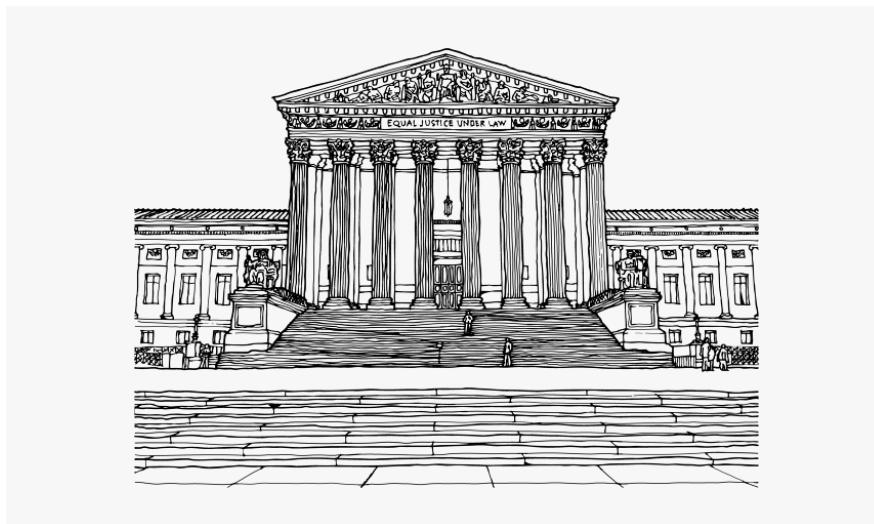


L2 LAW – ENGLISH COURSE

COURSE PREPARED BY THE LEGAL ENGLISH DEPARTMENT

CRIMINAL LAW: THE DEATH PENALTY IN THE U.S.A. AND JAPAN.



Responsable pédagogique ANGLAIS L2 : Vanessa CHAISE-BRUN

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Cours MOODLE commun L2

L2 ANGLAIS RESPONSABLE PEDAGOGIQUE

COURSE DESCRIPTION

Assessment:

You will be given two different marks: one for an oral which will take place during the semester; one for a written test including a written understanding (grammar and knowledge).

Oral assessment:

The topic to be tackled is the death penalty. The subject you will choose will have to be based on a case involving the execution of the inmate. The case does not have to be American or Japanese; your choice can be picked in any country. The more variety, the better!

- 1) You can choose to play a trial in a group of 4 students maximum. The different characters will be the judge (also playing a witness for example), the prosecutor, the attorney for the defense, and the defendant.
- 2) You can also choose to give an individual presentation on one specific case, still involving the death penalty. If you work on your own, you may use a PowerPoint but only to show pictures, graphs, charts, maps ... no writing, just illustrations.

Pay particular attention to your pronunciation and intonation. Make sure you checked the pronunciation of the words you don't know and ... practice! If ever you have difficulties in English, rely on short sentences to ensure grammatical correction and on the tone. Let's remember this is an exercise on communication, so you must be understood.

You might write a script, but you must work on how you will present your part. You are not allowed "just" to read. You must be pedagogical and communicative.

Your mark for the oral is coefficient 1.

Written assessment:

- A written document + questions on its understanding + questions on the lesson/vocabulary + grammar.

This will give you a mark on 20 points, coefficient 2.

THE COURSE¹

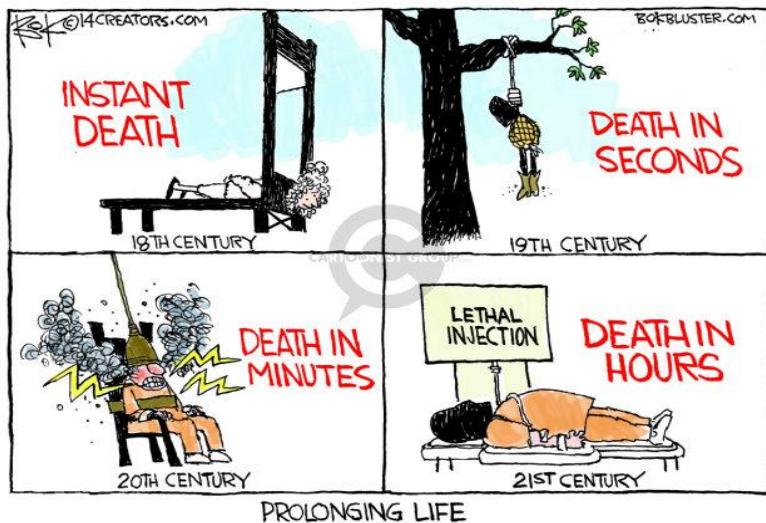
- All courses must be attended. If not, a doctor's note or any certificate justifying your absence should be produced. No more than 3 unjustified absences are tolerated.
- All students are expected to do the different assignments and learn the material studied in class. Participation in class is considered as essential for the student, and therefore normal. No extra points will be granted for it.
- Students are expected to respect the date they are given for their oral so as not to disrupt the organization of the course.

Catch-up session:

If ever you don't validate your semester in English, a catch-up session will take place in June. This is a written test on an unknown text (but still on the topic of the death penalty) with questions testing your understanding. Some questions on the vocabulary, the course in general and grammar are also to be expected. The test lasts 1h30.

¹ All class materials were prepared by S. Marchand, except for Document 6, prepared by R. Batouche. Updated by V. Chaise-Brun.

QUIZZ – BRAINSTORMING ON THE DEATH PENALTY IN THE U.S.



1 – How many states are there in the United States?

2 – Is the death penalty sentence part of the American constitution?

3 – Are all the states applying the same laws concerning the death penalty?

4 – Has capital punishment always existed in the U.S.?

5 – How many states apply the death penalty?

6 – Which category of crime is generally punished by the death sentence?

7 – Give examples of states where the death penalty is applied.

8 – Give examples of states where the death penalty is not applied.

9 – Guess when, approximately, the first abolition of the death penalty occurred in the U.S.

10 – Which methods have been used throughout history to execute criminals?

VOCABULARY REVIEW CARD

THE DEATH PENALTY

ANGLAISCPGE.FREE.FR

Innocenter qn / to prove sb innocent, to exonerate sb	Être coupable de meurtre / to be guilty of murder
Être innocenté grâce à l'ADN / to be cleared by DNA	Un problème controversé / a controversial, contentious issue
Un abolitionniste, un partisan de l'abolition de la peine de mort / an abolitionist	Un délinquant sexuel / a sex offender
Un récidiviste / a repeat offender, a recidivist	La culpabilité/guilt
Appliquer la loi du talion / to demand an eye for an eye	Déclarer qn coupable, condamner qn / to convict sb, to find sb guilty
Condamner qn à mort / to sentence sb to death	Une condamnation à tort / a wrongful conviction
Une condamnation / a conviction	Lapider qn, tuer qn à coups de pierre / to stone sb to death
Condamner qn à 25 ans de prison / to sentence sb to 25 years imprisonment	Rétablissement la peine de mort / to reinstate, reintroduce, restore the death penalty
Dissuader qn de faire qch / to deter sb from doing	Avoir un effet dissuasif / to act as a deterrent
Une condamnation à mort / a death sentence	Une condamnation à perpétuité / a life sentence
Perpétuité sans possibilité de remise de peine / life without parole	Mettre qn en prison / to jail, imprison sb
Un détenu, un prisonnier / a prisoner, an inmate, a detainee	Être dans les couloirs de la mort / to be on death row
Une cellule / a cell // Un avocat / a lawyer	Un appel / an appeal
Faire appel d'une décision / to appeal against a decision	Casser une décision de justice / to quash, to overturn a decision
Commuer une condamnation à mort en réclusion à perpétuité / to commute a death sentence to life sentence	Surseoir à l'exécution d'un condamné / to grant a convict a stay of execution, a reprieve
Gracier un criminel / to pardon a criminal	Exécuter un condamné / to execute a convict
Mettre qn à mort / to put sb to death	Un bourreau / an executioner
Une piqûre mortelle / a lethal injection	Faire une piqûre mortelle à qn / to inject sb with a lethal substance
Appliquer la peine de mort / to apply, enforce the death penalty	La guillotine / the guillotine
Guillotiner qn / to guillotine sb, to behead sb	Électrocuter qn / to electrocute qn
Pendre qn / to hang sb	Le peloton d'exécution / the firing squad

CHAPTER I – HISTORICAL AND CONSTITUTIONAL BACKGROUNDS

DOCUMENT 1

The Death Penalty



USA Today, April 2, 2021

<https://www.youtube.com/watch?v=dUBp6Hm8ZoE>

- 1) When was the death penalty first used in America?
- 2) Since then, has it been questioned?
.....
.....
.....
- 3) Give a synonym of the term "the death penalty":
- 4) To ask for the death penalty sentence, the crime must involve
- 5) The number of states applying the death penalty is
The number of states NOT applying the death penalty is
The number of states with a moratorium is
- 6) How many executions were carried out in the U.S. since 1976?
- 7) The wide-spread execution method in the U.S. is
- 8) Which are the former execution methods mentioned in this video?
.....
.....
- 9) The idea of sentencing people to death originally comes from
- 10) The first prisoner to be executed in America was
When?
Execution method?
Charge?
- 11) Fill in the blanks:
Since those early days, high court have placed on the death penalty.
- 12) What happened in 1972?
.....
.....
.....

13) What were the consequences of the Supreme Court opinion?

.....
.....

14) Then, what happened in 1976? Which changes took place?

.....
.....
.....
.....

15) Which changes were brought in the 2000s?

.....
.....
.....

16) Is there any discrepancy in the number of White and Black people on the death row?

.....
.....
.....

17) Which arguments are used in this video to criticize the death penalty?

.....
.....
.....

18) How come the death penalty costs more money than life imprisonment?

.....
.....
.....

DOCUMENT 2

Amendment VIII

EXCESSIVE FINES, CRUEL AND UNUSUAL PUNISHMENT

Passed by Congress September 25, 1789. Ratified December 15, 1791. The first 10 amendments form the Bill of Rights.

Official text:

« Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted. »

DOCUMENT 2 bis

THE EIGHTH AMENDMENT

By Bryan A. Stevenson and John F. Stinneford, Constitutioncenter.org

- 1 The Eighth Amendment to the United States Constitution states: “Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.” This amendment prohibits the federal government from imposing unduly harsh penalties on criminal defendants, either as the price for obtaining pretrial release or as punishment for crime after conviction.
- 5 The Cruel and Unusual Punishments Clause is the most important and controversial part of the Eighth Amendment. In some ways, the Clause is shrouded in mystery. What does it mean for a punishment to be “cruel and unusual”? How do we measure a punishment’s cruelty? And if a punishment is cruel, why should we care whether it is “unusual”? We do know some things about the history of the phrase “cruel and unusual punishments.” In 1689 – a full century before the ratification of the United States Constitution – England adopted a Bill of Rights that prohibited “cruel and unusual punishments.” In 1776, George Mason included a prohibition of cruel and unusual punishments in the Declaration of Rights he drafted for the Commonwealth of Virginia. In 1791, this same prohibition became the central component of the Eighth Amendment to the United States Constitution.
- 10
- 15 When the United States Constitution was first ratified by the states, it did not contain a Bill of Rights, and it did not prohibit cruel and unusual punishments. These protections were not added until after the Constitution was ratified. The debates that occurred while the states were deciding whether to ratify the Constitution shed some light on the meaning of the Cruel and Unusual Punishments Clause, because they show why many people thought this Clause was needed.
- 20 The proposed Constitution made the federal government much more powerful than it had been under the Articles of Confederation. One of the most significant of these new powers was the power to create federal crimes and to punish those who committed them. Opponents of the Constitution feared that this new power would allow Congress to use cruel punishments as a tool for oppressing the people. For example, Abraham Holmes argued that Congress might repeat the abuses of “that diabolical
- 25 institution, the Inquisition,” and start imposing torture on those convicted of federal crimes: “They are nowhere restrained from inventing the most cruel and unheard-of punishments, and annexing them to crimes; and there is no constitutional check on them, but that racks and gibbets may be amongst the most mild instruments of their discipline.” Patrick Henry asserted, even more pointedly than Holmes, that the lack of a prohibition of cruel and unusual punishments meant that Congress could use
- 30 punishment as a tool of oppression: “Congress . . . may introduce the practice of France, Spain, and Germany of torturing, to extort a confession of the crime. They . . . will tell you that there is such a necessity of strengthening the arm of government, that they must . . . extort confession by torture, in order to punish with still more relentless severity. We are then lost and undone.” Largely as a result of these objections, the Constitution was amended to prohibit cruel and unusual punishments.
- 35 As these debates demonstrate, the Cruel and Unusual Punishments Clause clearly prohibits “barbaric” methods of punishment. If the federal government tried to bring back the rack, or thumbscrews, or gibbets as instruments of punishment, such efforts would pretty clearly violate the Eighth Amendment. Most people also agree that the Cruel and Unusual Punishments Clause now limits state power as well as federal power, because the Fourteenth Amendment prohibits states from abridging “the privileges
- 40 or immunities of citizens of the United States” and from depriving “any person of life, liberty, or property, without due process of law.”

But once we get beyond these areas of agreement, there are many areas of passionate disagreement concerning the meaning and application of the Cruel and Unusual Punishments Clause:

First and foremost, what standard should the Court use in deciding whether a punishment is unconstitutional? Should it look to the standards of 1791, when the Eighth Amendment was adopted? Should it look to contemporary public opinion? Should it exercise its own moral judgment, irrespective of whether it is supported by societal consensus? Should it look to some other standard? Second, does the Cruel and Unusual Punishments Clause only prohibit barbaric methods of punishment, or does it also prohibit punishments that are disproportionate to the offense? For example,

50 would it violate the Eighth Amendment to impose a life sentence for a parking violation?
 Third, does the Cruel and Unusual Punishments Clause prohibit the death penalty? Many argue that capital punishment fails to advance any public good, that it is of a past era, and it should be eliminated. Proponents of the death penalty argue that some people have committed such atrocious crimes that they deserve death, and that the death penalty may deter others from committing atrocious crimes.

55 They also point out that the punishment is authorized in a majority of states, and public opinion polls continue to show broad support for it.
 Finally, are some modern methods of punishment – such as the extended use of solitary confinement, or the use of a three-drug “cocktail” to execute offenders – sufficiently “barbaric” to violate the Eighth Amendment?

60 There is not time or space here to answer all these questions, but the essays that follow will demonstrate differing ways of approaching several of them.

Note: **Bryan A. Stevenson** is a Professor of Clinical Law at New York University School of Law, and Executive Director,
John F. Stinneford is a Professor of Law and Assistant Director at the Criminal Justice Center, University of Florida Levin College of Law

1) Vocabulary: find out the equivalent of the following words.
 (Those words are not difficult to find but have to be memorized!)

1.Demander, réclamer :	13.Ratifier :
2.Imposer :	14.Contenir, inclure :
3.Infliger :	15.Ajouter :
4.Interdire :	16.Un débat :
5.Obtenir :	17.Avoir peur :
6.Controversé :	18.Amender, modifier :
7.Cruel :	19.Limiter, abréger :
8.Mesurer :	20.Une application :
9.Une ratification :	21.Supprimer :
10.Adopter :	22.Un partisan :
11.Inclure :	23.Mériter :
12.Rédiger :	24.Dissuader :

2) What is the main argument/question of this article in its introduction ? What is the problem with the 8th amendment ?

3) Find out information about the origins of the 8th Amendment.

4) Why was the American Constitution amended with the 8th Amendment? What was at stake? What were they afraid of ?

5) Any comparison with the Continent ? What were they trying to avoid ?

6) Can the 8th Amendment be easily understood? Why? What are the different problems/questions around this amendment ?

DOCUMENT 3

What is Cruel and Unusual Punishment? (up to 2'56)



Now this world, July 9, 2015.

<https://www.youtube.com/watch?v=NPVzWAcCyl8>

- 1) Which device is used to trigger and illustrate the topic?

.....

- 2) Why using this example in particular?

.....
.....
.....

- 3) What is the problem raised by the text of the Eighth Amendment? What was the consequence?

.....
.....
.....
.....

- 4) What is the Constitutional Originalists' view on the matter?

.....
.....

- 5) Which caricatural examples are given to illustrate the Originalists' viewpoint?

.....
.....

- 6) In a more pragmatic way, which standard does the Supreme Court use to give opinions?

.....
.....

- 7) Which example of crime and which reasons are given to explain why the death penalty cannot be used as a sentence in this video?

.....
.....
.....
.....
.....

- 8) What does the 1992 ruling say?

.....
.....

- 9) Was there any abuse committed with the high-voltage device mentioned at the beginning of the video? Explain what happened and the consequence that followed.

.....

10) Which principles did Justice William Brennan establish in 1972?

11) Are there principles clear enough to avoid free interpretation?

.....

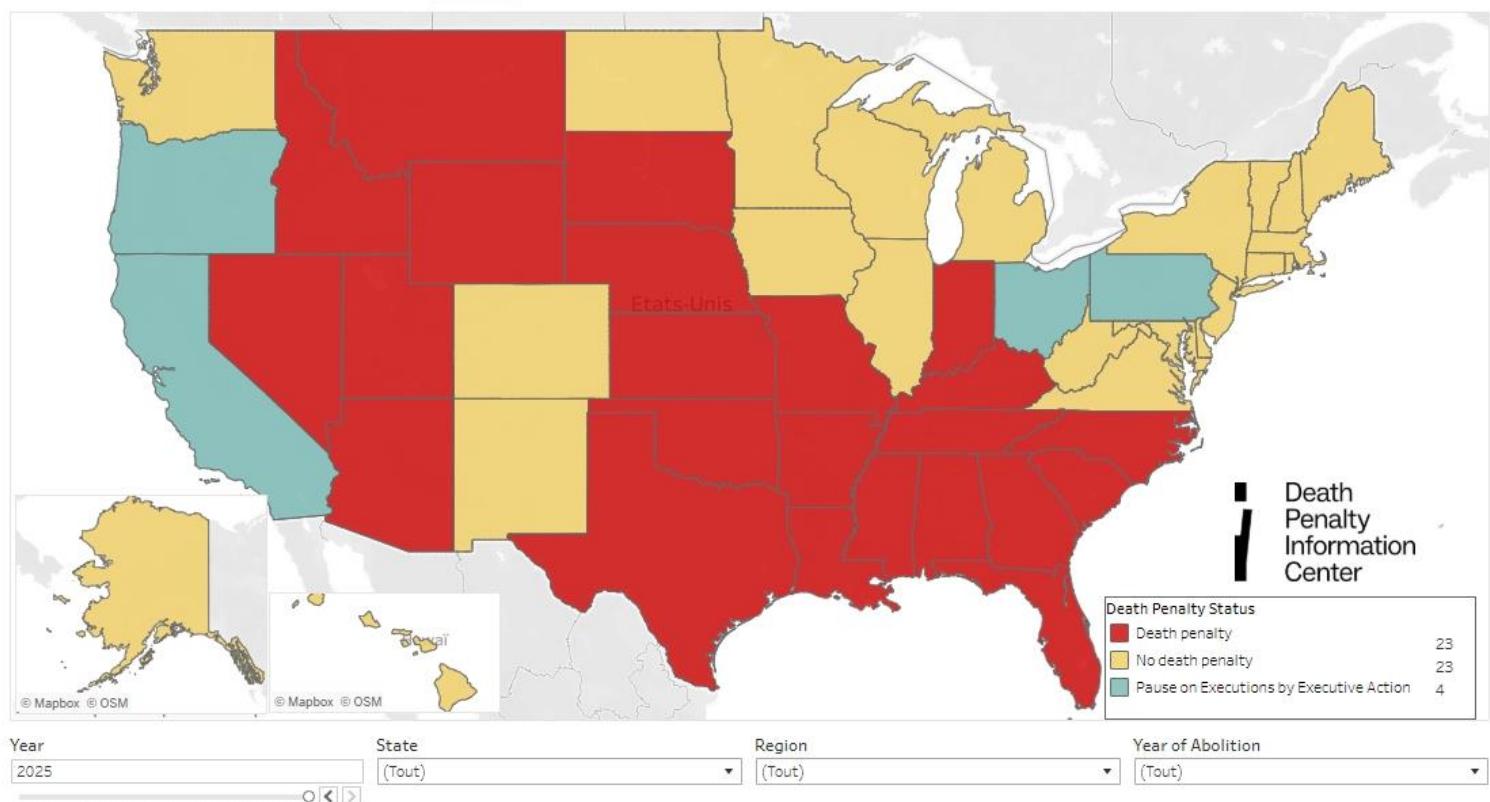
12) Are there still some abusive laws which can potentially be used today in the U.S.?

.....
.....
.....
.....

DOCUMENT 4

States With and Without the Death Penalty 2025

deathpenaltyinfo.org²



States With the Death Penalty (27)

In addition, the [U.S. Government](#) and the [U.S. Military](#) retain the death penalty.

- [Alabama](#)
- [Arizona](#)
- [Arkansas](#)
- [California](#)
- [Florida](#)
- [Georgia](#)
- [Idaho](#)
- [Indiana](#)
- [Kansas](#)
- [Kentucky](#)
- [Louisiana](#)
- [Mississippi](#)
- [Missouri](#)
- [Montana](#)
- [Nebraska](#)
- [Nevada](#)
- [North Carolina](#)
- [Ohio](#)
- [Oklahoma](#)
- [Oregon](#)
- [Pennsylvania](#)
- [South Carolina](#)
- [South Dakota](#)
- [Tennessee](#)
- [Texas](#)
- [Utah](#)
- [Wyoming](#)

² <https://deathpenaltyinfo.org/states-landing>

States Without The Death Penalty (23)

In addition, the [District of Columbia](#) has abolished the death penalty. For more information about Connecticut, Delaware, New Mexico, New York, Rhode Island, and Washington, see the notes below.

- [Alaska \(1957\)](#)
- [Colorado \(2020\)](#)
- [Connecticut \(2012\)](#)
- [Delaware \(2016\)](#)
- [Hawaii \(1957\)](#)
- [Illinois \(2011\)](#)
- [Iowa \(1965\)](#)
- [Maine \(1887\)](#)
- [Maryland \(2013\)](#)
- [Massachusetts \(1984\)](#)
- [Michigan \(1847\)](#)
- [Minnesota \(1911\)](#)
- [New Hampshire \(2019\)](#)
- [New Jersey \(2007\)](#)
- [New Mexico \(2009\)](#)
- [New York \(2007\)](#)
- [North Dakota \(1973\)](#)
- [Rhode Island \(1984\)](#)
- [Vermont \(1972\)](#)
- [Virginia \(2021\)](#)
- [Washington \(2023\)](#)
- [West Virginia \(1965\)](#)
- [Wisconsin \(1853\)](#)

Death Penalty States With a Gubernatorial Hold on Executions (4)

In **California** on Mar. 13, 2019, Gov. Gavin Newsom said “I will not oversee the execution of any person while Governor...Our death penalty system has been, by all measures, a failure.” Office of the Governor Gavin Newsom, [Governor Gavin Newsom Orders a Halt to the Death Penalty in California](#), March 13, 2019

In **Pennsylvania**, Gov. Josh Shapiro announced continuation of the hold on executions begun by Gov. Wolf and encouraged the legislature to approve the abolition of the death penalty. (2023)

In **Oregon**, Gov. Kate Brown continued Gov. Kitzhaber's hold on executions and said there “needs to be a broader discussion” about the death penalty, and that the hold would continue until that discussion is resolved. She commuted all death sentences of those on death row in 2022.

In **Ohio**, Gov. Mike DeWine told The Associated Press on Dec. 8, 2020 that lawmakers must choose a different method of capital punishment before any inmates can be put to death in the future, and it's "pretty clear" there won't be any executions

next

year.

<https://apnews.com/article/ohio-mike-dewine-executions-2711171fd0e8c0ab87583bca99f4186e>

In addition, the [U.S. Government](#) declared a hold on executions. See Memo FROM: THE ATTORNEY GENERAL MORATORIUM ON FEDERAL EXECUTIONS PENDING REVIEW OF POLICIES AND PROCEDURES, July 1, 2021

<https://www.justice.gov/opa/page/file/1408636/download>

- [California \(2019\)](#)
- [Ohio \(2020\)](#)
- [Oregon \(2011\)](#)
- [Pennsylvania \(2015\)](#)

In 1979, the Supreme Court of **Rhode Island** held that the state's statute imposing a mandatory death sentence for a prisoner who killed a fellow prisoner was unconstitutional. The legislature repealed the law and removed it from the state criminal code in 1984.

In 2004, the **New York** Court of Appeals held that a portion of the state's death penalty law was unconstitutional. In 2007, the court ruled that its prior holding applied to the last remaining person on the state's death row. The legislature has voted down attempts to restore the statute.

In March 2009, **New Mexico** voted to abolish the death penalty. However, the repeal was not retroactive, leaving two people on the state's death row. The New Mexico Supreme Court vacated those sentences on June 28, 2019 and ordered the two prisoners be resentenced to life in prison.

In April 2012, the **Connecticut** legislature voted to abolish the death penalty for future crimes. By its terms, the repeal law did not affect the status of the 11 prisoners then on the state's death row. The Connecticut Supreme Court subsequently ruled in August 2015 that the death penalty violated the state constitution. The Court reaffirmed that holding in May 2016 and reiterated that the state's remaining death row prisoners must be resentenced to life without possibility of parole.

In March 2013, the **Maryland** legislature voted to prospectively abolish the death penalty. The bill, signed into law in May 2013, left five men on the state's death row, one of whom subsequently died of natural causes. On January 20, 2015, Governor Martin O'Malley commuted the sentences the four remaining death-row prisoners.

On August 2, 2016, the **Delaware** Supreme Court held that the state's capital sentencing procedures were unconstitutional and struck down Delaware's death penalty statute. In December 2016, the court ruled that its decision applied to the 13 remaining prisoners on the state's death row. The legislature formally removed the death penalty from state law in 2024.

On October 11, 2018, the **Washington** Supreme Court declared the state's death penalty statute unconstitutional, saying that it was applied in an arbitrary and racially discriminatory manner. The legislature formally removed the death penalty from state law in 2023.

In May 2019, the **New Hampshire** legislature voted to abolish the death penalty. However, the repeal was not retroactive, leaving one person on the state's death row.

On March 23, 2020, **Colorado** prospectively abolished the death penalty, leaving three people on death row. That same day, Governor Jared Polis commuted their death sentences.

In August 2019, the **Oregon** state legislature passed a new law that narrowly limited the crimes for which the death penalty may be imposed. The Oregon Supreme Court then ruled in October 2021 that carrying out the death penalty against individuals whose crimes were no longer statutorily eligible for the death penalty constituted disproportionate punishment prohibited by the state constitution. On December 13, 2022, Governor Kate Brown commuted the sentences of the 17 people still on the state's death row, completing what she described as the legislature's "near abolition" of the death penalty.

I – VOCABULARY

→ Guess the meaning of "gubernatorial" and "moratoria".

→ Find out the equivalent of the following words.

1. Soutenir que	
2. Un détenu	
3. Abroger	
4. Retirer	

5.Prononcer un jugement/une décision	
6.Un délai/ une attente	
7.Le couloir de la mort	
8.To make inefficient	

Generally, how has it evolved ?

Recap the figures :

II – RIGHT OR WRONG

→ Justify your answer by quoting the text.

1 – Oregon, Pennsylvania and Washington still apply the death penalty sentence but whether defendants will be executed depends on the governor's decision.

Right Wrong Line:

2 – It took five years to abolish the death penalty punishment in Rhode Island.

Right Wrong Line:

3 – Thanks to the abolition of the death penalty in 2009, nobody will ever be executed in New Mexico.

Right Wrong Line:

4 – It is the same situation in Connecticut.

Right Wrong Line:

5 – The inmates' situation in Delaware is similar to the inmates in New Mexico.

Right Wrong Line:

To conclude :

What happened mostly to the prisoners who were on death row after the abolition of the death penalty ?

CHAPTER II – EXECUTION METHODS AND CASES

DOCUMENT 1

Death by firing squad (up to 2'03)



CBS News, June 18, 2010
<https://www.youtube.com/watch?v=TwuC7yk9jmc>

1) Where?

2) Who?

3) Why is it breaking news?

.....
.....

4) Which impact did it have on the public opinion?

.....

5) Time of death:

6) Execution method:

7) How is the execution described by the authorities in the video?

.....
.....

8) How is such an execution set? Give as many details as possible.

.....
.....
.....
.....

9) Which protocol is followed to avoid guilt among the shooters?

.....
.....
.....

10) Why was the inmate condemned to the death penalty?

.....
.....
.....

11) What is the inmate's family's opinion about him being executed?

.....
.....
.....

12) What does Mrs. Webb say about him being dead?

.....
.....
.....

13) Why was this execution method made famous?

.....
.....
.....

14) Does this state still execute prisoners this way today?

.....
.....
.....

DOCUMENT 2

California Votes to Speed Up Death Penalty, Rather Than Abolish It

Appeals in death penalty cases currently last an average of two decades.

By Kim Bellware, [The Huffington Post](#), November 14, 2016

1 A referendum in California to speed up the appeals process for the state's death row inmates has narrowly passed, while a separate measure to abolish the state's death penalty has failed. The Associated Press called both races Wednesday morning.

5 Proposition 66, which speeds up the appeals process, won with 50.9 percent of the vote. The competing Proposition 62, which would have abolished California's death penalty, drew 46.1 percent.

10 The state had previously attempted to address its sprawling, costly system in 2012 when it narrowly missed abolishing the death penalty. California's 750 death row prisoners represent a quarter of the nation's death penalty population. The state has only executed 13 prisoners since it resumed executions in 1978, and none have been carried out since 2006. More prisoners sentenced to death have died from illness, suicide or other causes than from executions, according to state data. But the state has continued to sentence people to death nevertheless.

15 Last year, California ran out of room on death row, which prompted Gov. Jerry Brown (D) to ask lawmakers for \$3.2 million to open additional cells in San Quentin, which houses the state's death row and execution chamber.

The costs of California's death penalty system have climbed with the growing death row population. Since the 1970s, maintaining the death penalty has cost the state an estimated \$4 billion, or roughly \$308 million per execution.

20 Californians on both sides of the death penalty debate agree the system needs to change.

25 Supporters of the abolition effort have argued the system is too broken to fix and too costly to keep. Eliminating the death penalty would not only save an estimated \$150 million a year, they say, but would ensure the state does not execute any innocent people.

Supporters of the successful Proposition 66, meanwhile, say California should "mend, not end," the death penalty.

Prop 66 expands which courts and attorneys can hear appeals in death penalty cases, thus expediting the process. Trial courts, rather than appeals courts, will hear initial challenges to death penalty

convictions, and lawyers will be required to defend capital cases to which they were assigned. Previously, lawyers who represented death penalty clients during the appeals process had to have relevant experience.

30 Prop 62 supporters said the competing measure was poorly written and failed to address systemic problems like racial bias or the challenges of carrying out executions constitutionally. Under Prop 62, inmates would have been required to work, with between 20 percent and 60 percent of their earnings garnished to pay restitution to their victims' families. While the measure enjoyed broad support from a coalition of current and former officials (many of them Democrats), human rights groups and notables like former President Jimmy Carter, one surprising group opposed the measure — death row inmates themselves. Without the death penalty, prisoners are likely to lose resources to appeal and, in some cases, investigate their convictions, thus reducing their chances of having a conviction overturned or a sentence reduced.

35 40 "I led the campaign to bring the death penalty back to California in 1978. It was a costly mistake," said Ron Briggs, who spearheaded the effort to create California's death penalty system, in a statement supporting Prop 62. "Now I know we just hurt the victims' families we were trying to help and wasted taxpayer dollars. The death penalty cannot be fixed. We need to replace it, lock up murderers for good, make them work, and move on."

I – VOCABULARY

1 – accélérer :	13 – pousser qq à faire
2 – plutôt que :	qqch :
3 – actuellement :	14 – héberger :
4 – de justesse :	15 – grimper/augmenter :
5 – alors que :	16 – croissant(e) :
6 – appeler/baptiser :	17 – à peu près :
7 – essayer :	18 – étendre :
8 – s'occuper de :	19 – confier/attribuer :
9 – tentaculaire :	20 – un préjugé :
10 – reprendre :	21 – saisir :
11 – cependant :	22 – rejeter/annuler :
12 – ne plus avoir de place :	23 – mener/conduire :
	24 – un contribuable :

II – QUESTIONS

- 1 – Introduce the document. What is the topic of the article?
- 2 – Explain Proposition 66 and Proposition 62.
- 3 – Explain the situation in California (figures, executions, cost) that led to the Propositions.
- 4 – Give the arguments of those in favor of Proposition 62 and those of Proposition 66.
- 5 – What does Proposition 66 imply as far as appeals are concerned?
- 6 – How do pro-Proposition 62 advocate react to this?
- 7 – What would have happened to death row inmates if Proposition 66 had been chosen?
- 8 – Which group does not support Proposition 62 surprisingly? Why?
- 9 – Explain Ron Briggs's reaction? What is his final opinion on the death penalty in California?

DOCUMENT 3

Compensation for Hinton's wrongful conviction (2:18)



CBS 42, June 13, 2018.

https://www.youtube.com/watch?v=4j1_8wkN0eA

1. Which state is the video dealing with?

.....

2. How long did Hinton stay in prison?

.....

3. On which grounds was he convicted?

.....

4. Why was he finally released?

.....

5. What is the question raised by the journalist as to Hinton's wrongful conviction?

.....

6. Fill in the blanks:

Anthony Ray Hinton was of Alabama's serving inmate. He's now a man an conviction. He's asking the state for but some view that as a toll order.

7. Which association helped Hinton get released?

.....

8. When Hinton got out of Birmingham County jail, what did he first think about?

.....

9. Which amount of money was proposed to compensate Hinton's wrongful incarceration last year?

.....

10. How is the lawmakers and the Alabama senate's reaction described? How come?

.....

.....

11. Why is it important for the state of Alabama to compensate Hinton?

.....

.....

12. How is Hinton's state of mind described? How does he explain what happened to him?

.....

13. Fill in the blanks:

Finally, the journalist concludes: "[...] this is something that the could next session."

14. What is your opinion about the topic? Does Hinton deserve that amount of financial compensation as damages for the time spent in prison for a crime he didn't commit?

.....
.....
.....
.....
.....

DOCUMENT 4

Willie Jerome Manning: Man convicted of killing 2 college students has execution blocked by Miss. Supreme Court

By CRIMESIDER STAFF, [CBS NEWS](#), May 8, 2013.

1 CBS/AP) PARCHMAN, Miss. - The Mississippi Supreme Court indefinitely delayed yesterday's scheduled execution of Willie Jerome Manning amid questions involving evidence in the case. They intervened hours before he was set to die for the slayings of two college students.

5 Manning, who had challenged errors involving evidence analysis, was originally set to receive a lethal injection at 6 p.m. CDT Tuesday at the state prison in Parchman. But with mere hours remaining, the state's high court blocked the execution until it rules further in the case.

Manning was convicted in 1994 in the shooting deaths of two Mississippi State University students, Jon Steckler and Tiffany Miller. Their bodies were found in a rural area in December 1992.

10 The FBI has said in recent days that there were errors in agents' testimony about ballistics tests and hair analysis in the case.

Manning's lawyers had argued in recent filings before the Mississippi Supreme Court that the execution should be blocked based on the U.S. Justice Department's disclosures about testimony that it says exceeded the limits of science.

15 The court ruled 8-1 on Tuesday for a stay. The court had previously split 5-4 in decisions in the case. An FBI letter, sent late Monday, said there was incorrect testimony related to tests on bullets found in a tree by Manning's house that were compared to bullets found in the victims.

That kind of examination "is not based on absolute certainty but rather a reasonable degree of scientific certainty," the letter said.

20 Manning's girlfriend had testified that, days before the slayings, Manning had been firing a handgun at a tree behind their house, according to court records. An FBI expert had testified that bullets from the tree matched those recovered from the scene of the crime.

Last week, the FBI said in a letter that its microscopic analysis of evidence, particularly of hair samples found in a car belonging to one of the victims, contained erroneous statements.

25 Manning's lawyers seized on that as a key to seeking a stay of execution. The defense lawyers asked the high court to block the execution for additional testing.

In dueling court filings Monday and Tuesday, Manning's attorneys said new DNA testing could exonerate the inmate, but the Mississippi attorney general's office argued that there was overwhelming evidence of Manning's guilt.

30 On Tuesday, Corrections Commissioner Christopher Epps said Manning had expressed optimism to him and the guards outside his holding cell that the execution would be stopped.

"He said he had faith in God and all was in His hands. He said he had faith," Epps said.

Epps said officials had contacted members of Tiffany Miller's family about the stay. They had planned to witness Tuesday's scheduled execution and were already en route.

I – Vocabulary

1. Programmé :	7. Un sursis :
2. Parmi :	8. Diviser :
3. Tuerie, meurtre :	9. Correspondre à :
4. Seulement :	10. Chercher :
5. Archivage :	11. Accablant :
6. Révélation :	12. Une cellule de détention provisoire :

II – Questions

1. Find out information about the defendant/ the crime/ the sentence / the place.
2. What is the topic of the article? Why?
3. Find out details on the crime that was committed.
4. What was the decision of the court?
5. Explain the evidence of the bullet found in a tree.
6. Which other piece of evidence was used at court?
7. What did the defense lawyers ask for? On which grounds?
8. What was the defendant's reaction?
9. What were the members of one of the victims' family about to do?

DOCUMENT 5:

Cruel, secretive and politically popular: Japan's death penalty

BY MIWA SUZUKI SEP 12, 2018

<https://www.japantimes.co.jp/news/2018/09/12/national/social-issues/cruel-secrective-politically-popular-japans-death-penalty/#.XXaIgy3pP-Y>

- 1 Years waiting on death row, inmates told their fate just hours before their execution and guards paid ¥20,000 to do an “unbearable” job — Japan’s capital punishment system is criticized as cruel and secretive. Yet remains popular.
- 5 Unusual for a major industrialized power, capital punishment in Japan enjoys broad public support, with few calls for its abolishment.
- 10 Inmates are executed not by professionals but by ordinary prison staff who may have been guarding the condemned for months or even years, and who receive extra pay of ¥20,000 (\$180) each. “It’s awful, the body bounces like a 70-kilogram object on a nylon rope,” said Toshio Sakamoto, who has witnessed hangings and described the process as “unbearable.”
- 15 Blindfolded convicts, usually serial murderers, are led to a spot with their feet bound and hands cuffed. Then, a trap-door opens below.
- 20 The mechanism is triggered by a button in an adjacent room, pressed simultaneously by several officers, although none is told which button is the “live one” that will cause the prisoner’s fall. The guards assigned to carry out the executions “remember the (inmates’) body temperatures, their breathing, their words. ... But they must do most of the work,” Sakamoto said. And they received no counseling. They are expected to “digest” the execution themselves, he explained. “There is no worse job,” he said. “The cost of a human life is ¥100,000.” Japan is the only major industrialized democracy other than the United States to carry out capital punishment.

The system was thrust into the international spotlight in July when the country hanged 13 Aum cultists, but the secretive methods have come under fire for being cruel for criminals, families and guards. Under law, the death sentence should be carried out six months after being confirmed by the top court. In reality, however, prisoners languish on death row for many years — Japan has a total of 110 awaiting execution.

25 “Prisoners are typically only given a few hours’ notice before execution, but some may be given no warning at all,” said Amnesty International in a recent statement.

“Inmates are kept in isolation suffering the anguish of never knowing when they are going to be put to death — sometimes for decades,” added the pressure group.

30 Families are only informed after the execution, noted Amnesty.

Munehiro Nishiguchi, a convicted murderer whose appeal against the death sentence is being heard in the Supreme Court, said the news of the Aum cult executions came as “an indescribable shock.”

“I feel I’m such a pathetically weak person,” he wrote in a letter to Yo Nagatsuka, who filmed a documentary exploring public perceptions of capital punishment in Japan.

35 “I have realized the real punishment or agony from the death sentence is the fear you feel until the day comes,” he also wrote.

Former guard Sakamoto notes that a high reliance on confessions and a conviction rate of well over 90 percent allows room for coercion and false charges.

The government cites broad public support as a reason to maintain capital punishment, but there is little

40 public debate as the whole process is veiled in secrecy.

The authorities have just once allowed a 30-minute media visit inside the glass-walled execution room in the Tokyo Detention House, arguably the best-kept among Japan’s seven facilities with gallows.

A 2014 government survey of about 1,800 people showed 80 percent thought capital punishment was “unavoidable,” with only one in 10 in favor of abolishing it.

45 But 38 percent thought it should be abolished if Japan introduces life imprisonment without parole — something the penal code does not currently allow.

One 62-year-old businessman in Tokyo said it would be “insane” to think of scrapping capital punishment.

50 And Mika Koike, a 29-year-old IT engineer, said, “Taking the victims and their families into consideration, I think there is no other clear, absolute way to punish the offenders.”

Kotaro Yamakami, a 25-year-old politics student, said murderers should pay in kind.

“There is a saying ‘an eye for an eye, a tooth for a tooth.’ I think it’s unavoidable that those who committed heinous crimes are executed,” he said.

55 But he acknowledged there was an increasing number opposed to the death penalty and urged authorities to consider introducing life imprisonment with no parole.

For now, there is no sign that Japan’s leaders are pondering any changes. [...]

I— VOCABULARY

1. Japanese currency in letters :	13. Bien que :
2. Destin, sort :	14. Une chute :
3. Insoutenable :	15. Mener, mettre à exécution :
4. Cependant :	16. Aide psychologique :
5. Large :	17. Un projecteur :
6. Une demande pour :	18. Une notification :
7. Le personnel :	19. Un avertissement :
8. Rebondir :	20. Une dépendance excessive :
9. Les yeux bandés :	21. Probablement, sans doute :
10. Un endroit :	22. La potence :
11. Attaché, ligoté :	23. Inévitable :
12. Menotté :	24. Réfléchir :

II – QUESTIONS

- 1) Which paradox is mentioned at the beginning of the text as far as the Japanese death penalty is concerned?
- 2) In Japan, who is in charge of carrying out the execution? What is their feeling about it?
- 3) Which execution method is used in Japan? Which words refer to it in this part of the text?
- 4) How is the execution carried out? How is it supposed to relieve the executioners from feeling guilty?
- 5) Why is the “secretive” aspect of the execution so criticized? Why is that so?
- 6) Which reason does former guard Sakamoto give to explain the conviction rate?
- 7) According to a survey in 2017, what does the public opinion think about the death penalty? Why?
- 8) Is there any hope for the future?

DOCUMENT 6

Questioning the death penalty in Japan³ (2:14)



Al Jazeera English, September 1, 2011.
<https://www.youtube.com/watch?v=NMqolk2wZuQ>

¤ **Watch the video and answer the following questions.**

1. When did Harada's brother die?

.....

2. Who sent Harada the letters he is holding?

.....

3. What are the letters about?

.....

4. What have the Japanese authorities decided to do regarding the case?

.....

5. What is Harada's point of view on the decision taken by the Government?

.....

6. What do we learn about the death penalty in Japan?

.....

7. Have any measures been taken so far?

³ Class material prepared by R. Batouche.

.....

8. Which method of execution is mentioned in the video?

.....

9. Reformulate Murakoshi's point of view on the matter.

.....

10. As far as capital punishment is concerned what elements did the politicians put forward?

.....

11. What happened to Fumiko's daughter?

.....

12. According to Fumiko, how should criminals be treated?

.....

13. What does Haraka do in his free time?

.....

14. Last but not least, say what true justice is to Haraka.

.....

CHAPTER III – BOTCHED EXECUTIONS

DOCUMENT 1

Botched execution cases



Top 10 Archive, July 16, 2015

I – Introduction

1) What does the speaker imagine about what is going on in the prisoners' heads before being executed?

.....
.....
.....
.....

2) What do the cases under study here have in common?

.....
.....

3) Reasons?

.....
.....

II – Case 10: Name of the inmate:

1) Which crimes did he commit?

.....

2) When was he executed?

.....
.....

3) How was the execution qualified?

.....

4) Execution method:

Name of the device:

5) Characteristics of the device?

.....
.....

6) How long did the execution last?

7) What were the consequences of the malfunction of the device?

.....
.....
.....

8) How many switches were necessary to finally kill the inmate?

9) How did his lawyer react?

.....
.....

10) How many volts were used?

III – Case 9: Name of the inmate:

1) Charge:

2) He was sentenced to death in (date).

3) Execution method:

4) Date of execution:

5) What went wrong?

.....
.....
.....

6) What did the authorities decide to do?

.....
.....
.....

7) Did this execution have an impact on the public?

.....

DOCUMENT 2

Oklahoma, with a history of botched lethal injections, prepares to start executing a man a month

By Dakin Andone, [CNN](#), Sat August 20, 2022.



A gurney in the execution chamber at the Oklahoma State Penitentiary in McAlester is seen in 2014.

Sue Ogrocki/AP

- 1 CNN — Oklahoma will soon begin executing death row inmates at a pace of about one man per month, with plans to put to death 25 prisoners over the next two years despite cries by critics and experts who point not only to outstanding questions of the mental fitness or possible innocence of some but also the state's recent history of botched lethal injections.
- 5 "It's just yet one more reckless move by Oklahoma," Deborah Denno, a Fordham University law professor, told CNN of the state's scheduled execution timetable, which she said is in line with its staunch, decades long record of capital punishment. [...]
- 10 James Coddington is the first scheduled to be executed on August 25. He would have been followed about a month later by Richard Glossip, who has maintained his innocence and on Tuesday got a 60-day stay of execution so an appeals court can complete its review of his petition for a new hearing.
- 15 Twenty-three more men are set to be executed through 2024, and when the executions are complete, more than half the 43 inmates convicted and sentenced to death in Oklahoma are due to have been killed. [...]
- 20 "Oklahomans overwhelmingly voted in 2016 to preserve the death penalty as a consequence for the most heinous murders," Oklahoma Attorney General John O'Connor said. "I'm certain that justice and safety for all of us drove that vote." [...]
- 25 Oklahoma's execution docket is a particularly troubling prospect, given the state's "recent history with capital punishment has been characterized by botched executions," according to Death Penalty Information Center. While those can be cases in which an inmate suffers inordinately, experts use "botched" to describe any execution that deviates from officials' prescribed protocol for a given method – what Austin Sarat, author of "Lethal Injection and the False Promise of Humane Execution," said might be called "standard operating procedure." And carrying out a series of death sentences in quick succession could raise the chances of a botched execution, experts said.

"When a state or the federal government makes a commitment to execute people in bulk, to do it over a period of time in a way that doesn't give it a lot of time to adjust to errors and problems, that political momentum is often hard to resist," Sarat told CNN. It can encourage "a kind of

carelessness ... and Oklahoma is not a national model of scrupulousness in the world of lethal injection.” [...] Pointing to Lockett’s and Warner’s executions, a number of the inmates now slated for execution sued corrections officials in federal court, claiming in part that Oklahoma’s three-drug lethal injection protocol was unconstitutional. Midazolam, one of the drugs used in the protocol, would not render them adequately unconscious, they argued in part, and could put them at risk of severe pain as they died, violating their Eighth Amendment protection against “cruel and unusual punishments.”

But the judge ruled in June against the inmates, citing the US Supreme Court’s ruling in *Bucklew v. Precythe*, in which Justice Neil Gorsuch wrote the Eighth Amendment “does not guarantee a prisoner a painless death.” [...]

Like most states, Oklahoma primarily uses lethal injection to carry out its executions. But today, the “very meaning of ‘lethal injection,’ or the thing that it designates, is now hard to specify from state to state,” said Sarat.

Across the country, “lethal injection” used to refer to a three-drug procedure: The first drug would put the prisoner to sleep, rendering him unconscious. The second caused paralysis, and the third would stop the heart. But about a decade ago, states began struggling to obtain the drugs they needed, after a US manufacturer stopped making the drug and European companies began withholding the chemicals so they wouldn’t be used in these procedures.

As a result, states have scrambled to find alternatives they can reliably obtain, resulting in what Denno described as a “constant experimentation with drugs.” [...]

These issues and risks are not limited to Oklahoma: The execution just last month of Joe Nathan James in Alabama, for instance, has drawn wide scrutiny after a three-hour delay and a report in *The Atlantic* that he suffered. Indeed, between 1890 and 2010, 3% of all American executions were botched, with lethal injection showing the highest rate of any method at 7%, according to Sarat. Since 2010, the overall rate of botched executions has increased, he said, rising to 8% – and as high as 20% in executions in which a sedative, like midazolam, was used.

Oklahoma also is not the first jurisdiction in recent years to attempt a lengthy series of executions: In 2017, Arkansas moved to execute eight men in 11 days, though it ended up executing four. And the federal government after a nearly two-decade hiatus executed 13 inmates under the Trump administration between July 2020 and January 2021.

These sprees, though, are “anomalies,” said Sarat. The US is in a “period of a national reconsideration of capital punishment,” he said, as evidenced by declines in numbers of death sentences and executions and the growing number of states that have abolished the death penalty.

“Oklahoma is swimming upstream against the tide across the country,” he said, “in which the death penalty is waning and in which the death penalty is increasingly discredited.” [...]

Observe the paratext (title, source, date, author): what kind of information can you grab before starting to read the text?

I – VOCABULARY (in the chronological order of the text).

1. Raté, bâclé :	15. En gros, en grands nombres :
2. Rythme, Vitesse :	16. Élan politique :
3. Cris, désapprobation :	17. Négligence :
4. Les critiques (personnes) :	18. (litt.) noter sur l'ardoise = programmer :
5. En suspens, en cours :	19. Poursuivre en justice =
6. Irréfléchi, dangereux :	20. Se débattre, avoir des difficultés à :
7. Programmé, prévu :	21. Retirer, rendre inaccessible :
8. Calendrier, planning :	22. Produits chimiques :
9. Dans la ligne de, en adéquation avec :	23. Se précipiter, se dépêcher de :
10. Constant, déterminé :	24. Global, d'ensemble :
11. Une audience :	25. Pause, interruption :
12. Liste des affaires :	26. Séries (de crimes) :
13. Perspective :	27. Nager à contre-courant :
14. Étant donné :	28. Décliner, décroître :

II – QUESTIONS

- 1) Explain the state of Oklahoma's plan and the reasons why it has been criticized.
- 2) Detail Oklahoma's scheduled execution program and its objectives.
- 3) How does the attorney general defend this move?
- 4) How do experts define a botched execution?
- 5) What is the risk involved by a series of executions within a short time?
- 6) How did some prisoners react to botched executions? What was the answer they obtained from justice?
- 7) How come the drugs used in the execution process raised issues?
- 8) Are those botched executions limited to Oklahoma?
- 9) What do these percentages/numbers refer to?
 - 3% =
 - 7% =
 - 8% =
 - 20% =
 - 8 / in 11 days / 4 =
 - 13 / 6 months =
- 10) Why are states like Oklahoma considered as anomalies in this text?

NEW DOCUMENT - COMPREHENSION ORALE

Gov. Gavin Newsom details why he's ended death penalty in California | ABC7

1. What is the breaking news in Saint Quentin ?
2. What has the governor imposed ?
3. What's his position on the death penalty ?
4. Explain the example he gives to illustrate his position.
5. What about this man convicted in 1993 ? Why has he been convicted ? What happened ?
6. What is the question of the journalist : "is it..... Or..... ?"
The governor answers: "it's"
7. How many people on death row in California ?

8. Matching exercice :

a. Charles Ng	1. Kidnapper and killer in 1993
b. Scott Petterson	2. Serial killer, 11 murders
c. Richard Alan Davis	3. murdered his pregnant wife and son

9. Who will probably disagree ?
10. How does the governor defend himself ? What's his personal feeling ?
11. What happened in 2016 ?
12. Is anybody going to be released from prison ?
13. How many cases has he read ? He says those cases ".....your....." and "make you.....".
14. Does he have sympathy for them ?
15. He says he can't support ".....".

★ UNITED STATES OF AMERICA ★



<https://www.homemade-gifts-made-easy.com/blank-us-map.html>

EXECUTION METHODS TODAY

<https://deathpenaltyinfo.org/executions/methods-of-execution>

Lethal injection is the most widely used method of execution, but states still authorize other methods, including electrocution (8), gas chamber (7), hanging (1), and firing squad (4).

Only one state – South Carolina – has a primary execution method which is not the lethal injection. Indeed, in this southern state, the primary method is electrocution. Then the lethal injection can be proposed if available, or the firing squad.

All the other states applying the death penalty use the lethal injection as a primary method. The other methods mentioned above are options offered to the prisoners.

Lien – Executions in the US : [Execution Database | Death Penalty Information Center](https://deathpenaltyinfo.org/executions/methods-of-execution)

CRIMINAL CASES INVOLVING THE DEATH PENALTY

CRIMINAL'S NAME	COUNTRY / STATE + DATE	EXECUTION METHOD
1. Montgomery Lisa	USA (Federal execution) 2021	Lethal injection
2. Johnson Corey	USA (Federal execution) 2021	Lethal injection
3. Higgs Dustin	USA (Federal execution) 2021	Lethal injection
4. Jones Quintin	USA, Texas, 2021	Lethal injection
5. Hummel John	USA, Texas, 2021	Lethal injection
6. Rhoades Rick	USA, Texas, 2021	Lethal injection
7. JOHNSON Ernest	USA, Missouri, 2021	Lethal injection
8. Willie B. SMITH III	USA, Alabama, 2021	Lethal injection
9. GRANT John Marion	USA, Oklahoma, 2021	Lethal injection
10. COX David	USA, Mississippi, 2021	Lethal injection
11. GILMOR Gary	USA, Utah, 2021	Firing squad
12. SUTTON Nicolas	USA, Tennessee, 2020	Electrocution
13. LAGRAND Walter	USA, Arizona, 1999	Gas chamber
14. HARRIS Robert	USA, California, 1992	Gas chamber
15. EVANS Connie	USA, Mississippi, 1987	Gas chamber
16. GARDNER Ronnie	USA, Utah, 2010	Firing squad
17. BAILEY Billy	USA, Delaware, 1996	Hanging
18. CAMPBELL Charles	USA, Washington, 1994	Hanging
19. DODD Westley	USA, Washington, 1993	Hanging
20. SHAH Abdullah	Afghanistan, 2005	
21. WEI Wei	Japan, 2019	Hanging
22. HASHIMOTO Saturo	Japan, 2018	Hanging
23. NAKAGAW Tomomasa	Japan, 2018	Hanging
24. ASAHIRO Shoko	Japan, 2018	Hanging
25. DJANDOUBI Hamida	France, 1977	Guillotine
26. RANUCCI Christian	France, 1976	Guillotine
27. BUFFET Claude	France, 1972	Guillotine
28. BONTEMPS Roger	France, 1972	Guillotine
29. HACHANI Saïb	France, 1966	Guillotine
30. DANOS Abel	France, 1952	Firing squad
31. DEGUELDRÉ Roger	France, 1962	Firing squad
32. MONENGE Raymond	France, 1952	Firing squad

LES MODAUX

Les modaux ont un fonctionnement particulier dans le système verbal anglais.

- Ils ne prennent pas de -s à la troisième personne du singulier.
- Ils sont toujours suivis de la base verbale : ils ne sont jamais suivis de to + verbe ni de V-ing.
- Ils ne sont jamais précédés de to.
- On ne trouve jamais modal + modal.
- Ils ne s'emploient jamais avec les auxiliaires do, be ou have.
A la forme négative, on a sujet + modal + not + verbe : he may not come.
A la forme interrogative, on a modal + sujet + verbe : may he come ?
- Il n'existe pas de participe passé formé sur les modaux.

A - Que signifie le mot « modal » ?

1 – Le terme « modal » est lié au mot « mode », qui évoque l'idée de manière. Avec un modal, l'énonciateur exprime une manière de considérer une activité ou un état.

He must be home = Il doit être à la maison → PROBABILITE

She can speak Chinese = Elle sait parler chinois. → CAPACITE

You must apologize = Tu dois t'excuser. → OBLIGATION

2 – Les modaux sont donc des outils de prise de position sur la relation entre le sujet et le verbe (et ses compléments).

Cette relation peut être considérée comme très certaine, certaine, peu certaine, incertaine, très incertaine ...

Le sujet peut être considéré comme capable de, incapable de, obligé de, invité à, autorisé à réaliser ce que décrit le verbe (et ses compléments) ...

B - Quels sont les modaux de l'anglais ?

Formes du présent					
Formes du présent					

Comment le montrent le t et le d, et sont des formes de présent. Attention toutefois, ces présents se traduisent le plus souvent par un conditionnel.

..... étant à l'origine un présent, il n'a pas de forme de présent.

C – Exercices

1 – Soulignez les phrases dans lesquelles l'emploi d'un modal serait possible en anglais.

- a) Il est sans doute très intelligent.
- b) Elle est très perspicace.
- c) Tu pourrais m'aider, non ?
- d) J'ai changé trois fois d'imprimante et ça ne marche toujours pas.
- e) Il faut que tu changes d'ordinateur, celui-ci est complètement dépassé.
- f) Je dois partir à cinq heures.
- g) Il est possible que je sois en retard.
- h) Il s'en moque.
- i) Elles ont peut-être oublié.

2 – Transposez les phrases suivantes à la forme interrogative et négative.

- a) Yes, he could come.
- b) Yes, they can speak French.
- c) Yes, I would like to hear from him.
- d) Yes, you should have told him.

e) Yes, he could have run very fast if he had tried.

3 – Dans les phrases suivantes, peut-on employer un modal ? Barrez les phrases où cet emploi est impossible et dites pourquoi.

- a) You ... to call me soon.
- b) You ... call me soon.
- c) No man ... to do this.
- d) ... you repeat slowly, please ?
- e) He said he ... call on Sunday.
- f) It ... rather hard to explain.
- g) It ... not made much difference.
- h) I just ... not get away.
- i) Brian ... coming back on Tuesday.
- j) You ... go to Great Britain in order to ... speak English fluently.

CAN / COULD / BE ABLE TO

→ EXPRESSION DE LA CAPACITÉ

1 – Le sens général de CAN est lié à la capacité, à l'aptitude du sujet. Il se traduit très souvent par "pouvoir" / "savoir".

Help me if you can = Aide moi si tu peux.

She can swim = Elle sait nager.

Cigarettes can seriously damage your health = Les cigarettes peuvent nuire gravement à votre santé.

I was so tired I couldn't get up = J'étais tellement fatigué que je n'ai pas pu me lever.

2 – Attention: les verbes de perception s'emploient souvent avec le modal CAN. Dans ce cas, on n'utilise pas "pouvoir" en français.

I can see you're not feeling very well = Je vois bien que tu ne te sens pas très bien.

Can you hear me? = vous m'entendez?

We could smell something burning = on sentait que quelque chose brûlait.

3 – Can't / cannot / couldn't expriment une incapacité.

I can't do it = Je ne peux pas le faire.

She couldn't come that night = elle ne pouvait pas venir ce soir-là.

4 – Could peut exprimer une capacité hypothétique. Il se traduit dans ce cas par le conditionnel.

You could succeed if you worked harder = tu pourrais réussir si tu travaillais davantage.

Could you do this exercise in two minutes? = Vous pourriez faire cet exercice en deux minutes?

5 – Could + have + participe passé correspond en français à "aurais (aurait ...) pu" + infinitive. Cette structure exprime une capacité hypothétique dans le passé.

Your children could have helped you = Vos enfants auraient pu vous aider

→ Deux interprétations possibles: ou bien les enfants auraient été physiquement capable d'aider, ou bien on leur reproche de ne pas l'avoir fait.

→ CAN / COULD ou BE ABLE TO?

Be able to signifie être capable de faire quelque chose physiquement ou intellectuellement.

1 – Il peut s'utiliser à la place de CAN lorsque que celui-ci signifie "être capable de"

She can help you if necessary = She is able to help you if necessary → Elle est capable de vous aider si nécessaire.

~~She is able to speak German~~ → She can speak German [aptitude]

~~Cigarettes are able to damage your health~~ → Cigarettes can damage your health [propriété]

2 – BE ABLE TO est obligatoire lorsque l'emploi de CAN est impossible, à savoir: après un modal, après TO, au present perfect et au past perfect et ou dans une structure en V-ing.

I don't know if he will be able to forget her. → I would like to be able to sing.

She has never been able to lie. → She had never been able to lie

Sorry for not being able to solve your problem.

Exercises

1 – Use CAN or BE ABLE TO to fill in the blanks.

- a- Ask him, he should help you.
- b- I hardly believe it.
- c- I'm sorry I won't come.
- d- She has everything money buy.
- e- I have not sleep very well recently.
- f- Don't shout, I hear you very well.
- g- How you possibly imagine that?
- h- Will he continue his journey?
- i- I'm locked in! I get out!
- j- Once I've passed my test I'll hire a car.

2 – Translate into English

- a- Tu pourrais m'aider?
- b- Je ne pouvais pas l'oublier.
- c- Il aurait pu lui dire.
- d- Il peut s'en tirer (manage) tout seul.
- e- On ne pouvait pas trouver un meilleur endroit.
- f- On aurait pas pu trouver un meilleur endroit.
- g- Je n'ai pas pu le joindre (contact)
- h- Je ne pourrai pas venir.
- i- Que puis-je faire pour vous?
- j- Il n'arrivait pas à comprendre.

MAY / CAN / BE ALLOWED TO

La permission

1 – CAN et MAY sont fréquemment employés pour demander une autorisation. On peut aussi utiliser COULD, qui est plus poli. MAY est utilisé dans un style plus soutenu et est considéré comme plus poli dans une question, car avec CAN on suppose que la réponse sera positive.

Can / Could I borrow your cell phone? → Je peux / Je pourrais t'emprunter ton portable ? → Yes, you can

May I leave the office a bit earlier today? → Puis-je partir du bureau un peu plus aujourd'hui ? → You may go now.

2 – CAN'T et MAY NOT expriment une interdiction.

You can't smoke here → vous ne pouvez pas fumer ici.

You may not smoke here → vous n'avez pas le droit de fumer ici.

3 – BE ALLOWED TO : tout comme BE ABLE to, il s'utilise lorsque l'emploi des modaux est impossible. A savoir ici : après un modal (en particulier WILL et WOULD), après TO, au present perfect et au past perfect et pour renvoyer au passé.

We won't be allowed to stop on the way.

I'd love to be allowed to come.

These children have never been allowed to visit their grandparents.

We were allowed to visit the castle.

Exercice

→ Employez CAN, COULD ou BE ALLOWED TO à la forme qui convient.

- a- You go now.
- b- You will not leave before you have finished.
- c- She not go out on her own after 11.
- d- He hasn't get into the pub: he is too young.
- e- They'd like to choose what subject they want to study.
- f- If you were older, you would go on your own.
- g- Very exceptionally he stay up until 12.
- h- He was a happy child: he ask all the questions he wanted.
- i- In Summerhill, the pupils were very free: they attend the lessons they wanted.
- j- This year, on Christmas Eve, Lara stay up until midnight.

MUST : le quasi-certain

CAN'T / COULDN'T : le quasi-certain négatif

1 – MUST

- a- Avec MUST, l'énonciateur est quasiment sûr de ce qu'il avance. MUST se traduit très souvent par « devoir ».

You look like Harris. You must be his father. [Vous êtes sûrement son père]

He must be rehearsing at this time of day → Il doit être en train de répéter à cette heure de la journée. [Be + V-ing (be rehearsing) est utilisé pour décrire une activité (rehearse) en cours]

- b- Lorsque le quasi-certain concerne le passé, on emploie must + have + participe passé.

They must have missed the train → ils ont dû rater leur train.

2 – CAN'T

- a- Avec CAN'T et COULDN'T, on dit qu'on ne croit vraiment pas que quelque chose puisse se produire.

It can't be true → Ca ne peut pas être vrai / C'est impossible.

Oh no, Nathan couldn't be at the scene of the crime !

- b- Pour renvoyer au passé, on utilise CAN'T / COULDN'T + have + participe passé : structures utilisées pour dire que quelque chose n'a pas pu se produire dans le passé.

She can't / couldn't have said that → il n'est pas possible qu'elle ait dit cela / Elle n'a pas pu dire cela.

Exercice

→ Complétez les phrases suivantes avec MUST ou CAN'T suivis de la construction appropriée.

- a- "Where's Cindy?" "I can hear noises in her room: she (be) upstairs.
- b- "What about John?" "He is very quiet: he (watch) television in the living room.
- c- They have never met: they (know each other)
- d- She's in a difficult situation: it (be) easy for her.
- e- He was in but didn't hear the phone. He (be) asleep.
- f- I can't find my keys. I (leave) them on my desk.
- g- I can hear the radio full blast in his room: he (study)
- h- He knew about the whole thing: someone (tell) him.
- i- I'm sure I've told him several times: he (forget)
- j- "it took him 5 minutes." "5 minutes! It's impossible, he (do) it that fast!"

MAY / MIGHT

Le possible

→ MAY et MIGHT permettent de dire que quelque chose est possible.

→ Avec MIGHT, l'énonciateur est plus hésitant qu'avec MAY^[1]

→ Si le possible porte sur une activité en cours, on emploie be +V-ing.

Ex: They may be playing rugby.

→ Si le possible concerne le passé, on emploie may + have + participe passé.

Ex: They may have missed their train = il se peut qu'ils aient raté leur train

→ Si on veut signaler que quelque chose aurait pu se produire dans le passé.

Ex : They might have had an accident, driving so fast = ils auraient pu avoir un accident, en conduisant si vite.

Exercice → Réécrivez les phrases suivantes en employant MAY/MIGHT suivant toutes les combinaisons possibles.

1. Perhaps he is ill.
2. Perhaps he's watching TV.
3. Perhaps he saw her yesterday.
4. Perhaps they had an early breakfast.
5. Perhaps you were dreaming.
6. Perhaps it's not working.
7. Perhaps he told her the truth.
8. Perhaps he was listening.
9. Perhaps it was right.

MUST / HAVE TO

L'obligation

1 – Must et l'obligation : il est employé pour dire que quelque chose est nécessaire / obligatoire. Il se traduit alors par « devoir » ou « il faut que ».

Ex: The government must do something against unemployment.

2 – MUST ou HAVE TO ?

→ Au présent, on a le choix entre les deux formes. Quand l'obligation émane de l'énonciateur, on préfère employer MUST. Autrement, on préfère HAVE TO.

Ex: Men have to do military service in most countries [c'est la loi]

Ex: Sweety, you must say hello to grandma. [Tu le dois, et je le veux]

→ HAVE TO est obligatoire quand l'emploi du modal est impossible : après un modal, après TO, pour renvoyer au passé (had to), au present perfect et au past perfect (have (has) had to / had had to).

Ex: You will have to call the inspector.

Ex: We had to visit my in-laws every Sunday.

Ex: If I had had to take all those pills, I would have been even sicker.

→ ATTENTION: MUST NOT / MUSTN'T exprime l'interdiction ; DON'T HAVE TO exprime une absence d'obligation.

Ex: You don't have to sign this paper → Tu n'es pas obligé de signer ce papier.

Ex: You mustn't sign this paper → Tu ne dois pas signer ce papier [C'est une interdiction]

Exercices

1 – Complétez les phrases suivantes avec MUST ou HAVE TO.

- a- We be at school before eight.
- b- Our plane leaves at 12. We be at the airport 2 hours before the time of departure.
- c- You see this film : it's excellent.
- d- "I can't come now." "You come, he is very ill."
- e- When you work, you pay taxes.
- f- You'd be fluent in English if you really wanted the job.

2-Exprimez la notion indiquée à l'aide de MUST ou HAVE TO.

- a- You work harder. (obligation présente)
- b- I show my passport. (obligation passée)
- c- You drive on the left if you go to Australia. (obligation future)
- d- (I / leave) my camera at the desk? (obligation présente + règlement)
- e- (he / write) a report? (obligation future)
- f- (you / give) your credit card number? (obligation passée)
- g- (you / leave) now? (obligation présente)
- h- (she / be home) by eleven? (obligation passée)

SHOULD

1 - SHOULD permet de dire que quelque chose est probable, on le traduit par « devrals, devrait ... »

The car should be ready tomorrow → La voiture devrait être prête demain.

→ Pour renvoyer au passé, on utilise SHOULD + HAVE + participe passé.

It's 5 o'clock, my parents should have arrived by now. → Il est 5 heures, mes parents devraient être arrivés à l'heure qu'il est.

2 - SHOULD exprime aussi le conseil. On le traduit également par « devrals, devrait ... »

You shouldn't go out, it's pouring down. → Tu ne devrais pas sortir, il pleut à verse.

→ Avec SHOULD + HAVE + participe passé, on exprime aussi un reproche ou un regret [comme « aurais / aurait ... dû » en français]

We should have taken the train → On aurait dû prendre le train.

Exercice

→ Réagissez aux situations suivantes en employant SHOULD + V ou SHOULD + HAVE + participe passé.

EX	On va bien s'amuser. On se serait bien amusé.	You / come	You should come. You should have come.
1	L'exercice est très facile. Le professeur est déçu.	All the students / get a good mark.	
2	Vous avez du retard. Vous ne voulez pas avoir de retard.	I / leave earlier than 7.	
3	Il n'y avait aucune raison de lui mentir. Il n'y a aucune raison de lui mentir.	Why / I / not tell him the truth.	
4	Tout est parfaitement prêt. Ça s'est mal passé, et pourtant on avait tout préparé.	Everything / be alright.	
5	Vous étiez sûr de vous et pourtant ça ne marche pas. Vous vous êtes donné du mal.	It / work.	

Additional exercise: Translation: Pay specific attention to the use of the modal auxiliaries!

1) Il se peut que son indicateur soit un escroc et qu'il essaye de lui extorquer de l'argent.

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.....

2) Il se peut que le prévenu plaide coupable mais il a dû convaincre son avocat de demander les circonstances atténuantes.

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.....

3) Il est fort probable que le plaignant demande des dommages et intérêts conséquents mais le coupable serait mis en liberté sous caution.

.....
.....

4) Les droits des individus doivent être respectés, c'est légitime. Cependant, dans cette affaire, il est quasi certain que les deux partis devront recourir à l'arbitrage.

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5) Il se peut que le juge demande un contre-interrogatoire du témoin principal qui est lui-même suspecté de viol.

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6) Il se peut que le jury prononce le verdict de la peine de mort.

.....
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7) L'accusé aurait dû plaider « non coupable » dès le début du procès.

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8) Le juge d'instruction doit travailler de la manière la plus objective possible.

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9) Le président Trump devrait être plus prudent lorsqu'il envoie des messages sur Twitter.

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.....

10) Il se peut que le parti démocratique soit en train de monter un dossier solide de mise en accusation du président Trump.

.....
.....

11) Ça ne peut pas être vrai, il n'a pas pu commettre ce crime !

.....
.....

12) Après son arrestation, il n'a pas été autorisé à rentrer chez lui.

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13) D'après les témoignages, il n'aurait pas pu être sur la scène du crime.

.....
.....

14) Il aurait dû trouver un meilleur avocat pour le défendre.

.....
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15) Un compromis entre le système inquisitoire et accusatoire devrait permettre une justice plus équitable.

.....
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16) Le témoin devra aller à la barre, il ne pourra pas faire autrement.

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.....

17) Je ne peux pas croire que les États-Unis appliquent encore la peine de mort.

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18) Franchement, tous les états auraient pu imposer un moratoire.

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.....

19) Le prisonnier peut choisir soit la chaise électrique, soit le peloton d'exécution.

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20) Il avait tellement peur de mourir qu'il ne pouvait pas manger son dernier repas.

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21) Il aurait pu échapper à la peine de mort s'il avait commis son crime dans l'état de Washington.

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