guilty of?

2. What do magistrates do?

3. Did the defendant plead guilty?

4. How was the defendant identified?

5. Does the defendant have any previous convictions for damaging property?

6. Were there any aggravating factors?

7. Were there any mitigating factors?

8. What options do the sentencing guidelines set out for criminal damage?

9. What is included in the report prepared by the probation officer?

10. What sentence did the court impose?

Do you think that the sentence was fair? Why? Why not?

USE OF LANGUAGE 1: PRESENT YOUR ARGUMENT IN A POWERFUL WAY

PRACTICE 2

Lawyers often have to present their arguments to support their assertions or rebut the assertions of the other party. Have a look at the examples given below. How do each of the two sentences differ?

