A. How can an English–English dictionary help you understand and produce spoken and written English?

B. Study the dictionary extract on the opposite page.
   1. Why are the two words (top left and top right) important?
   2. How many meanings does judicial have? What about judicious?
   3. Why does the word judge appear twice in bold?
   4. What do we call someone who sits in a magistrates’ court?
   5. Where is the main stress on judiciary? What about justice?
   6. What is the pronunciation of j in each bold word in this extract?
   7. What is the pronunciation of u in each bold word in this extract?
   8. What part of speech is judgemental?
   9. Can we write: The court justified the criminal. Why (not)?

C. Look at the bold words in the dictionary extract on the opposite page.
   1. What order are they in?
   2. Write the words in box a in the same order.

D. Look at the top of this double page from an English–English dictionary.
   1. Which word from Exercise C will appear on this page?
   2. Think of words before and after some of the words in Exercise C.

E. Look up the red words in box a.
   1. How many meanings can you find for each word?
   2. What kind of noun/verb is each word?
   3. Which meaning is most likely in legal text?

F. Look up the green words in box a.
   1. Where is the main stress in each word?
   2. What is the sound of the underlined letter(s) in each word?
   3. Which meaning is most likely in legal text?

G. Test each other on the words from Exercises E and F. Give the dictionary definition of one of the words. Can your partner guess which word you are defining?

H. What does the picture on the opposite page show? Use some of the words from this lesson.
judge

judge /ˈdʒʌdʒ/ v [I or T] 1. to form or express an opinion about something especially after careful thought 2. to sit in judgment on something or someone in a court 3. to decide the result of a competition

judge /ˈdʒʌdʒ/ n [C] 1. a lawyer who has been given the power to decide on questions brought before a court 2. a person who has been appointed to decide the winner of a competition such as ice skating

judgement /ˈdʒʌdʒmənt/ n [C] the ability to make a wise decision based on careful thought

judgment /ˈdʒʌdʒmənt/ n [C] a formal decision made by a court or a judge

judgmental or judgemental /ˈdʒʌdʒmənt(ə)l/ adj forming an opinion about something or someone based on morality

judicature /ˌdʒuːdiˈkeɪtʃər/ n [U] the administration of the justice system

judicial /ˈdʒuːdiʃəl/ adj matters ordered by a court or a judge: judicial precedent

Justice of the Peace

judiciary /ˈdʒuːdʒəri/ n [C] pl judiciaries the branch of government that deals with justice and forms part of the separation of powers: the executive, the administration, the judiciary

judicious /ˈdʒuːdʒəs/ adj 1. using good judgement to reach a decision 2. describing a person who shows good judgement: The President is judicious and well respected.

jurist /ˈdʒʊərɪst/ n [C] a person who has a deep knowledge or understanding of legal matters

juror /ˈdʒʊərə(r)/ n [C] a person who sits on a jury

jury /ˈdʒʊəri/ n [C] pl juries a group of people (usually twelve) chosen from the general public who sit in court to reach a decision based on the evidence they have heard

justice /ˈdʒuːstɪs/ n [U] the quality of being impartial and fair

Justice of the Peace n [C] pl Justices of the Peace a non-lawyer given the power to hear minor cases in a magistrates’ court
A Name some people who have had a great influence on the development of the law.

B Study the list on the right.
1 Identify each person’s achievements.
2 Describe what effect these achievements have had on the development of the law.
3 Decide which person in this list has had the greatest influence on the law.

C You are going to read a text. What should you do before you read a text in detail? See Skills bank

D This text is about Lord Denning, one of the most influential judges in UK law in the 20th century.
1 Think of some research questions before you read.
2 Compare your questions with those in the Hadford University assignment at the bottom of this page.

E Study these topic sentences from the text.

- Alfred Thompson, Lord Denning was one of the greatest judges working in the English legal system during the 20th century.
- As Master of the Rolls, the most senior judge in the Civil Division of the Court of Appeal, Denning challenged the principle of stare decisis (judicial binding precedent).
- Denning adopted his famous common-sense approach in Thornton v Shoe Lane Parking [1971] 1 All ER 686, CA.
- Despite the simplicity of his language, the ideas and concepts he expressed were often extremely complex and challenged the rigidity imposed by the common law.

1 Which judicial achievements is the text about?
2 Where do you expect to find the answers to the Hadford University assignment? Write 1, 2 or 3 next to the topic sentence.
3 What do you expect to find in the other paragraph(s)?

F Read the text on the opposite page and check your ideas. See Skills bank
The judicial achievements of Lord Denning

Alfred Thompson, Lord Denning was one of the greatest judges working in the English legal system during the 20th century. Many of his judicial decisions have had a wide impact on many aspects of the law. He became famous for his landmark judgments. He established the principle of equitable estoppel and ensured that the small print on the back of a ticket could not be used by companies to avoid their legal obligations.

Denning also made some controversial judgments that some jurists believe damaged his reputation. Despite strong evidence in their favour, he did not allow an appeal by a group of Irish republicans, known as the Birmingham Six, against their conviction on terrorism charges, on the grounds that, to do so, would indicate the police investigating the crime had been corrupt. The police had, in fact, interfered with the evidence and after a long campaign the men were eventually released. They had been wrongfully imprisoned for more than ten years.

As Master of the Rolls, the most senior judge in the Civil Division of the Court of Appeal, Denning challenged the principle of stare decisis (judicial binding precedent). He believed that if a rule had been made by the Court of Appeal, it could also be changed by it. In the well-known case of Spartan Steel and Alloys Ltd v Martin and Co [1972] 3 All ER 557, CA Denning did not follow precedent and based his judgment on a thorough analysis of the facts of the case.

In Central London Property Trust Ltd v High Trees House Ltd [1947] KB 130 Denning appeared to dispute the concept that in a contract there must be consideration. The facts of the case were that the plaintiffs rented out their property, a block of flats in central London, to the defendants at a fixed rent agreed by both parties. After this agreement was made, World War II started and the defendants found it difficult to find tenants for the flats. The plaintiffs promised to reduce the annual rent by half. After the war ended, the flats again became fully occupied and the plaintiffs wanted to receive the original rent. The court decided that they were entitled to the full rent but starting only from the end of the war. Denning argued that the plaintiffs’ promise to reduce the rent stopped them from enforcing the original contract, even though the defendants had not given any consideration. This promise estopped, or prevented, the plaintiffs from enforcing their strict legal rights.

Denning adopted his famous common-sense approach in Thornton v Shoe Lane Parking [1971] 1 All ER 686, CA. The plaintiff bought a ticket to park his car in the defendants’ car park. The ticket was issued subject to the conditions displayed on a notice in the car park. These conditions, in very small print, stated that the owners of the car park were not liable for any injuries caused to their customers. The plaintiff was injured, partly as a result of the defendants’ negligence. The court held that the plaintiff was not bound by the conditions. Denning stated that: ‘In order to give sufficient notice, it would need to be printed in red ink with a red hand pointing to it.’ The defendants could not avoid their duty of care unless they informed their customers about the conditions for parking in a clear and appropriate way.

Denning's judgments were written in clear and comprehensible English. They were very different from the legalistic language used by many of his fellow judges. The reasons for his decisions could be understood by people who were not lawyers. One of his most famous judgments was in Miller v Jackson [1977] QB 966, CA in what became known as ‘the cricket case’. This involved the traditional English summer sport. A family that had just bought a house next to a cricket ground complained that cricket balls were being hit into their garden and disturbing their right to its peaceful enjoyment. Denning began in the following way:

In summertime village cricket is the delight of everyone. Nearly every village has its own cricket field where young men play and old men watch. In the village of Linz in County Durham [in the north of England], they have their own ground where they have played these last 70 years ... yet now after these 70 years a Judge of the High Court has ordered they must not play there anymore.

Despite the simplicity of his language, the ideas and concepts he expressed were often extremely complex and challenged the rigidity imposed by the common law. Although some of his decisions were overturned by the House of Lords, many of the causes he championed were written into statutes. Examples of these are the right of deserted wives to remain in the marital home, and the concept that a person who makes a negligent misstatement cannot later rely on it.
2.3 Extending skills

A Study the words in box a. They are all from the text in Lesson 2.
   1 Give two meanings of each word.
   2 Check with your dictionary.

B Study the words in box b. They are all from the text in Lesson 2.
   1 What is the base word in each case? What part of speech is the base word?
   2 Does the prefix/suffix change the part of speech?
   3 How does it change the meaning?

C Look back at the topic sentences on page 16. Don’t look at the text on page 17. What information comes after each topic sentence? Suggest possible content.
   Example:
   Denning adopted his famous common-sense approach in *Thornton v Shoe Lane Parking* [1971] 1 All ER 686, CA.

   **The facts of the case; how Denning used common sense.**

D Write a summary of the text on page 17. Paraphrase the topic sentences. Add extra information and examples. See Skills bank

2.4 Extending skills

A Can you remember all the people who have made a contribution to the development of the law from Lesson 2? What were their main achievements?

B The lecturer has asked you to research *judicial precedent*.
   1 What do you understand by the term?
   2 Think of good research questions before you read the text.
   3 Look quickly at the text on the opposite page. What is the best way to record information while you are reading?

C Study the text on the opposite page.
   1 Highlight the topic sentences.
   2 Read each topic sentence. What will you find in the rest of the paragraph?
   3 Which paragraph(s) will probably answer each research question? Read those paragraphs and make notes.
   4 Have you got all the information you need? If not, read other paragraphs.

D Use the Internet to research the judicial achievements of one of the people from the list in Lesson 2. Use the same research questions as in Lesson 2.
   1 Make notes.
   2 Write a series of topic sentences which summarize your findings.
   3 Report back to the other students. Read out each topic sentence then add extra details.
Judicial precedent can be defined as the principle whereby judges are required to follow the decisions made in previous cases which have sufficient similarity. Cases decided by lower courts must always follow the precedent set by higher courts. The aim of *stare decisis* (Latin for 'the decision must stand') is to provide consistency and predictability in the decision-making process of various courts.

The judgment may fall into two parts: the *ratio decideni* (the reason for the decision) and the *obiter dictum* (something said by the way). The *ratio decideni* always applies to the precise facts of the case and is binding. In other words, it sets a precedent that must be followed. The *obiter dictum* is where a judge speculates on what might have happened if the facts had been different. This part of the judgment is persuasive rather than binding and so does not have to be followed. In the *High Trees* case, Lord Denning decided that the plaintiffs were entitled to payment of the full rent only after the war had ended. This was the *ratio decideni*. He speculated that the plaintiffs would not be entitled to the full rent from the start of the war as they had promised to cut the rent by half to ease the defendants' financial difficulties. However, as this was not based on the strict facts of the case, this part of the decision was *obiter dictum*.

The court hierarchy dictates the way in which judicial precedent operates. Under section 3(1) of the European Communities Act, the decisions made on matters of European Community Law are binding on all courts within the English legal system, including the Supreme Court. If matters of European Community Law are not involved, the Supreme Court is the highest court in the land. The Supreme Court is bound by its own decisions unless the court decides in a particular case that this is not right. This was laid down by Lord Gardiner in the *Practice Statement* in 1966: Supreme Court decisions are binding on all lower courts.

The Court of Appeal (Civil Division) must follow the decisions of the Supreme Court even if it is considered wrong to do so. In *Young v Bristol Aeroplane* Co Ltd [1944] KB 718, CA, the Court of Appeal decided it is also bound by its own decisions except where:

- previous decisions in the Court of Appeal conflict. It must then decide which one to follow.
- a decision of its own conflicts with a Supreme Court decision, even if that decision has not been expressly overruled by the Supreme Court.
- a decision of its own was made *per incuriam*; in other words, by mistake.

The Court of Appeal (Criminal Division) generally has the same rules of *stare decisis* as the Civil Division. However, because decisions might affect the liberty of the individual, the rules of precedent are not followed as rigidly. This principle was laid down in *R v Taylor* [1950] 2KB 368, where it was held that if questions involving the liberty of a subject had either been misapplied or misunderstood, the court should reconsider the decision.

The High Court is bound by decisions of the Supreme Court and the Court of Appeal. It is not bound by previous High Court decisions. However, these are of strong persuasive authority and are usually followed. Decisions of High Court judges are binding in the county courts. Decisions made on points of law by judges in the Crown Court are not binding. They are only of persuasive authority, so other Crown Court judges need not follow them. The decisions of the county courts and the magistrates' courts are not binding.

Courts can avoid following a binding precedent in a case by using a legal device called 'distinguishing'. Cases can be distinguished on either the facts or the points of law. In a case involving a joint enterprise, where two people take part in a robbery, and in the course of the robbery one of the people kills the person they are stealing from, the person who does not actually do the killing may still be liable if he could foresee that this action was likely to follow. If someone is armed with a gun, murder is more foreseeable than if someone is armed only with a stick. In *R v Powell (Anthony) and English* [1999] 1 AC 1, HL, Lord Hutton made this distinction.

Judicial precedent provides stability and consistency within the legal system. However, there are cases where its rigidity has led to injustices. The arguments are whether these injustices should be rectified by Parliament through a change in the law, or whether it is up to judges to use their skills to avoid a precedent where it would, in the circumstances of the case, be unjust to follow it.
Using your English-English dictionary

This kind of dictionary helps you actually learn English.

Using headwords and parts of speech

1 Find the correct headword.
   These bold words in a dictionary are in alphabetical order. Look at the words on the top left and top right of the double page. Find a word which comes just before and after your word.

2 Find the correct meaning.
   If there are different meanings of the word, they appear in a numbered list. Look at all the meanings before you choose the correct one in context.

3 Find the correct part of speech.
   Sometimes the same headword appears more than once, followed by a small number. This means the word has more than one part of speech, e.g., n and v. Work out the part of speech before you look up a word.
   Clues:
   • Nouns come after articles (a/an/the) or adjectives.
   • Verbs come after nouns or pronouns.

Learning to pronounce words

The symbols after the headword show you how to pronounce the word. Learn these symbols (the key is usually at the front or the back of the dictionary).

The little line in the symbols shows you how to stress the word.

Example:
/dʒu: dɪʃ(ə)/ but /dʒəstɪs/

Learning to use words correctly in context

Nouns can be countable or uncountable. This information is important for using articles and verb forms (e.g., is/are) correctly. Look for the symbol [C] or [U].

Some verbs need an object. They are transitive. Some verbs don't need an object. They are intransitive. This information is important for making good sentences. Look for the symbol [T] or [It].

Some words can be spelt in British English (e.g., offence, centre) or American English (e.g., offense, center). Choose the correct spelling for the text you are working on.)
**Doing reading research**

**Before you start reading ...**
- Think of research questions. In other words, ask yourself: *What must I find out from my research?*
- Look at headings, sub-headings, illustrations. Look for patterns or variations in presentation, e.g., a series of dates; words in bold or italic script. Think: *What information do they give me?*
- Decide how to record information from your reading. Choose one or more methods of note-taking. See Unit 1 *Skills bank*.

**While you are reading ...**
- **Highlight** the topic sentences.
- Think: *Which paragraph(s) will probably give me the answer to my research questions?*
- Read these paragraph(s) first.
- Make notes.

**After reading ...**
- Think: *Did the text answer all my research questions?*
- If the answer is no, look at other paragraphs to see if the information is there.

**Using topic sentences to summarize**
The topic sentences of a text normally make a good basis for a summary. Follow this procedure:
- Locate the topic sentences.
- Paraphrase them – in other words, rewrite them in your own words so that the meaning is the same. Do not simply copy them. (This is a form of plagiarism.)
- Add supporting information – once again, in your own words.

**Example:**

<table>
<thead>
<tr>
<th>Paraphrase of topic sentence</th>
<th>Lord Denning used simple and straightforward language in his judgments.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supporting information and examples (summarized)</td>
<td>For example, he introduced a judgment in a famous case with: ‘In summertime village cricket is the delight of everyone.’</td>
</tr>
</tbody>
</table>

- Check your summary. Check that the ideas flow logically. Check spelling and grammar. If your summary is short, it may be just one paragraph. Divide a longer summary into paragraphs.