
M: Hello English learners! Welcome back to **EnglishPod**! My name is **Marco**.

C: And my name is **Catherine** and today we're talking about something very serious.

M: Very serious. Today we're talking about **capital punishment**.

C: So if you've never heard that phrase before, you might have heard another name for this topic, it's called the **death penalty**.

M: Right, so if you **commit a crime** and basically the judge says that you will have to be **put to death** for that crime.

C: Right, so many countries no longer have this... this law. Um, in the United States you can see it in some places, some states, but not in others. So what we're talking about today is the debate between to have the death penalty and to not have it.

M: Alright, so we're gonna actually have a little debate in the end of... if... if, uh, we agree that we should have the death penalty or not. Uh, but before that, why don't we listen to this dialogue for the first time.

DIALOGUE, FIRST TIME

C: Alright, so, Marco, there's a lot of really great legal terms here, legal and crime terms. And so, let's look at a few of these in today's "**language takeaway**".

Voice: Language takeaway.

M: Alright, so let's take a look at the first one. Uh, they sh... they mentioned **juvenile offenders**.

C: Alright, so let's look at these two words, because, um... well, **offender** can be pretty general, it's someone who commits a crime.

M: Uhu.

C: So an offender. But we're talking about a special kind of offender. Here we're taking about **juvenile** offenders.

M: Uhu, so they're young offenders.

C: Right, and in America legally you're a juvenile offender if you're under the age of eighteen.

M: Okay, so if you commit a crime while you're a juvenile, you get judged differently, right? You don't get the same treatment as an adult.

C: Right, they... mm... usually the punishments are not as **harsh**, because people like to think that younger people, younger children or teenagers, they don't really understand the law, they don't really understand crime or good and bad, so...

M: Alright.

C: It should be easier on them.

M: Uhu. Alright, very good, so we have **juvenile offenders** and we also have a **wrongful conviction**.

C: Alright, this is an "oh-oh" moment for a... for a judge, because a wrongful conviction... Well, **conviction**, first of all, is a decision. So this is a court's decision on, um, **whether or not** a person is guilty, so...

M: So you convicted the person.

C: Right, Marco **was convicted guilty of** stealing my computer.

M: I was too.

C: Yeah.

M: That happened.

C: Okay.

M: Hehe.

C: Right. But, uh, it's a **wrongful** conviction if Marco didn't really steal a computer, but we decided that he did.

M: Okay, so you... it was... it was a wrong decision.

C: Right, it was a bad decision **in a sense that** it's actually not what happened in reality.

M: Uhu, a **wrongful conviction**, very good. And actually, related to a wrongful conviction, many times it happens because **evidence** is **fabricated** by the police.

C: Alright, so this is a big NO-NO. This is something that, uh, really shouldn't happen and it's **against the law** in many countries. So **fabrication** or **to fabricate** is to fake, to make something up.

M: Uhu.

C: And so, evidence that's fabricated is... is evidence that the police or other people create to try and make someone look guilty, but it's not actually evidence, it's not really, uh...

M: It's not true.

C: It's not true.

M: Right.

C: Yeah.

M: And now moving on, um, they were talking about a **deterrent** for crime.

C: Okay, so **to deter** is a **verb**. To deter means to try and get someone to not do something, right?

M: Uhu.

C: So I'm going to try and **deter** my staff **from** taking early lunch breaks.

M: Okay.

C: So I'm going to punish someone as a deterrent.

M: As a deterrent. Okay, so you have the **verb** – **deter**; and you have the **noun** – **a deterrent**.

C: Right.

M: Uhu.

C: Yeah, and so, oftentimes very strict laws **are meant to be** deterrents, they're meant to keep people from doing bad things, from **breaking the law**.

M: Alright, so, for example, capital punishment is one of those deterrents. If you kill somebody, then if you get caught, you're also gonna be killed.

C: So it means I'm never gonna kill anyone, because I don't want the law to... to decide that I'm gonna get killed.

M: Exactly. And our last word for today, they were talking about **imposing** tougher laws, I would **impose** tougher laws.

C: Okay, so **to impose** is a **verb** that means to put in place or to set up or **enact**, and so...

M: But by force, right? You don't really... you don't really agree to do it.

C: Like the dictator imposes his will.

M: Uhu.

C: Alright, so he makes everyone do what he wants. But we can impose measures that do something, it's... yeah, it's kind of like **forcibly** making people follow some kind of a rule or...

M: Right.

C: Or follow a person.

M: Now, sometimes you would see that you have a company or you have people at your house and they like, well, you know, **stay over for dinner** and you... and they're like: oh, I wouldn't want to impose.

C: Alright, so I wouldn't want to bother you or I wouldn't want to create more work for you, because...

M: Uhu.

C: You know, when you're making food, you have all these people, they don't want to **impose on** you.

M: Alright, so that's another way of using this "impose on somebody". Alright, so, uh, after all of these words that we've taken a look at, uh, why don't we start now with "**fluency builder**"?

Voice: Fluency builder.

C: Okay, so as you know, fluency builder is a place where we get to talk about some phrases and words that allow you to, uh, be more fluent in English. So these are sometimes idioms or sometimes phrases – words that go together, commonly. And the first one is **no exception**. It's a miscarriage, so **miscarriage of justice**.

M: Alright, so a miscarriage of justice. Now we have different, uh, words here. The first one **miscarriage**, it's usually related to a medical term.

C: Right, it's a pregnancy... well, it's a pregnancy that has a sad result. It's a pregnancy where the woman's baby dies, or the woman loses the baby.

M: Uhu.

C: And a **miscarriage of justice** is a **metaphor**.

M: Uhu.

C: It's a way to say that, um, justice was not **carried out**.

M: Okay.

C: It means that, um, for example, with those wrongful convictions...

M: Uhu.

C: Um, the... the law failed.

M: To accomplish its objective.

C: To... yeah, to accomplish its objective and to be fair.

M: Okay, so a miscarriage of justice, interesting. And moving on to our next phrase, they were talking and discussing this whole death penalty situation and she mentioned **in my reckoning**.

C: Alright, so this is a great way to share your opinion or your idea with someone. Uh, you're saying pretty much: in my opinion, in my... according to me or, you know, the way I'm thinking is this.

M: So I can also say **I reckon**, right?

C: Exactly, I... I reckon it's gonna rain later - I think it's gonna rain. So, in my reckoning - in my opinion.

M: Alright, I reckon. Um, and to **finish off** fluency builder, they said that the person or the criminal couldn't **get away with** it.

C: Alright, so this is another one of those phrases that each word maybe means something different, you can get somewhere...

M: Uhu.

C: Um, but put together, "to get away with something" means to do something bad or illegal or, uh, that's not okay without getting caught.

M: Or being punished.

C: Or being punished.

M: So you can say: get away with murder.

C: To... you know, he got away with murder, he... you know, he did something that was really, really bad, but no one caught him.

M: And also it means the criminal got away, so they couldn't catch him.

C: Right, or I could always say to my brother: he would always lie to my parents and get away with it.

M: Uhu.

C: So that he never got caught, he never got punished.

M: Okay, so he got away with his lie or got away...

C: Yeah.

M: Got his way.

C: Right.

M: Alright, so I think this is an interesting phrase. Why don't we listen to a couple of more examples?

Voice: Example one.

A: Do you think we could get away with using the cheaper product?

Voice: Example two.

B: Thieves got away with two Picassos, which were never found.

Voice: Example three.

C: He almost got away with murder. Unfortunately for him the police discovered his secret.

M: So we've taken a look at a lot of great phrases, why don't we listen to our dialogue for the last time and then we'll come back.

DIALOGUE, SECOND TIME

M: Alright, so now the big question, Catherine: do you agree with the death penalty?

C: Oh, well, this is a big one and I don't think we have enough time to go into it **in much detail** here, but I definitely think that is extreme, right?

M: Uhu.

C: And so we have this phrase, ah, **draconian measures**, and I think...

M: Right, they mentioned that in the dialogue.

C: Yeah, so **draconian**, something that's draconian is excessive or **severe**, you know...

M: Uhu.

C: And, uh, I think that there're a lot of reasons not to have the death penalty, because the death penalty... well, you're pretty much saying: we as a society think that murder is wrong, but we're going to... to show you that you've done a wrong thing like a bad thing that's against the law by killing you.

M: Uhu.

C: Alright, and so, uh, I have to disagree with that in a philosophical level.

M: Uhu. But what about practical?

C: Practically speaking, I think that there're a lot of problems with the prison system and the legal system in... in the United States, for example, because prisons are really crowded. One percent (1%) of the American population is in prison and so, I think that **so long as** the prison system still has problems, there's a really good argument for having the death penalty, but still I think that it's **excessive** and it's unnecessary and that there're other ways to treat and punish prisoners. [NOTE: 1% of the US population is about 3 million people as of 2009]

M: It is an interesting topic, because you have many different angles that are **in favor** or... or against, uh, the death penalty. For example, you have religious views, where you say that you should not take a life of another person **no matter what**. Or you have other views that say that the death penalty is simply wrong and that you can't **right a wrong** with another wrong.

C: Right.

M: Right?

C: Exactly.

M: So, oh... it... it kind of doesn't make sense, but at the same time you do like you say, the prisons, ah, are full of people and it costs around, uh, I think it's twelve thousand dollars a year per person to keep, uh...

C: Mm.

M: Them in prison, so what do you do with all of these people that have **life sentences** and are gonna spend the rest of their lives in jail? So it is interesting...

C: Mm.

M: And many countries are very, very strict with their legal system, um, **in comparison with** the United States, right?

C: Definitely, but there is a statistic that's pretty **stunning** that I think among the top twenty developed nations in the world, I think only the United States is the one with the death penalty.

M: Exactly, and, actually, the ratio of the... of people compared to the population that are in jail is much higher in the United States than in other countries.

C: That's true.

M: So it is a very, um, questionable topic, but, uh, we wanna know what you think. Do you think that the death penalty is... is a **justifiable** way to... to do justice? Or do you think maybe it's just wrong and we shouldn't have it anymore.

C: Yeah, we're hoping that, uh, that this'll get the conversation going on our website. Uh, if you have any opinions, please let us know about them; englishpod.com is the website and, of course, you can always e-mail us or send us a **PM** if you are a little bit shy. [NOTE: **PM** =private message]

M: Alright, so we'll see you guys there.

C: Bye everyone!

M: Bye!
