

# Hukuk İngilizcesi

Let's exercise! *beginners*

hazırlayan

Karin Linhart

çeviren ve Türk Hukuku kapsamında hazırlayan

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## Önsöz

**Dil öğrenme**, tıpkı spor, müzik ve belirli bir amaç doğrultusunda yürütülen diğer birçok uğraş gibi işlemektedir. Başlayın ve vazgeçmeden çalışmaya devam edin. Çalışkanlık ve azim başarının anahtarıdır.

Bir ders kitabı ve bu çalışma kitabıyla beraber yoğun bir çalışmanın yanı sıra, münferit konuları ve terimleri mümkün olabildiğince fazla ve birçok farklı açıdan ele almalısınız. Küçük kelime kartları hazırlayın, hazırlamış olduğunuz bu kartları her zaman yanınızda ceketinizin cebinde bulundurun ve fırsat doğduğu her yerde onları cebinizden dışarı çıkarın: tramvayda, kafeteryaya giderken, resmi kurumlarda sıra beklerken. Daha zor terimleri odanızda iyi görebileceğiniz her yere yapıştırın: odadaki duvara, banyodaki aynaya, evin kapısına, ocağın üzerine ... ve kendi kendinize kelimeleri tekrar tekrar yüksek sesle söyleyin. Öğrendiklerinizle aynı veya biraz değiştirilmiş bir biçimde ne kadar sık alıştırma yaparsanız ve onları sürekli olarak bilinçli ezberlerseniz, o kadar daha uzun süreli ve güvenli bir şekilde hafızanızda kalır. Dil öğrenme her şeyden önce devamlı olarak ezberleme ve sorgulamadır. Ve ne kadar daha iyi olursanız ve kendinize ne kadar çok güvenirsiniz, bu sizin için o kadar eğlenceli olur. Geçmişte belki 3000 parçalık bir yapboz bulmacayı bir araya getirdiğiniz gibi dilleri öğreneceksiniz. Her gün biraz. Gittikçe daha kısa bir sürede nasıl daha fazla kavrayabildiğinize, anlayabildiğinize ve aklınızda tutabildiğinize şaşıracaksınız.

Ve şimdi: Çalışmanın tadını çıkarın!

Würzburg/Almanya, Temmuz 2021

Karin Linhart ve Hatice Cengiz

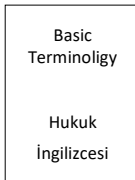
**Dr. Karin Linhart, LL.M. (Duke)** Julius-Maximilians-Würzburg/Almanya Üniversitesinde akademik başdanışmandır. Dr. Linhart Alan Dilleri ve Yabancı Hukuk Programını yönetmektedir ve ağırlıklı olarak Hukuk İngilizcesi, ABD-Amerikan Hukuku, Avrupa Birliği ve Sahra Altı Afrika Hukuku derslerinin yanı sıra ayrıca Hukuk Almancası ve Alman Hukukuna Giriş derslerini de İngilizce olarak anlatmaktadır.

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## A. General Legal Terms

What you will learn in this chapter:

### I. Origins of Legal Rules

- ✓ Origins of legal rules (state, religion, tradition, philosophy, academic discourse)
- ✓ Legal traditions (common law and civil law)
- ✓ Countries with more than one legal system
- ✓ Hybrid legal systems

### II. Areas of law

- ✓ Categories of areas of law
- ✓ Substantive law vs. procedure
- ✓ “International” areas of law

### III. Sources of Law

- ✓ Branches of powers and sources of law
- ✓ Primary and secondary sources of law
- ✓ Finding the law (legal research)
- ✓ Citing the law (legal writing)

### IV. Legal Education and Legal Professions

- ✓ How to become a lawyer in England and the US
- ✓ Legal professions (overview)
- ✓ Practicing lawyers (Rechtsanwälte)
- ✓ Judges, prosecutors, notaries, and further legal professions

### V. The civil law legal tradition

- ✓ Roman law and the *Corpus Iuris Civilis*
- ✓ Bologna 1088 and the *ius commune*
- ✓ Code Napoleon 1804 and the European age of codification
- ✓ Global expansion through colonialisation and voluntary adoption
- ✓ European Integration

### VI. The common law legal tradition

- ✓ Law in England before the Norman Conquest 1066
- ✓ Henry II: Father of the Common Law
- ✓ Common law based on the writ-system vs. Equity
- ✓ Global expansion through colonialisation and voluntary adoption
- ✓ The Commonwealth of Nations

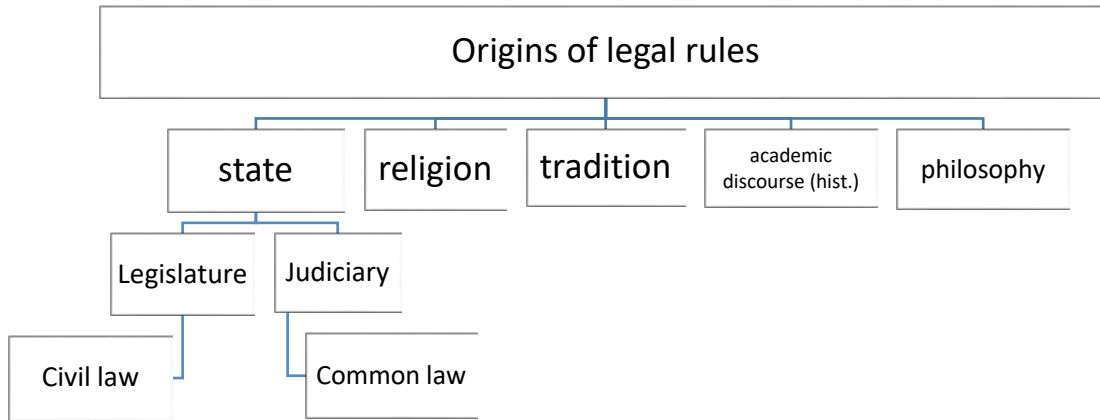
Daha detaylı bilgi için ders ve alıştırma kitabına bakınız:

*Linhart/Fabry, Englische Rechtssprache – Ein Studien- und Arbeitsbuch (İngilizce Hukuk Dili – Ders ve Pratik Çalışma Kitabı)*, 5<sup>th</sup> edition (2021), C.H. Beck/Almanya, bölüm A.I-VII.

## A. General Legal Terms

### I. Origins of Legal Rules

**Origins of legal rules:** Societies have established (*düzenlemek, belirlemek*) rules for their people to comply with (*uymak*) for thousands of years. They were and are the basis for human mankind living together in groups. But where exactly does the law (*hukuk*) actually come from? From a legal comparative (*karşılaştırmalı hukuk*) point of view, we find different origins of legal rules (*hukuk kuralları*). In western democracies the law is created predominantly by the state (*devlet*) and its respective governmental institutions (*devlet kurumları*). In what we call the civil law legal tradition (*hukuk geleneği*) this is mostly the Legislature (*yasama meclisi*) creating statutes (*kanunlar*) as the major source of law (*hukukun kaynağı*). In what we call the common law legal tradition it is to a large extent the Judiciary (*yargı*), the courts (*mahkemeler*) creating case law (*Anglo-Sakson hukuku*). The decisions that are called “precedents” (*içtihatlar, emsal olaylar*), are binding (*bağlayıcı*) for lower courts that have to decide about future cases, if the fact patterns (*somut olay*) of the cases are similar enough.



In many regions worldwide, legal rules have their roots in religious texts. To mention the three major religions, we find Canon law (*kilise hukuku*), Islamic law (*islam hukuku*), and Jewish law (*yahudi hukuku*), in many countries side by side with governmental law (*devlet hukuku*) depending on the legal issue (*hukuki mesele*) at hand. So, the law is not only categorized according to (*göre*) territory (*bölge*), but also according to religious affiliation. Yet another body of law, namely traditional law (*geleneksel hukuk*), also called customary law (*örf ve adet hukuku*), only applies to (*uygulamak*) a certain ethnic group, irrespective (*bağımsız olarak*) of where they live. This can be found all over Africa, America or Australia and New Zealand. Traditional law of a particular ethnic group that still lives like their ancestors hundreds of years ago is called indigenous law (*yerel hukuk*). We see, therefore (*bu nedenle*), that the law that is applied to a person’s legal problem might be determined by (*belirlenmek*) territory, by religious affiliation or by belonging to a certain ethnic

group that has retained (*muhafaza etmek*) its traditional law until today. In China we find rules that trace their origin back to Confucianism and that have been strongly accepted and applied throughout society. So, even parts of philosophy can turn into legal rules, when they are used often enough to be considered (*değerlendirmek*) a custom (*gelenek*). In the development of the civil law legal tradition there was a time, when law was created by scholars (*akademisyenler*) through academic discourse (*bilimsel araştırma*). This body of law (*kanun külliyatı*), called *ius commune*, was applied all through continental Europe from 1088 on and ceased (*ortadan kalkmak*) to exist mostly around the introduction (*takdim/uygulama*) of the French *civil code* in the beginning of the 19<sup>th</sup> century.

**Legal traditions:** As mentioned above (*yukarıda belirtildiği gibi*), most legal systems (*hukuk sistemi*) belong to either the common law or the civil law legal tradition. A synonym for “legal system” that is often used in the English speaking world is “jurisdiction”. The common law legal tradition developed out of English law. It was introduced in the colonies and is now the historical basis for the law in the United States, Canada, Australia, New Zealand and many other former English colonies. The civil law legal tradition has its roots in Roman law (*Roma hukuku*). Most continental European legal systems belong to it: e.g. Germany, Austria, Switzerland, France, Italy, Spain, Portugal, the Netherlands, Turkey and many more. Here again, at some point the law was imported into the colonies. This is why the legal systems of countries like Angola, Mexico or Ivory Coast belong to the civil law legal tradition. Even parts of the US and of Canada, the former French colonies Louisiana and Quebec, belong to the civil law, surrounded by common law jurisdictions.

**Country vs. legal system:** As we have seen with Louisiana and Quebec, there are countries with more than one legal system. This is the case either for countries that were created as a federation (*federasyon*) or in countries that have not been one country at the time when their respective legal systems developed, such as the United Kingdom. Examples for countries with more than one legal system are:

- the United Kingdom with England and Wales as one jurisdiction along with the legal systems in Scotland and in Northern Ireland;
- the United States with 50 state jurisdictions underneath a layer of federal law (*eyalet hukuku*);
- Canada with the legal systems of each of its 10 provinces underneath Canadian federal law;
- Australia, also following a federal structure, being split up into six states, as well as
- New Zealand.

**Hybrid legal systems:** Some legal systems contain elements from both major legal traditions or show some other components, like sources of law going back to religious texts (see e.g. Canon law, Jewish law or Islamic law). Legal systems containing parts of more than one origin of law or legal tradition are called “hybrid legal systems” (*karma hukuk sistemi*). Examples for countries with hybrid legal systems are Egypt, Israel, Malta, Namibia, Scotland, or South Africa.



**1. Basic terminology in English and Turkish.**

**a) Nouns 1**

- |                  |       |                       |
|------------------|-------|-----------------------|
| 1. case law      | _____ | a) eyalet hukuku      |
| 2. civil code    | _____ | b) hukukçu; avukat    |
| 3. court         | _____ | c) içtihat hukuku     |
| 4. custom        | _____ | d) örf ve adet hukuku |
| 5. customary law | _____ | e) hukukun kaynakları |
| 6. federal law   | _____ | f) kanun              |
| 7. law           | _____ | g) mahkeme            |
| 8. lawyer        | _____ | h) örf ve adet        |
| 9. source of law | _____ | i) hukuk              |
| 10. statute      | _____ | j) medeni kanun       |

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
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**b) Nouns 2**

- |                        |       |                        |
|------------------------|-------|------------------------|
| 1. court decision      | _____ | a) hukukçu akademisyen |
| 2. hybrid legal system | _____ | b) hukuk geleneği      |
| 3. Islamic law         | _____ | c) devlet              |
| 4. Judiciary           | _____ | d) kanun koyucu        |
| 5. jurisdiction        | _____ | e) İslam hukuku        |
| 6. legal tradition     | _____ | f) hukuk sistemi       |
| 7. legislator          | _____ | g) mahkeme kararı      |
| 8. precedent           | _____ | h) karma hukuk sistemi |
| 9. scholar             | _____ | i) yasama              |
| 10. state              | _____ | j) emsal olay, içtihat |

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
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**c) Verbs**

- |                    |       |                                             |
|--------------------|-------|---------------------------------------------|
| 1. apply, to       | _____ | a) yönetilmek                               |
| 2. be governed, to | _____ | b) belirlemek, düzenlemek                   |
| 3. cease, to       | _____ | c) uymak                                    |
| 4. codify, to      | _____ | d) -den türemek, gelişmek                   |
| 5. comply with, to | _____ | e) yasal olarak düzenlemek                  |
| 6. consider, to    | _____ | f) muhafaza etmek, elde tutmak              |
| 7. derive from, to | _____ | g) göz önünde bulundurmamak, değerlendirmek |
| 8. establish, to   | _____ | h) uygulamak                                |
| 9. retain to, to   | _____ | i) bitmek, ortadan kalkmak                  |

1.	2.	3.	4.	5.	6.	7.	8.	9.
----	----	----	----	----	----	----	----	----

**d) Adjectives and phrases**

- |                         |       |                               |
|-------------------------|-------|-------------------------------|
| 1. according to         | _____ | a) resmi, kamusal             |
| 2. as mentioned above   | _____ | b) bağlayıcı                  |
| 3. binding              | _____ | c) geniş anlamda              |
| 4. common               | _____ | d) ortak, uyumlu              |
| 5. governmental         | _____ | e) dar anlamda                |
| 6. hybrid               | _____ | f) karma                      |
| 7. in general           | _____ | g) yukarıda belirtildiği gibi |
| 8. in particular        | _____ | h) özellikle                  |
| 9. in the broad sense   | _____ | i) göre, uyarınca             |
| 10. in the narrow sense | _____ | j) genel olarak               |

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
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**2. Concepts and institutions.**

- A)**
- |                    |                                                                                   |
|--------------------|-----------------------------------------------------------------------------------|
| 1. Roman law       | a) Legal systems sharing the same or similar origins.                             |
| 2. legal tradition | b) Body of law applicable to questions related to the Catholic Church.            |
| 3. Canon law       | c) Entirety of legal rules, written or unwritten, applicable in one jurisdiction. |
| 4. legal system    | d) Origin of civil law legal systems dating back hundreds of years before Christ. |

1.	2.	3.	4.
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- B)**
- |                  |                                                                                                                                                                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. civil law     | a) Legal tradition to be found in England, Australia, the US or Canada.                                                                                                                                                                                                                                  |
| 2. customary law | b) One of the two branches of Anglo-American common law, developed to balance the shortcomings of the common law and its writ-system. This part of the common law focused on fairness and justice in the individual case at hand rather than using specific previous court decisions as a source of law. |
| 3. Equity        | c) Legal tradition to be found in continental Europe.                                                                                                                                                                                                                                                    |
| 4. common law    | d) Principles of law that are not written down, but applied voluntarily and on a regular basis and often developed over centuries.                                                                                                                                                                       |

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

**3. Which of the four terms does not fit in? Give a brief explanation.**

- a) England/Wales – Canada – USA – Turkey
- b) statute – case law – common law – judge-made law
- c) Corpus Iuris Civilis – precedents – ius commune – civil codes
- d) binding court decisions – Equity – scholars – roots in English law
- e) Canon law – hybrid legal system – Islamic law – Jewish law
- f) statute – act – unified legal system – law
- g) statutory law – customary law – case law – administrative law
- h) therefore – whereas – however – except

**Explanation:**

a)	
b)	
c)	
d)	
e)	
f)	
g)	
h)	

**4. Collocations.**

Connect the two parts (a-h and 1-8) of the following terms.

a) religious	b) primary	c) legal	d) civil	e) judicial
f) hybrid	g) binding	h) academic		

- 1. \_\_\_\_\_ tradition (letter \_\_\_)
- 2. \_\_\_\_\_ legal system (letter \_\_\_)
- 3. \_\_\_\_\_ law (letter \_\_\_)
- 4. \_\_\_\_\_ decision (letter \_\_\_)
- 5. \_\_\_\_\_ code (letter \_\_\_)
- 6. \_\_\_\_\_ source of law (letter \_\_\_)
- 7. \_\_\_\_\_ precedent (letter \_\_\_)
- 8. \_\_\_\_\_ discourse (letter \_\_\_)

1.	2.	3.	4.	5.	6.	7.	8.
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**5. Where are legal rules coming from?**

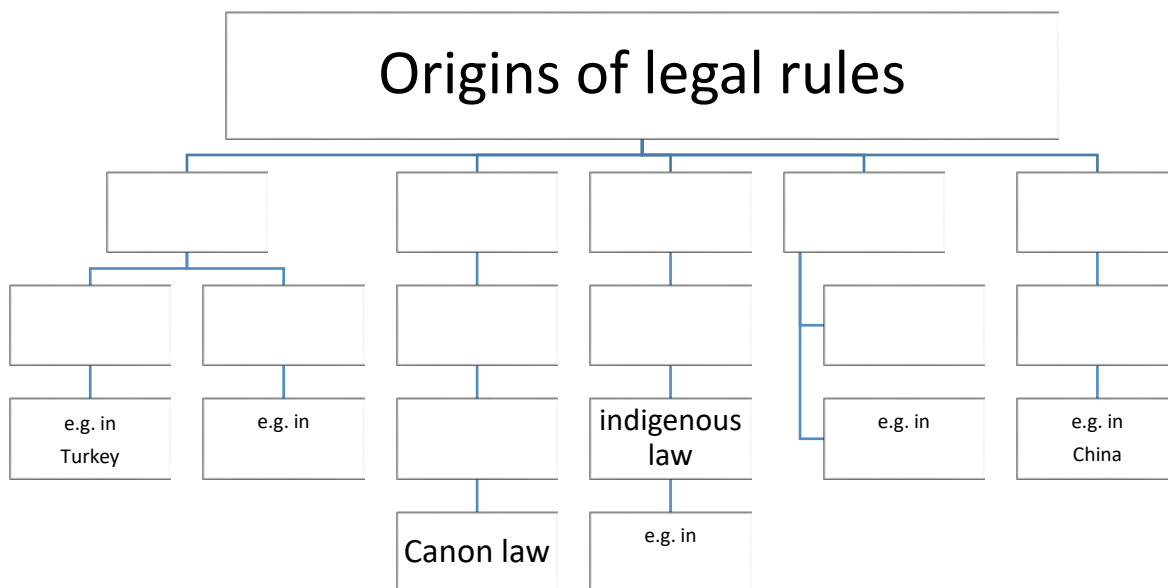
What are the origins of legal rules world-wide? Look at the following terms and put them into the structure indicated below.

academic discourse – Africa & South America – Canon law – China – civil law – common law – Confucianism – customary law – England – Turkey – governmental action – indigenous law – Islamic law – ius commune – Jewish law – medieval Europe – philosophy – religion – tradition

Level 1: origin

Level 2: subcategories

Level 3 „e.g.“: territorial dimension



**6. Common law – civil law – hybrid legal system.**

Put the legal systems listed below into the correct category.

Australia – Canada – England/Wales – France – Germany – Italy – Japan – Louisiana – Mexico – Netherlands – New Zealand – Quebec – Scotland – South Africa – South Korea – Turkey – United States

common law legal system:	civil law legal system:	hybrid legal system:

**7. Which term is described by the following sentences?**

case law – civil codes – civil law – common law – customary law – hybrid legal systems – *ius civile* – statutes – *ius commune* – writs

- a) People no longer applied the *ius commune* in the beginning of the 19<sup>th</sup> century after the introduction of national .....  
.....
- b) In civil law countries, the primary source of law is .....  
.....
- c) In Roman Law a distinction was drawn between the law that was applied to disputes between Roman citizens and cases where foreigners were a party. The law in ancient Rome applied to disputes between Roman citizens is called .....  
.....
- d) Law that is applied within ethnic groups in African and South American countries in addition to statutes and cases is called .....  
.....
- e) The law that developed in Bologna from 1088 on from the rediscovered *Corpus Iuris Civilis* after the fall of the Roman Empire is called .....  
.....
- f) The legal tradition encompassing most of the continental European legal systems is called .....  
.....
- g) In common law countries, the primary source of law is .....  
.....
- h) The problem of the common law that led to a fundamental change in the law of England around the 15<sup>th</sup> century was that the law and what the people could demand from the local courts were based on formal .....  
.....
- i) The law that developed in England since the mid 12<sup>th</sup> century, starting with the reforms of King Henry II is called .....  
.....
- j) The legal systems of South Africa and Scotland belong to the so called .....  
.....

**8. Synonyms and antonyms.**

Find the synonyms and antonyms given in the grey box and write them next to the terms given below.

act – case law – civil law – customary law – Equity – interpretation – judge-made law – jurisdiction – law – mixed – obligation – rule – statutory law

synonyms		antonyms/counterparts	
common law		common law	
common law		common law	
construction		common law	
hybrid		positive law	
legal system		right	
provision			
statute			
statute			

**9. More than one meaning.**

Some English terms have more than one possible Turkish translation. Go through the Turkish legal terms below and put them next to the correct English term.

avukat – devlet – eşya hukuku – hak – hukuk – hukukçu – hukuk sistemi – hükümet – kanun – Kara/Kıta Avrupası hukuk sistemi – mal varlığı – medeni hukuk – muhafaza (*bir eşya*) – mülkiyet – soruşturma evresinde tutukluluk – velayet hakkı – yargı alanı – yetki – yönetmelik

	Turkish	Turkish	Turkish	Turkish
law				
jurisdiction				
custody				
property				
lawyer				
government				
civil law				

**10. Please translate into English.**

„Hukuk geleneği“ terimi, hukuk gelişimi, en önemli hukuk kaynakları ve hukukun uygulanması ve yorumlanmasında kullanılan yöntemleri göz önünde bulundurarak büyük benzerlikler gösteren çeşitli hukuk sistemlerini içerir.

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**11. Find 12 legal terms (6 horizontally and 6 vertically).**

L	E	G	A	L	S	Y	S	T	E	M	X	J	N	Y	M
D	K	G	X	A	L	B	I	N	A	O	K	U	L	O	B
E	T	L	A	W	T	M	K	R	S	N	T	R	U	L	E
Q	T	E	S	Y	N	P	Y	L	I	B	Z	I	M	X	I
U	O	P	R	E	C	E	D	E	N	T	X	S	Y	O	C
I	L	Y	S	R	K	X	T	R	M	J	U	D	G	E	I
T	X	B	T	E	A	N	I	R	S	X	R	I	L	K	V
Y	L	B	A	X	N	C	O	D	I	F	Y	C	X	M	I
M	N	T	T	P	M	O	Y	P	R	L	B	T	T	R	L
X	L	O	U	D	J	U	Z	M	X	P	E	I	M	K	C
K	A	I	T	S	I	R	H	C	E	Y	W	O	R	X	O
Y	O	L	E	B	N	T	R	T	L	B	X	N	O	E	D
B	X	T	Y	Z	N	Y	E	X	R	K	E	W	L	B	E
N	I	M	O	X	K	L	N	B	O	Y	N	R	X	P	N

horizontally:
1.
2.
3.
4.
5.
6.
vertically:
1.
2.
3.
4.
5.
6.



## II. Areas of Law

The law is subdivided into areas of law (*hukuk dalları*). Most lawyers (*hukukçular*), at some point in their career, specialize in one or more areas of law. The first step is usually to look at the two major branches of the law, i.e. (= id est, "that is") public law (*kamu hukuku*) and private law (*özel hukuk*). Public law concentrates on the powers (*yetki, güç*) and the relationship between the governmental institutions (*devlet organları*) of a country as well as the fundamental rights (*temel haklar*) of the individual against the government (*devlet*). Private law, however, provides the legal framework (*hukuki çerçeve*) for the citizens and their relationships and rights and obligations, such as contracts (*sözleşme hukuku*) or tortious liability (*kusurlu sorumluluk*) after a traffic accident or concepts like ownership (*mülkiyet*) and possession (*zilyetlik*).

### 1. Basic terminology in English and Turkish.

#### a) Nouns 1

1. administrative law	_____	a) medeni usul hukuku
2. civil procedure	_____	b) ceza hukuku
3. company law	_____	c) sözleşme hukuku
4. contracts	_____	d) miras hukuku
5. criminal law	_____	e) vergi hukuku
6. employment law	_____	f) idare hukuku
7. inheritance law	_____	g) hukuk tarihi
8. legal history	_____	h) bireysel iş hukuku
9. tax law	_____	i) sebepsiz ( <i>haksız</i> ) zenginleşme
10. unjust enrichment	_____	j) şirketler hukuku

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
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#### b) Nouns 2

1. antitrust	_____	a) haksız fiil hukuku
2. comparative law	_____	b) rekabet hukuku
3. conflict of laws	_____	c) eşya hukuku
4. copyright law	_____	d) haksız rekabet
5. jurisdiction	_____	e) miras hukuku
6. jurisprudence	_____	f) uluslararası özel hukuk
7. property	_____	g) yetki, salahiyet
8. torts	_____	h) telif hukuku
9. unfair competition	_____	i) hukuk felsefesi
10. wills and trusts	_____	j) karşılaştırmalı hukuk

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
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**c) Nouns 3**

- |                                         |       |                                   |
|-----------------------------------------|-------|-----------------------------------|
| 1. Alternative Dispute Resolution (ADR) | _____ | a) mülteci ve yabancılar hukuku   |
| 2. banking law                          | _____ | b) sosyal güvenlik hukuku         |
| 3. general food law                     | _____ | c) alternatif uyuşmazlık çözümü   |
| 4. immigration law                      | _____ | d) sigorta hukuku                 |
| 5. insurance law                        | _____ | e) bankacılık hukuku              |
| 6. mediation                            | _____ | f) arabuluculuk                   |
| 7. medical malpractice                  | _____ | g) gıda hukuku                    |
| 8. privacy law                          | _____ | h) kişisel verileri koruma hukuku |
| 9. products liability                   | _____ | i) tıbbi sorumluluk hukuku        |
| 10. social (welfare) law*               | _____ | j) ürün sorumluluğu               |

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
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\*in the US: "social security law"

**2. Concepts and institutions.**

- A)**
- |                            |                                                                                                                                                                                                                                                                          |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. consumer protection law | a) If many companies compete against each other on the market, this area of law sets forth limits on how far they can go to secure themselves a better position for their product.                                                                                       |
| 2. intellectual property   | b) If a person spent weeks, months or even years in developing technical inventions, recording music, or writing a book, he or she should be legally protected to be the only one deciding who is entitled to use it, listen to it or to read it and on what conditions. |
| 3. law of obligations      | c) Sometimes one party to a sales contract or a service contract is considered to be weaker than the other one. This is why ____ was created to adjust this practical imbalance.                                                                                         |
| 4. unfair competition      | d) This area of law can be found in civil law legal systems. Its basic principles reach back to Roman law. In common law legal systems this area of law is broken up into distinct areas of law, such as contracts or torts.                                             |

1.	2.	3.	4.
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- B)**
- |                             |                                                                                                         |
|-----------------------------|---------------------------------------------------------------------------------------------------------|
| 1. labor law                | a) Area of law governing the rights and obligations and other relations between nations.                |
| 2. conflict of laws         | b) Area of law determining the applicable law if a case has a connection to more than one legal system. |
| 3. employment law           | c) Area of law governing the relationship between employer and employee.                                |
| 4. public international law | d) Area of law governing the relationship between employers and trade unions.                           |

1.	2.	3.	4.
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**6. Which source of law belongs to which area of law? Please combine.**

- |                       |                                                                                 |
|-----------------------|---------------------------------------------------------------------------------|
| 1. civil procedure    | a) Turkish Employment Act ( <i>İş Kanunu – İK</i> )                             |
| 2. commercial law     | b) Turkish Constitution ( <i>Türkiye Cumhuriyeti Anayasası – AY</i> )           |
| 3. constitutional law | c) Turkish Criminal Code ( <i>Türk Ceza Kanunu – TCK</i> )                      |
| 4. criminal law       | d) Turkish Civil Code ( <i>Türk Medeni Kanunu – TMK</i> )                       |
| 5. criminal procedure | e) Turkish Commercial Code ( <i>Türk Ticaret Kanunu – TTK</i> )                 |
| 6. employment law     | f) Turkish Code of Civil Procedure ( <i>Hukuk Muhakemeleri Kanunu – HMK</i> )   |
| 7. property           | g) Turkish Code of Criminal Procedure ( <i>Ceza Muhakemeleri Kanunu – CMK</i> ) |

1.	2.	3.	4.	5.	6.	7.
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**7. Please translate into English.**

Hukuk, hukuk dalları olarak alt sınıflara ayrılır. Çoğu hukukçu meslek kariyerinin herhangi bir zamanında bir veya birden fazla hukuk dalında uzmanlaşır. İlk adımda genel olarak hukukun iki büyük alt bölümü göz önünde bulundurulur: kamu hukuku ve özel hukuk. Kamu hukuku, bir ülkenin resmi kurumları arasındaki yetki ve ilişkiler ile vatandaşların devlete karşı sahip olduğu temel hakları kapsamaktadır. Öte yandan özel hukuk, sözleşmeler, bir trafik kazası sonrası kusurlu sorumluluğu ya da mülkiyet ve zilyetlik kavramları gibi bireylerin hakları ve yükümlülükleri gibi vatandaşlar ve onların birbirleriyle olan ilişkileri için yasal çerçeveyi belirlemektedir.

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### III. Sources of Law

Sources of law are divided up into primary sources of law (*asil hukuk kaynakları*) and secondary sources of law (*yedek hukuk kaynakları*). The former (*ilk sözü edilen*) are binding legal rules, i.e. they have to be applied. The latter (*en son anılan*) are just helpful within the process of analyzing a legal problem. When looking at a source of law we should always be aware of which branch of power has actually created the respective legal rule we are about to apply. According to (*göre, uyarınca*) the principles of horizontal and vertical separation of powers (*kuvvetler ayrılığı*) all governmental power is (*kamu gücü*) divided between the Legislature, the Executive and the Judiciary (*yatay kuvvetler ayrılığı*) and – from the viewpoint of an EU Member State – the supranational level, the domestic level, the regional and municipalities' levels as well as the remaining power that is left for the individual to decide about his own affairs (*dikey kuvvetler ayrılığı*). The major source of law in civil law legal systems is so called positive law (*çoğunlukla kanunlar ve yönetmelikler*). The major source in the common law is case law (*içtihat hukuku*).

#### 1. Basic terminology in English and Turkish.

##### a) Nouns 1 (primary sources of law I)

1. arbitral award	_____	a) yerel tüzük
2. bill	_____	b) kararname ( <i>genel anlamda + US</i> )
3. bye-law	_____	c) tahkim kararı
4. customary law	_____	d) kararname, yönetmelik ( <i>EU</i> )
5. directive	_____	e) kanun
6. executive order	_____	f) başkanlık kararnamesi ( <i>US</i> )
7. legislation	_____	g) kanun tasarısı
8. regulation	_____	h) kararname, yönetmelik ( <i>UK</i> )
9. statute	_____	i) örf ve adet hukuku
10. statutory instrument	_____	j) yasama

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
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##### b) Nouns 2 (primary sources of law II)

1. application	_____	a) yorum
2. authority	_____	b) toplu iş sözleşmesi
3. collective bargaining agreement	_____	c) yetki
4. constituent national assembly	_____	d) uygulama ( <i>hukuk</i> )
5. construction	_____	e) Resmi Gazete
6. enforcement	_____	f) kurucu meclis
7. implementation	_____	g) ilan
8. official gazette	_____	h) uygulama ( <i>devletlerarası antlaşma</i> )
9. promulgation	_____	i) <i>devletlerarası antlaşma</i>
10. treaty	_____	j) yürütme, icra

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
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**5. Citing the law.**

A lawyer has to refer to (*başvurmak*) the source of law upon which he/she bases his/her legal argumentation.

**a) Find the English equivalents for the Turkish terms used to refer to specific parts of primary or secondary sources of law.**

- |                                          |       |                  |
|------------------------------------------|-------|------------------|
| 1. madde                                 | _____ | a) book          |
| 2. paragraf                              | _____ | b) subsection    |
| 3. fıkra                                 | _____ | c) chapter       |
| 4. kitap (örn. <i>TMK 2. kitap</i> )     | _____ | d) paragraph     |
| 5. bant, cilt (örn. <i>bir kitabın</i> ) | _____ | e) article       |
| 6. bölüm ( <i>ders kitabında</i> )       | _____ | f) margin number |
| 7. satır başı ( <i>bir metnin</i> )      | _____ | g) section       |
| 8. kenar (paragraf) numarası             | _____ | h) volume        |

1.	2.	3.	4.	5.	6.	7.	8.
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**b) Now combine the phrases often used to further specify legal citations.**

- |                       |       |                           |
|-----------------------|-------|---------------------------|
| 1. according to       | _____ | a) ile bağlantılı olarak  |
| 2. as required by     | _____ | b) göre, uyarınca         |
| 3. in conformity with | _____ | c) gerektiği gibi         |
| 4. in connection with | _____ | d) şartı ile, koşuluyla   |
| 5. subject to         | _____ | e) devamındaki, aşağıdaki |
| 6. et seq.            | _____ | f) ile uygun olarak       |

1.	2.	3.	4.	5.	6.
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**c) Referring to Turkish statutes in English.**

Referring to Turkish statutes in the English language is not as easy as it may look at first glance. It has become the standard in comparative law to first give an English equivalent for the respective statute or code (like e.g. civil code, commercial code, criminal code, constitution etc.) and then add the title of the statute or code in the original language followed by the abbreviation, used in the respective original legal system. How are the following Turkish statutes and codes referred to in English?

*Example: TMK = Turkish Civil Code (Türk Medeni Kanunu – TMK)*

- AY: \_\_\_\_\_
- İİK: \_\_\_\_\_
- İYUK: \_\_\_\_\_
- SMK: \_\_\_\_\_
- TCK: \_\_\_\_\_
- TMK: \_\_\_\_\_
- TTK: \_\_\_\_\_

## IV. Legal Education and Legal Professions

Legal education (*hukuk eğitimi*) is set up differently in England, the US and Turkey. Two major differences are the teaching methods and the degree of class participation demanded from students. The case method, used in US law schools, looks at the cases relevant within a respective legal area usually following 8 steps actively analyzed by the students in class: (1) What were the facts of the case? (2) What was the procedure? (3) What were the issues? (4) What rule/law did the court apply? (5) What was the holding? (6) What was the reasoning? (7) What was the conclusion for the case at hand? and (8) What is your opinion about the case? In civil law systems, however, it is usually the lecturer (*öğretim görevlisi*) who does most of the talking during his lecture (*ders*). In most legal systems students are required to get some practical experience through internships (*staj*).

Great differences can also be seen within the legal professions (*hukuk meslekleri*). Practising lawyers (*avukatlar*) are split up into two groups in England: Solicitors and Barristers. The former predominantly work outside the court room, the latter mostly plead in court. Also, people who work as a notary fulfill completely different tasks in common law legal systems than in the civil law. In England, being a prosecutor (*savcı*) is not a profession. It is the Barristers, who are assigned (*atanmış*) cases by the Crown Prosecution Service and then act as a prosecutor in this particular case. Lawyers work as so called sole practitioner (*tek avukat*) or together with other lawyers in a bigger law firm (*hukuk firması*). The law firm of a Barrister is called chambers. He is supported by a clerk.

### 1. Basic terminology in English and Turkish.

#### a) Nouns 1 (education)

1. bar exam	_____	a) profesörlük, kürsü
2. core subject	_____	b) anahtar yetkinlikler
3. elective subject	_____	c) hukuki araştırma
4. faculty	_____	d) avukatlık sınavı (US)
5. internship	_____	e) seçmeli ders
6. J.D. (Juris Doctor)	_____	f) ders
7. key skill	_____	g) temel kurs
8. lecture	_____	h) US'deki bir hukuk fakültesinden mezun olduğunda alınan ünvan
9. lecturer	_____	i) öğretim görevlisi
10. legal research	_____	j) staj

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
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## B. Constitutional Law

What you will learn in this chapter:

### I. State Structures and Governmental Powers

- ✓ Sources of Constitutional Law (UK and US)
- ✓ Horizontal Separation of Powers
- ✓ Legislature, Executive, Judiciary and their governmental institutions (UK and US)
- ✓ Checks and Balances
- ✓ Vertical Separation of Powers (Federalism)

### II. Fundamental Rights

- ✓ Sources for Fundamental Rights (UK and US)
- ✓ In particular the Bill of Rights (US)
- ✓ Constitutional Clauses (US)

Daha detaylı bilgi için ders ve alıştıırma kitabına bakınız:

*Linhart/Fabry, Englische Rechtssprache – Ein Studien- und Arbeitsbuch (İngilizce Hukuk Dili – Ders ve Pratik Çalışma Kitabı)*, 5<sup>th</sup> edition (2021), C.H. Beck/Almanya, bölüm B.I-IV.

**d) Adjectives**

- |                |       |                                 |
|----------------|-------|---------------------------------|
| 1. executive   | _____ | a) uygun                        |
| 2. expedient   | _____ | b) alt derece                   |
| 3. inferior    | _____ | c) yöneten ( <i>yürütme</i> )   |
| 4. judicial    | _____ | d) tek, münhasır                |
| 5. legislative | _____ | e) en yüksek                    |
| 6. proper      | _____ | f) saklı tutma, çekince         |
| 7. reserved    | _____ | g) kazanılmış ( <i>haklar</i> ) |
| 8. sole        | _____ | h) yargı, mahkeme               |
| 9. supreme     | _____ | i) anlamlı, maksada uygun       |
| 10. vested     | _____ | j) yasa koyucu, yasama          |

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
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**2. Concepts and institutions.**

- A)**
- |                         |                                                                                                                                                                                                                           |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. judicial review      | a) Term used to describe the division of power horizontally between the Legislature, the Executive and the Judiciary.                                                                                                     |
| 2. federalism           | b) Term used to refer to the power of a (supreme) court to review the constitutionality of measures taken by the Legislature or by the Executive.                                                                         |
| 3. separation of powers | c) Term used to describe a set of principles, such as the supremacy of the law, that all three powers are bound by the constitution and that the state may only act within the limits set by the constitutional order.    |
| 4. checks and balances  | d) Term used to refer to certain privileges of the Monarch as well as foreign heads of state, particularly to be exempt from the jurisdiction of English courts.                                                          |
| 5. rule of law          | e) Term used for the interconnectedness of the three branches of power, all of them partially controlling the other two and therefore preventing any single branch from becoming too powerful.                            |
| 6. sovereign immunity   | f) Term used for the principle that the power is divided vertically between different levels within a country, such as federal level and state level in the US, or <i>eyaletler</i> (" <i>Länder</i> ") level in Germany. |

1.	2.	3.	4.	5.	6.
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- B)**
- |                          |                                                                                                                             |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| 1. Bill of Rights (1689) | a) Important English legislative act predominantly strengthening the rights of the Parliament against the Crown.            |
| 2. Marbury v. Madison    | b) Important US legislative document laying down numerous fundamental rights for the individual against governmental power. |
| 3. Entick v. Carrington  | c) Landmark decision establishing judicial review in the US in 1803.                                                        |
| 4. Bill of Rights (1791) | d) Landmark decision establishing judicial review in England in 1765.                                                       |

\*\*Note that in the US "v." stands with a dot and is "versus" when referred to orally, and in England "v" stands alone and is "and" when referred to orally.

1.	2.	3.	4.
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## 6. British Constitutional Law.

Fill in the gaps using the terms in the grey box.

accession – appointed – assent – Bill of Rights – case law – constitutional conventions – entrenched – head of government – head of state – House of Commons – House of Lords – judicial decisions – judicial review – jurisdictions – Magna Carta – pardons – powers – Royal Prerogative – rule of law – sovereignty – statutes – treaties – uncodified – unwritten

Britain is a constitutional monarchy. The \_\_\_\_\_ is the monarch. The \_\_\_\_\_ on the other side is the Prime Minister. The British Parliament consists of two chambers: The lower chamber is called the \_\_\_\_\_, the higher chamber \_\_\_\_\_. Within the United Kingdom we find three \_\_\_\_\_: England/Wales, Scotland and Northern Ireland.

The United Kingdom has a so called \_\_\_\_\_ constitution, that means that the documents which are parts of the constitution are not in one place. It developed over time and it is constantly changing. Unlike the great codified constitutions of other western democracies, the British Constitution is simply the collection of rules that define how the state operates. The British Constitution is not \_\_\_\_\_ in any way (for example requiring a supermajority vote using special procedures). It can therefore be changed at any time by a simple act of parliament.

The British constitution is actually composed of \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ rules. Among the most important historical statutes are \_\_\_\_\_ (1215), the *Petition of Right* (1628), the \_\_\_\_\_ (1689), the *Act of Settlement* (1700) and the *Act of Union* (1707). There are many \_\_\_\_\_ which are part of the constitution. One of the most important is *Entick v Carrington* (1765). This case established \_\_\_\_\_ in England. As for unwritten rules, there are two kinds:

(1) rules on how the government operates, called \_\_\_\_\_: one example is the rule that the leader of the party with a majority in the House of Commons is \_\_\_\_\_ Prime Minister; and

(2) rules about which powers the monarch inherently possesses, called the \_\_\_\_\_, for example: The monarch must give \_\_\_\_\_ to bills passed by Parliament, has the right to grant \_\_\_\_\_, declares war and makes \_\_\_\_\_.

With Britain's \_\_\_\_\_ to the European Union (1973) and before Brexit, the EU's rules had also become a source of the constitution. Additionally, the British Constitution reflects certain very important constitutional principles. This includes: \_\_\_\_\_, separation of \_\_\_\_\_, and parliamentary \_\_\_\_\_.



### II. Fundamental Rights

"Human dignity is inviolable" (*dokunulmaz, zedelenemez*). This fundamental principle of German Constitutional law is one of a few particularities of the German Constitution, called Basic Law ("*Grundgesetz*" – *Temel Kanun*) and its very first sentence. The Turkish Constitution also emphasizes human dignity as a fundamental value to be protected by the government in its Articles 12 and 17 *Anayasa*. Most other constitutions concentrate on the protection of various forms of individual freedom and guarantee the equal protection of the law (*kanun önünde eşitlik*). Historically, particular emphasis was given to the rights of a person being arrested (*gözetilme*) and the protection of an individual's property against arbitrary (*keyfi, despot*) searches (*aramalar, araştırmalar*) and seizures (*el koymalar*). The basic term for *temel hak* is "fundamental right", "basic human right" or "fundamental human right" among others. The term "civil liberties" can be found in a broader sense as a synonym for "fundamental rights", but it sometimes only refers to fundamental rights in a socio-political context, such as the right to vote (*seçme ve seçilme hakkı*) or the right to unionize (*sendikalaşma hakkı*). The term "civil rights" is used in the US and focuses on the right to be protected against unequal treatment (*eşit olmayan muamele, ayrımcılık*) and to a large degree goes back to the Civil Rights Movement of the 1960s. In the US the major source for fundamental rights are the first ten amendments (*anayasa değişiklikleri*), the so called "Bill of Rights". In England, besides containing rights of the British Parliament against the Monarch, the (English) Bill of Rights of 1689 also provides for a few fundamental rights of the individual against the state.

Before starting with the exercises on fundamental rights please read through the following constitutional documents.

#### Excerpt Magna Carta of 1215/1297 (England)

Clause XXIX: NO Freeman shall be taken (*tutuklanmak*) or imprisoned (*esaret altına almak*), or be disseised (*kamulaştırılmak*) of his Freehold (*mülk*), or Liberties, or free Customs, or be outlawed, or exiled, or any other wise destroyed; nor will We not pass upon (*yargılamak*) him, nor condemn (*mahkum etmek*) him, but by lawful (*yasal, hukuki*) judgment of his Peers, or by the Law of the land.

(Source: <http://www.legislation.gov.uk/aep/Edw1cc1929/25/9/section/XXIX> last visited March 20, 2018).

#### Excerpt Bill of Rights 1689 (England)

[...] And thereupon the said Lords Spiritual and Temporal and Commons, [...] for the vindicating (*savunmak, talep etmek*) and asserting (*ileri sürmek*) their ancient rights and liberties declare

[...] That levying (*tahsil etmek, haczetmek*) money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time, or in other manner than the same is or shall be granted, is illegal;

That it is the right of the subjects (*vatandaşlar*) to petition the king, and all commitments and prosecutions (*ceza kovuşturması*) for such petitioning are illegal;

[...] That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law;

[...] That excessive (*aşırı yüksek, fahiş*) bail (*depozito, kefalet*) ought not to be required (*talep edilmek*), nor excessive fines (*para cezaları*) imposed (*ceza vermek*), nor cruel and unusual punishments inflicted (*hükmedilmek*);

That jurors (*jüri*) ought to be duly impanelled (*yasal olarak seçilmiş*) and returned (*değiştirilmek*), and jurors which pass upon (*yargılamak*) men in trials (*davalar, yargılamalar*) for high treason (*vatan hainliği*) ought to be freeholders (*mülk sahibi*);

That all grants (*vaatler*) and promises of fines and forfeitures of particular persons before conviction (*mahkumiyet, suçlu bulunma*) are illegal and void (*geçersiz, hükümsüz*); [...]

(Source: [http://avalon.law.yale.edu/17th\\_century/england.asp](http://avalon.law.yale.edu/17th_century/england.asp) (last visited July 3, 2021)).

## C. Criminal Law and Criminal Procedure

What you will learn in this chapter:

### I. Criminal Law

- ✓ Criminal Offenses (*Straftaten*)
- ✓ The person committing the crime (*Täter\*in*)
- ✓ Prerequisites for Criminal Responsibility/actus reus and mens rea (*Strafbarkeit*)
- ✓ Inchoate Offenses
- ✓ Defenses (*Verteidigungsvorbringen, Rechtfertigungs- und Entschuldigungsgründe*)

### II. Criminal Procedure

- ✓ Adversarial System
- ✓ Plea Bargaining (US)
- ✓ Steps in Criminal Proceedings

Daha detaylı bilgi için ders ve alıştıırma kitabına bakınız:

*Linhart/Fabry, Englische Rechtssprache – Ein Studien- und Arbeitsbuch (İngilizce Hukuk Dili – Ders ve Pratik Çalışma Kitabı)*, 5<sup>th</sup> edition (2021), C.H. Beck/Almanya, bölüm C.I-III.

## C. Criminal Law and Criminal Procedure

### I. Criminal Law

Criminal law and criminal procedure are even more intertwined (*daha iç içe*) in the common law than in the civil law. One aspect, however, is structured very similarly: the assessment of criminal liability (*cezai sorumluluk*). In the common law, a three-step test is used in order to analyze criminal liability: First, the criminal act (*objektif tipikliğe karşılık gelen*), also called *actus reus*, second, the criminal state of mind (*subjektif tipikliğe karşılık gelen*), also called *mens rea*, and so-called concordance, meaning that the required (*gerekli, lazım*) criminal state of mind has to be fulfilled at the time when the criminal act took place, not before and not after. The criminal act can be one out of three options: an action, an omission, or the possession of something. Examples for different levels of criminal state of mind are intention (*kasıt, amaç*), recklessness (*dikkatsizlik, umursamazlık*) or gross negligence (*ağır ihmal*). All of this has to be established (*kesin olarak açıklanmak*) and proven (*kanıtlanmak*) by the prosecution (*iddia makamı, savcılık*). Then the defendant (*davalı*) might invoke (*dayanmak, delil olarak sunmak*) defenses, such as self-defense (*meşru müdafaa*) or intoxication (*alkol veya uyuşturu etkisi nedeniyle cezai sorumluluğun azaltılması*).

Crimes (*suçlar*), more accurately called offenses, can be divided into several categories. Felonies are rather serious crimes like murder (*cinayet*) or manslaughter (*adam öldürme*), misdemeanor is the term for minor serious offenses, such as fraud (*dolandırıcılık*), or theft (*hırsızlık*).

There are many ways to refer to (*burada: atıfta bulunmak*) the person having committed a crime. General terms are offender and perpetrator (*fail*). Someone who was involved in a crime by only encouraging or otherwise assisting the principal offender (*asil fail*) is called aider and abettor (*şerik, suça yardım eden kişi*). Someone who persuaded another person to commit a crime is called instigator (*suça azmettiren kişi*).

#### 1. Basic terminology in English and Turkish.

##### a) Nouns 1 (criminal liability)

1. aggravation of punishment	_____	a) suç işleme
2. commission	_____	b) ceza indirimi
3. concordance	_____	c) tipiklik unsurları
4. criminal act	_____	d) suçun işlendiği sırada subjektif tipikğin varlığı
5. criminal liability	_____	e) subjektif tipiklik
6. criminal state of mind	_____	f) objektif tipiklik
7. elements of an offense	_____	g) ceza
8. general defense	_____	h) cezanın ağırlaştırılması
9. mitigation of punishment	_____	i) mazeret, özür, gerekçelendirme
10. punishment	_____	j) cezai sorumluluk

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
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**2. Concepts and institutions.**

- 1. offense                      a) Term of ordinary English rather than legal English to refer to illegal conduct.
- 2. crime                        b) Term used for other than very serious crimes.
- 3. misdemeanor            c) Term used for offenses connected to business.
- 4. felony                      d) Term for e.g. criminal attempt, instigation or aiding and abetting.
- 5. inchoate offense        e) Term lawyers use to refer to punishable conduct.
- 6. white-collar crime     f) Term used for serious crimes.

1.	2.	3.	4.	5.	6.
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**3. Which of the four terms does not fit in? Give a brief explanation.**

- a) act – crime – offense – felony
- b) concordance – actus reus – negligence – mens rea
- c) murder – arson – manslaughter – forgery
- d) omission – action – property – possession
- e) fraud – property damage – unlawful entering – murder
- f) inciting – consenting – planning – attempting
- g) strict liability – self-defense – diminished responsibility – mistake
- h) criminal – perpetrator – offender – commission

**Explanation:**

a)	
b)	
c)	
d)	
e)	
f)	
g)	
h)	

**4. Collocations.**

Connect the two parts (a-j and 1-10) of the following terms.

a) mens	b) actus	c) involuntary	d) diminished	e) criminal
f) self-	g) false	h) juvenile	i) white	j) unlawful

1. \_\_\_\_\_ collar (letter \_\_\_)      6. \_\_\_\_\_ reus (letter \_\_\_)  
 2. \_\_\_\_\_ responsibility (letter \_\_\_)      7. \_\_\_\_\_ liability (letter \_\_\_)  
 3. \_\_\_\_\_ rea (letter \_\_\_)      8. \_\_\_\_\_ defense (letter \_\_\_)  
 4. \_\_\_\_\_ statement (letter \_\_\_)      9. \_\_\_\_\_ manslaughter (letter \_\_\_)  
 5. \_\_\_\_\_ entering (letter \_\_\_)      10. \_\_\_\_\_ delinquent (letter \_\_\_)

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
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**5. What are the three steps for criminal liability in the *common law*? Add the English terms.**

Cezai sorumluluk: c \_\_\_\_\_ l \_\_\_\_\_

1. Objektif tipiklik: \_\_\_\_\_ (= \_\_\_\_\_)

a) \_\_\_\_\_, b) \_\_\_\_\_ veya c) \_\_\_\_\_

2. Subjektif tipiklik: \_\_\_\_\_ (= \_\_\_\_\_)

örneğin \_\_\_\_\_ veya \_\_\_\_\_

3. Subjektif tipikliğin suçun işlendiği sırada varlığı: \_\_\_\_\_

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**6. Defenses.**

What are potential defenses the accused might raise to escape conviction? Name at least five.

1. \_\_\_\_\_  
 2. \_\_\_\_\_  
 3. \_\_\_\_\_  
 4. \_\_\_\_\_  
 5. \_\_\_\_\_  
 6. \_\_\_\_\_  
 7. \_\_\_\_\_  
 8. \_\_\_\_\_

**5. Adversarial vs. inquisitorial.**

Which statements belong to the adversarial system, which to the inquisitorial system?

statement	adv	inqu
1. The judge plays a major role during the trial.		
2. The witnesses for the defense may also be examined by the opposing party, the prosecution.		
3. Expert witnesses are always appointed by the prosecutor or the defense attorney, never by the judge.		
4. The jury's task is to decide about the facts.		
5. The prosecutor has to consider arguments that speak for the defendant.		
6. The attorneys do most of the speaking during the trial.		
7. The accused has to decide whether he pleads guilty or not guilty.		
8. Expert witnesses are chosen by the judge.		
9. The judge has to be a lawyer.		
10. The prosecutor and the defense attorney are only allowed to ask questions that cannot be answered with "yes" or "no" when questioning their own witnesses.		
11. The judge only decides about the sentencing.		
12. The prosecutor is never elected by the people.		
13. Before the actual questioning of an expert, there might be a voir dire to see whether he or she is actually qualified in the respective field.		
14. Judges are trusted to find the truth even by themselves, without representation of the people.		
15. Documentary evidence is widely used.		
16. Whether or not a person is charged for a crime is decided by a jury.		
17. "beyond a reasonable doubt"		

**6. Synonyms and antonyms.**

Find the synonyms and antonyms given in the grey box and write them next to the terms below.

acquit – closing argument – correctional facility – defendant – detainee – detention – foreperson – jail – petty – examination in chief – imprisonment – incriminating – inquisitorial – piece of evidence – prosecution – question

synonyms		antonyms/counterparts	
accused		adversarial	
arrest		convict, to	to
examine, to	to	cross-examination	
exhibit		defense	
prison		exonerating	
prisoner		fine	
spokesperson		opening statement	
trial jury	_____ jury		