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無話可說 不妨說句plead the Fifth

《「法」妻》(The Good Wife)、《法網危情》(How to Get Away with Murder)、Vera、Midsomer Murders-愛看英美電視劇的讀者相信對這些劇目應該絕不陌生。從圍繞法律內外或案件調查的偵探劇目中，觀眾遊走於跌宕起伏的劇情外，亦可在日常生活中活用法律英語。

偵探在警匪劇目中對案件抽絲剝繭，務求鎖定疑犯(suspect)。法律上被定為嫌疑犯絕非樂事，但成為友人的usual suspect則未嘗不可：「Who did you spend your birthday with?」「Well, the usual suspects - my best friends Thomas and Peter.」（「你跟誰度過生日?」「好友Thomas和Peter跟我慶祝，年年如是。」）The usual suspects就是在進行某活動時必會出現的人。

疑點利益歸於被告

將疑犯捉拿歸案前仍需在法庭上給予被告公平審訊，若控方(prosecutor)偶一不慎，未能出示所有證據，辯方律師(defense lawyer)便有機可乘，以疑點歸於被告(the benefit of the doubt)為疑犯脫罪。

「Although my dog is infamous for mischief, I still need to give him the benefit of the doubt when my neighbor complained against their broken fence.」（我家小狗雖然早因搗蛋而臭名遠播，但當鄰居向我投訴他家圍欄被破壞時，我仍堅信要查清真相才懲罰我家寵物。）

讀者們多先入為主，還是凡事客觀分析、在證據不足下會給別人the benefit of the doubt將之「無罪釋放」？

有權保持緘默

看美劇時聽到疑犯在被審問時摘下一句「plead the Fifth」後，警方或控方頓時束手無策。美國憲法第五修正案(the Fifth Amendment of the Constitutions of the United States)授予任何人拒絕答辯的權利，因此不少疑犯甚至證人利用「plead/ take the Fifth」作為面對不利問題的擋箭牌。審問者的發問又會否令你選擇沉默是金？「I plead the Fifth when my girlfriend bombarded me with the question whether I love her or my mother more.」（面對女朋友問我愛她還是我媽如此尖銳的問題時，我以沉默作回應。）

控辯雙方舌劍唇槍，就是等待法官或陪審團宣判一刻。不必在法庭上頭戴假髮、道貌岸然，其實人人也可當法官。「I think this hamburger is the best ever but you be the judge of that.」（我認為這漢堡包是我吃過最棒的，不過你最好嚐嚐作證。）「You be the judge of that」就是當雙方各執一詞時邀請別人判斷或證明自己的看法正確。

一些嚴重的刑事案件會由12人組成的陪審團(jury，陪審員則是juror)裁決，生活中的陪審團則人數不限。「Wipe that smug off your face! The jury is still out on whether I should forgive you for forgetting my

birthday!」（別自鳴得意，你忘記我生日一事，我還未決定原諒與否。）在日常用語可活用 The jury/ verdict（裁決）is in/ out來形容決定出爐與否。■鍾可盈 恒生管理學院英文學系高級講師

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