

## ПРЕДИСЛОВИЕ К СЕРИИ

Московский государственный юридический университет имени О. Е. Кутафина (МГЮА) приступает к изданию серии учебников и учебных пособий для бакалавров по направлению подготовки «Юриспруденция».

С 2011 г. Российская Федерация перешла на уровневую систему высшего профессионального образования, включающую уровни – бакалавриат и магистратуру. Министерством образования и науки Российской Федерации утверждены федеральные государственные образовательные стандарты высшего профессионального образования (ФГОС ВПО) по направлению подготовки 030900 «Юриспруденция» (квалификации (степени) «бакалавр» и «магистр»), разработанные Учебно-методическим объединением по юридическому образованию вузов Российской Федерации совместно с работодателями и их объединениями, в первую очередь с Ассоциацией юристов России.

Учебники, вошедшие в серию, полностью соответствуют требованиям ФГОС ВПО по направлению подготовки бакалавров «Юриспруденция», примерной основной образовательной программе бакалавриата, утвержденной Учебно-методическим объединением, и примерным программам учебных дисциплин, являющихся составной частью основной образовательной программы. Более того, все учебники подготовлены профессорско-преподавательским коллективом Московского государственного юридического университета имени О. Е. Кутафина (МГЮА), который и разрабатывал примерные программы учебных дисциплин базовой части ФГОС ВПО бакалавриата.

Учебники и пособия по учебным дисциплинам вариативной части основной образовательной программы для бакалавров юриспруденции подготовлены в соответствии с учебным планом Московского государственного юридического университета имени О. Е. Кутафина (МГЮА).

Предложенная серия учебников и учебных пособий адресована студентам, обучающимся по программам бакалавриата, преподавателям вузов, практикующим юристам и всем интересующимся правом.

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# ВВЕДЕНИЕ

Настоящий учебник предназначен для студентов-бакалавров, изучающих учебную дисциплину «Английский язык в сфере юриспруденции» (форма обучения: очная, очно-заочная, заочная). Учебник подготовлен профессорско-преподавательским коллективом кафедры английского языка № 2 МГЮА им. О. Е. Кутафина в соответствии с Рабочей программой по дисциплине и ФГОС ВПО по направлению подготовки 030900 «Юриспруденция» (квалификация (степень) «бакалавр»).

Цель данного учебника — обучить студентов активному владению английским языком в сфере профессиональной деятельности юриста, а также формированию у них способности и готовности к межкультурной коммуникации. Для достижения этой цели необходимо формировать у студентов общекультурные компетенции, а также совершенствовать коммуникативные компетенции (языковую, речевую, социокультурную, компенсаторную и учебно-познавательную).

Основной задачей курса «Иностранный язык в сфере юриспруденции» является формирование у студентов иноязычной коммуникативной компетенции как основы профессиональной деятельности на иностранном языке, что предполагает решение следующих конкретных задач обучения: освоение обучаемыми языкового материала, в том числе расширение словарного запаса за счет правовой лексики; совершенствование навыков чтения литературы по специальности на английском языке с целью получения профессионально значимой информации (кодексы, нормативные акты, судебные решения, научная литература, меморандумы и т. д.); совершенствование навыков говорения и аудирования, ориентированное на коммуникацию в профессионально-деловой сфере деятельности будущих юристов; развитие навыков работы с профессиональной информацией на иностранном языке и способами ее переработки в различные виды документации по профилю будущей профессии (реферирование, аннотирование, перевод юридической литературы, а также формирование навыков письма, в первую очередь формирование умений вести деловую и личную переписку, составление заявлений, резюме и т. д.).

Дисциплина «иностранный язык в сфере юриспруденции» является следующей после школьного курса образовательной ступенью и является обязательным компонентом профессиональной подготовки бакалавра. Данный учебник нацелен на совершенствование и дальнейшее развитие навыков и умений в чтении, говорении, аудировании и письме, полученных студентами-бакалаврами в рамках обще-

образовательного стандарта в первую очередь путем изменения иноязычной сферы коммуникации с общекультурной на профессиональную.

Трудоемкость дисциплины составляет 5 зачетных единиц, или 180 академических часов, включающих 140 аудиторных часов и 40 часов самостоятельной работы для очной формы обучения, 44 аудиторных часа и 136 часов самостоятельной работы для очно-заочной формы обучения, а также 18 аудиторных часов и 162 часа самостоятельной работы для заочной формы обучения.

Учебник состоит из 10 разделов (тем), объединенных в 6 учебных модулей, содержание которых охватывает основные аспекты деятельности юриста в сфере профессиональной коммуникации. Тематика разделов и дидактические единицы учебной деятельности по дисциплине в соответствии с ФГОС ВПО унифицированы для всех форм обучения, что обеспечивает единство образовательного пространства.

Каждый раздел курса включает профессионально направленные аутентичные и адаптированные учебные тексты (для изучающего, ознакомительного, просмотрового и поискового чтения), лексико-грамматические комментарии и упражнения. Владение всеми видами чтения литературы по специальности на английском языке с целью получения профессионально значимой информации представляется необходимым для будущих юристов, т. к. чтение как вид речевой деятельности широко востребовано при решении ряда профессиональных задач.

Большое внимание уделяется наполнению разделов, содержащих лексические единицы, которые были введены в предыдущих разделах или вводятся в данном разделе, что снимает трудности в активизации новых лексико-грамматических единиц. Количество упражнений и разнообразие заданий способствуют совершенствованию навыков устной и письменной форм коммуникации.

При работе с языковым материалом основное внимание уделяется обогащению лексического запаса за счет изучения терминологических и сопутствующих лексических единиц общенаучного и функционального характера, наиболее часто применяемых в сфере профессиональной коммуникации. В сфере изучения грамматического аспекта предполагается повторение, углубление и систематизация изученных в рамках общеобразовательного стандарта грамматических структур в целях активизации навыков и умений структурно-семантического анализа профессионально ориентированного текста, а также использования грамматических явлений в иноязычной профессиональной коммуникации. Задания на закрепление грамматики и профессионально ориентированной лексики предусматривают формирование навыков перевода с английского языка на русский, а также началь-

ных навыков переводческих трансформаций отдельных грамматических конструкций, часто встречающихся в юридических текстах.

Последняя часть в каждом разделе учебника направлена на развитие навыков коммуникации в профессионально ориентированных ситуациях общения, осуществляемой в устной и письменной формах.

Разделы учебника содержат задания для самостоятельной работы студентов-бакалавров всех форм обучения (аудиторной самостоятельной работы, внеаудиторной самостоятельной работы, творческой самостоятельной работы), для выполнения которых требуется умение пользоваться электронными словарями, базами данных, поисковыми системами и т. д.

Авторы учебника руководствовались нормами орфографии и пунктуации, зафиксированными в современных лексикографических источниках (британский вариант английского языка).

Авторы выражают огромную благодарность доценту кафедры английского языка № 2 Ратниковой Елене Валентиновне за тщательное прочтение рукописи и за ценные замечания и поправки, внесенные в тексты и упражнения к разделам.

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## **PART I**

### **CHAPTER 1. LAW AND LEGAL PROFESSION**

#### **UNIT 1. INTRODUCTION TO LAW**

**1. Как вы думаете, какие сферы взаимоотношений в обществе и между людьми регулируются правом?**

**2. Прочитайте и переведите данные ниже определения слова law.**

1. A rule of conduct or procedure established by custom, agreement, or authority.

2. A set of rules or principles dealing with a specific area of a legal system.

3. A way of life.

4. A statement describing a relationship observed to be invariable between or among phenomena for all cases in which the specified conditions are met.

5. A principle of organization, procedure, or technique.

6. A generalization based on consistent experience or results.

**3. Ответьте на вопросы, начиная ответ с одного из следующих выражений.**

In my opinion — по моему мнению

I can't make up my mind, but — не могу принять решение, но ...

I am keeping an open mind for the moment — пока у меня нет никакого мнения на этот счет

I'm (not) sure that — я (не) уверен, что

Firstly, (secondly) — во-первых, (во-вторых)

Finally — наконец

1. Can we live without laws?

2. Why do we need law?

3. What spheres of life are regulated by law?

4. Must people obey laws?

5. What rules of behaviour are accepted in the society?



6. Do you share the idea that people should look only after themselves and take no care about others?
7. What rules do you obey willingly?
8. What rules would you abolish if you could?
9. Do laws limit your personal freedom?
10. Must all people study law at school?
11. Do you feel that laws protect you?
12. What law would you propose if you were a Member of Parliament?

**4. Прочитайте и выучите идиоматические выражения со словом law. Составьте предложения с каждым из них. (Идиомы — это устойчивые по составу и структуре лексически неделимые и целостные по значению словосочетания или предложения, выполняющие функцию словарной единицы.)**

- 1) law and order — правопорядок
- 2) the law of the jungle — закон джунглей
- 3) to lay down the law — а) устанавливать правовые нормы, формулировать закон; б) говорить безапелляционным тоном, не допускать возражений
- 4) necessity knows no law — нужда не знает закона

**5. Составьте предложение со следующими словосочетаниями.**

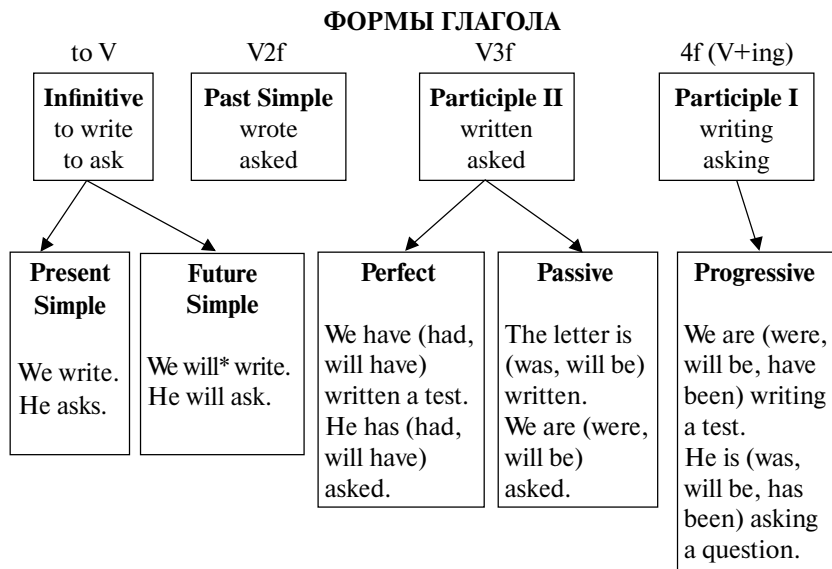
- 1) to make laws — издавать, принимать законы
- 2) to repeal laws — отменять законы
- 3) to break laws — нарушать законы
- 4) to obey laws — соблюдать законы
- 5) to enforce laws — обеспечить (принудительно) исполнение закона
- 6) to apply laws — применять законы
- 7) to be against the law — быть противозаконным
- 8) to study law — изучать право
- 9) to amend the law — вносить поправки в закон
- 10) to turn to the law — обращаться к закону (в полицию)
- 11) to propose laws — вносить законы на рассмотрение

**6. Заполните пропуски подходящими по смыслу глаголами из упражнения 5.**

1. The State Duma of the Russian Federation ... laws.
2. The government ... laws and ... them if they are bad.
3. The police ... laws.
4. Courts and judges ... laws.
5. Law-abiding people ... laws.
6. Criminals ... laws.
7. The students of universities ... law.

## UNIT 2. WHY DO WE NEED LAW?

**Повторение грамматики. Формы английских глаголов.  
Система времен английских глаголов в активном залоге  
(The System of Tenses. Active Voice)**



**1. Прочитайте а) 1-ю форму глагола; б) 2-ю форму глагола; в) 3-ю форму глагола.**

Made, make, begun, begin, began, was, is, been, were, being, drive, driven, driving, drove, kept, keep, arisen, arise, arose, dealt, deal, dealing, have, had, has, protected, protect, taken, take, took, feel, felt, flaw, flawed, spoken, spoke, speak, seek, sought, choose, chosen, chose.

**2. Прочитайте формы глагола, которые переводятся на русский язык а) настоящим временем; б) прошедшим временем; в) будущим временем.**

Will begin, have protected, is speaking, had taken, made, seek to do, will have, are driving, has felt, were keeping, ensured, is going to take, will be necessary, deals with, am doing, flaws, was regulating, had chosen, have resolved, are arising, are going to do, will settle, drive, keeps, are applying, rejected, will respect, imposed.

**3. Прочитайте только те словосочетания, которые могут выступать в качестве сказуемого в предложении.**

Will have finished, alter, in favour of, unlike rules, should not do, to pay, may be forced, would not be necessary, did not live, so special, to drive on,

help to safeguard, claims to, ensuring, do not want, applies to, might not be able to go, to speak out publicly, has kept, are regulating, like, do not use, will choose, is speaking.

#### 4. Переведите словосочетания, обращая внимание на обстоятельства времени.

1. ... **now (at the moment of speech)** we are telling, laws are keeping the society together, he is driving on the left side of the road, they are seeking to change the law.

2. ... **already, by now (by the moment of speech)** they have formulated the law, government has authorized the court to complete the investigation, the criminal has broken the law, he has taken unfair advantage of the weaker, the life has changed.

3. ... **last ..., ... ago, in 1997 (date)** people began to create laws long ago, last week the parliament amended the law, yesterday he testified under oath at the trial, in 1985 the Law Society relaxed the rules.

#### 5. Выберите правильную форму глагола.

1. Students (are studying, study) law at the university. 2. He already (graduated, has graduated) from the university. 3. Last year he (graduated, has graduated) from the university. 4. The police (didn't find, haven't found) the killer yet. 5. For about 10 years legislators (discussed, have been discussing) the bill. 6. Every year the State Duma of the RF (is passing, passes) a lot of laws. 7. In 1992 our country (ratified, had ratified) the treaty. 8. Lawyers (came, have come) to the agreement by the end of the present session. 9. You (are looking, look) very thoughtful. What (do you think, are you thinking) about? — I (think, am thinking) about retirement. — But you are only 25. You only just (started, have started) your career. — I (know, am knowing), but I (read, have read) an article which (says, is saying) that a sensible man (started, starts) thinking about retirement at 25.

#### Повторение грамматики. Порядок слов в утвердительном предложении (Word Order in the Affirmative Sentence)

#### ПРАВИЛО:

ПОДЛЕЖАЩЕЕ + СКАЗУЕМОЕ + ДОПОЛНЕНИЕ + ОБСТОЯТЕЛЬСТВО

или

ОБСТОЯТЕЛЬСТВО + ПОДЛЕЖАЩЕЕ + СКАЗУЕМОЕ + ДОПОЛНЕНИЕ

\* — видовременная форма Future Simple образуется при помощи вспомогательных глаголов **shall** (для 1 лица единственного и множественного числа), **will** (для 2 и 3 лица единственного и множественного числа). В современном английском языке существует тенденция употреблять вспомогательный глагол **will** для всех лиц и чисел. Кроме того, различие между **shall** и **will** исчезает в сокращенной форме 'll, которая широко используется в разговорной речи для всех лиц.

Определение не имеет постоянного места в предложении и может находиться рядом с любым членом предложения, который требует определения.

Тысячи английских слов свободно используются в функциях нескольких частей речи. Наиболее широко распространена способность выступать в двух функциях у существительного и глагола, например: **state** — государство, состояние и заявлять, излагать, **judge** — судья и судить, **claim** — требование, судебный иск и претендовать, заявлять, **force** — сила и заставлять, **rule** — правило, норма и управлять, постановлять.

Правильный первый шаг к пониманию смысла английского высказывания — не поиск в словаре русских соответствий английским словам, а определение грамматической роли слова в предложении.

К пониманию смысла английского высказывания можно прийти лишь после того, как выявлена его грамматическая структура, при этом необходимо руководствоваться формальными показателями слова и твердым порядком слов в английском предложении.

**6. Переведите предложения, обращая внимание на выделенные слова, которые выступают в разных функциях в предложении.**

1. A **judge** is a court officer authorized to decide legal cases. But who are they to **judge** us? The **judge** may also rule on motions made before or during a trial. Don't **judge** a book by its cover.

2. In this office, hard work is the **rule**, not the exception. When a court **rules**, the decision is called a ruling. The high destiny of the individual is to serve rather than to **rule**.

3. The **state** is distinguished from other institutions by its purpose (establishment of order and security), methods (its laws and their enforcement), territory (its area of jurisdiction), and sovereignty. Another standard question is "What's the **state** of the world?" meaning "What's new?" or "What's going on?" The Bill of Rights is **stated** in 463 words.

4. What we now call gravity was not identified as a universal **force** until the work of Isaac Newton. Nobody can **force** me to do it.

5. After the storm, the Johnsons filed a **claim** against their home insurance in order to repair damage to the roof. He **claimed** he won the race, though the video showed otherwise.

6. In folk beliefs, good luck is regularly associated with the **right** side: it is lucky to see the new moon to one's **right**, to put the **right** stocking or shoe

on first, while in each case the left is unlucky. Each legal **right** that an individual possesses relates to a corresponding legal duty imposed on another.

### **7. Составьте предложения.**

1. have/ in any society/ several characteristics/ laws.
2. these rules/ sometimes/ break/ we/ without suffering any penalty.
3. for a variety of reasons/ arise/ conflicts between individuals.
4. people/ enable/ to feel secure/ laws / in their lives.
5. to forbid / the first aim of law/ certain ways of behaving/ is / like murder, terrorism, or smoking in public places.
6. to provide/ to make their own arrangements/ facilities for people/ is / the second aim of law.
7. to settle/ the third aim of law/ disputes among citizens / is.
8. restrictions on people/ certain guarantees/ imposes/ them / the law/ but also gives.

## **TEXT**

### **Why do We Need Law?**

#### **Vocabulary**

1. rules imposed by morality and custom — правила, предписанные моралью и обычаем
2. rules made by the state or the courts — нормы, создаваемые государством и судами
3. to control or alter our behaviour — управлять и вносить изменения в наше поведение
4. to safeguard our personal property and our lives — охранять нашу личную собственность и наши жизни
5. a well-ordered society — высокоорганизованное общество
6. to ensure a safe and peaceful society — обеспечивать безопасное и мирное существование
7. to punish people without trial — наказывать людей без суда и следствия
8. to respect individual rights — уважать права человека
9. to give effect to social policies — оказывать влияние на социальную политику
10. to protect liberty and equality — защищать свободу и равенство

### **8. Прочитайте и переведите текст.**

Almost everything we do is governed by some set of rules. There are rules for games, for social clubs, for sports and for adults in the workplace. There are also rules imposed by morality and custom that play an important role in

telling us what we should and should not do. However, some rules — those made by the state or the courts — are called “laws”. Laws resemble morality because they are designed to control or alter our behaviour. But unlike rules of morality, laws are enforced by the courts; if you break a law — whether you like that law or not — you may be forced to pay a fine, pay damages, or go to prison.

Why are some rules so special that they are made into laws? Why do we need rules that everyone must obey? In short, what is the purpose of law?

If we did not live in a structured society with other people, laws would not be necessary. We would simply do as we please, with little regard for others. But ever since individuals began to associate with other people — to live in society — laws have been the glue that has kept society together. For example, the law in our country states that we must drive our cars on the right-hand side of a two-way street. If people were allowed to choose at random which side of the street to drive on, driving would be dangerous and chaotic. Laws regulating our business affairs help to ensure that people keep their promises. Laws against criminal conduct help to safeguard our personal property and our lives.

Even in a well-ordered society, people have disagreements and conflicts arise. The law must provide a way to resolve these disputes peacefully. If two people claim to own the same piece of property, we do not want the matter settled by a duel: we turn to the law and to institutions like the courts to decide who is the real owner and to make sure that the real owner’s rights are respected.

We need law, then, to ensure a safe and peaceful society in which individuals’ rights are respected. But we expect even more from our law. Some totalitarian governments have cruel and arbitrary laws, enforced by police forces free to arrest and punish people without trial. Strong-arm tactics may provide a great deal of order, but we reject this form of control. The legal system should respect individual rights while, at the same time, ensuring that society operates in an orderly manner. And society should believe in the Rule of Law, which means that the law applies to every person, including members of the police and other public officials, who must carry out their public duties in accordance with the law.

In our society, laws are not only designed to govern our conduct: they are also intended to give effect to social policies. For example, some laws provide for benefits when workers are injured on the job, for health care, as well as for loans to students who otherwise might not be able to go to university.

Another goal of the law is fairness. This means that the law should recognize and protect certain basic individual rights and freedoms, such as liberty and equality. The law also serves to ensure that strong groups and

individuals do not use their powerful positions in society to take unfair advantage of weaker individuals.

However, despite the best intentions, laws are sometimes created that people later recognize as being unjust or unfair. In a democratic society, laws are not carved in stone, but must reflect the changing needs of society. In a democracy, anyone who feels that a particular law is flawed has the right to speak out publicly and to seek to change the law by lawful means.

**9. Подберите к английским словосочетаниям из текста русские эквиваленты.**

- |   |   |
|---|---|
| 1) the purpose of law                               | a) уважать права отдельного человека                    |
| 2) to live in society                               | b) отражать изменяющиеся потребности общества           |
| 3) to choose at random                              | c) иметь разногласия и конфликты                        |
| 4) to safeguard our personal property and our lives | d) верить в верховенство закона                         |
| 5) to have disagreements and conflicts              | e) защищать основные права и свободы                    |
| 6) to resolve disputes peacefully                   | f) назначение (цель) права                              |
| 7) to turn to the law                               | g) иметь право открыто высказать свое мнение            |
| 8) to respect individual rights                     | h) жить в обществе                                      |
| 9) to arrest and punish people without trial        | i) выбирать что-либо наугад                             |
| 10) to believe in the Rule of Law                   | j) стремиться изменить закон законными средствами       |
| 11) in accordance with the law                      | k) арестовывать и наказывать людей без суда и следствия |
| 12) to protect basic individual rights and freedoms | l) охранять нашу собственность и жизнь                  |
| 13) to reflect the changing needs of society        | m) в соответствии с законом                             |
| 14) to have the right to speak out publicly         | n) обращаться к закону                                  |
| 15) to seek to change the law by lawful means       | o) решать споры миром                                   |

**10. Закончите предложения в соответствии с текстом.**

1. Almost everything we do is governed by ...

- a) rules imposed by morality.

- b) the courts.
  - c) some set of rules.
2. If we didn't live in a structured society with other people ...
    - a) we would simply do as we please.
    - b) we would simply do with little regard for others.
    - c) laws would not be necessary.
  3. Laws against criminal conduct help ...
    - a) to protect our property.
    - b) to take advantage of other individuals.
    - c) to safeguard our personal property and our lives.
  4. We turn to the law ...
    - a) to resolve disputes peacefully.
    - b) to decide who is the real owner.
    - c) to force people to keep their promises.
  5. Another goal of the law is ...
    - a) to protect certain basic individual rights and freedoms.
    - b) fairness.
    - c) to provide for benefits.

**11. Выразите согласие/несогласие со следующими утверждениями, используя следующие речевые модели.**

Model:           **a) I fully agree with the statement.**

**b) I am afraid, I can't agree with it.**

1. Not everything we do is governed by some set of rules.
2. We need rules that everyone must obey.
3. Laws against criminal conduct don't help to safeguard our personal property and our lives.
4. In a well-ordered society conflicts never arise.
5. It is impossible to resolve disputes peacefully.
6. If individual's rights are respected it means that we live in a safe and peaceful society.
7. Totalitarian governments have cruel and arbitrary laws.
8. Strong-arm tactics may provide a great deal of order ensuring the society operates in an orderly manner.
9. Laws should be applied to every person in the society.
10. The only goal of the law is fairness.

**12. Замените русские слова в скобках английскими эквивалентами.**

The aim of (права) is to regulate the conduct of human beings in society. The aim of (правовой) theory is (рассмотреть) the nature, origin



and classification of law. The theory of natural law is based on the belief that there is a set of perfect (юридических норм) for human conduct and (законы) devised by men must be induced by these rules. (Закон) is a term which is used in many different senses. То (юриста) law has a far narrower meaning — the principle recognized and applied by the state in (суде). The English (правовая система) has still been copied by many nations. (Судебный процесс) becomes the center of a contest between both parties in which one emerges as the winner. By the time of (судебного разбирательства) each (сторона дела) should gain as much information as possible.

**13. Работа в парах. Соотнесите английские предложения в правой колонке с соответствующими русскими предложениями из левой колонки. Закрывая попеременно колонки, проверьте друг у друга перевод предложений.**

1. Не каждый может работать для общего блага.
2. Юрист — это лицо, чья профессия заключается в том, чтобы подавать судебные иски или консультировать клиентов и действовать от их имени по различным юридическим вопросам.
3. Право — это нормы поведения, установленные государством и применяемые в обществе в форме закона или обычая.
4. Закон — это любая норма или предписание, которым надо следовать.
5. Мы следуем определенным нормам поведения, если принадлежим определенным социальным институтам.
6. Я посоветуюсь с юристом.
7. Она обратилась в суд.
8. Судья отправляет правосудие.
9. Какие факторы повлияли на Ваше решение?

1. The law is the rule of conduct established by a government and applicable to people, whether in the form of legislation or custom.
2. Law is any rule or injunction that must be obeyed.
3. Not everybody can work for the good of society.
4. A lawyer is a person whose profession is to conduct lawsuit for clients or to advise or act for them in other legal matters.
5. We accept some rules if we belong to particular social institutions.
6. I'll take legal advice.
7. She brought a case to court.
8. What factors influenced your decision?
9. The judge administers justice.

**14. Замените русские слова в скобках английскими эквивалентами из рамки. Переведите текст на русский язык письменно.**

1. to investigate crimes 2. civil offences 3. to punish the guilty 4. law and order 5. is breaking the law 6. obey the law 7. ignorance of the law is almost never a defence for breaking it 8. were prosecuted 9. legal codes

Governments have many ways of making sure that citizens (подчиняются закону). They make the public aware of what the law is and try to encourage social support for (правопорядку). They use police forces (расследовать преступления) and catch criminals. They authorize courts to complete the investigation of criminal and (гражданских правонарушений) and to pass sentences to (наказать виновного) and deter others. And they make efforts to re-educate and reform people who have broken the law.

The laws of all countries are to be found in written records — (правовые кодексы) of countries with continental systems, the statutes and case-judgments of common law countries, warning on official forms, and notice in public buildings. Many people do not know where to find these records and do not find it easy to read them. But (незнание законов не освобождает от ответственности). Governments usually expect citizens to be aware of the laws which affect their lives. Sometimes this seems very harsh, for example, when the law is very technical. Shopkeepers in England (преследовались по закону в уголовном порядке) for selling books on Sunday, although they were allowed to sell magazines. However, there are many laws, such as those prohibiting theft, assault and dangerous driving which simply reflect social and moral attitudes to everyday behaviour. In such cases a person knows he (нарушает закон), even if he doesn't know exactly which law it is.

**15. Ответьте на вопросы.**

1. What kind of society do we live in?
2. What is the society governed by?
3. What is the difference between laws and rules of morality?
4. Why do rules of morality and custom play an important role in our life?
5. Why are laws designed to control our behaviour?
6. What are the goals of law?
7. When do people turn to the law?
8. Why do we need law?

**16. Сделайте краткий пересказ текста, используя следующую схему:**

1. The author believes...
2. Firstly the author points at...
3. Secondly the author supposes...
4. Thirdly the author thinks...
5. Finally the author concludes...

## UNIT 3. LAW AND SOCIETY

### Повторение грамматики. Система времен английских глаголов в пассивном залоге (The System of Tenses. Passive Voice)

**1. Прочитайте различные формы глагола. Формы пассивного залога выпишите в таблицу. Сформулируйте правило образования пассивного залога. Образуйте недостающие формы глаголов.**

Stay, has changed, have been changed, have made, is being made, are based, were based, buy, had been bought, are injured, didn't return, wasn't repaid, will have been repaid, claimed, will be claimed, are becoming.

	PRESENT	PAST	FUTURE
SIMPLE			
PROGRESSIVE			
PERFECT			

**2. Переведите словосочетания, обращая внимание на обстоятельства времени.**

**1. ... (often, usually, always, sometimes, seldom)** bills are discussed, people are injured, our conduct is regulated, laws are enforced, this TV programme is watched, goods are bought;

**2. ... now (at the moment of speech)** bill is being discussed, laws are being kept in the society together, the car is being driven on the left side of the road;

**3. ... already, by now (by the moment of speech)** the law has been formulated, the court has been authorized to complete the investigation, he has been injured, the dispute has been resolved;

**4. ... last ..., ... ago, in 1997 (date)** laws were created long ago, last week he was punished; capital punishment was abolished in the early 1960s.

**3. Перепишите предложения, используя пассивный залог.**

**Model:**

Sometimes people **break** laws.

Laws **are** sometimes **broken** by people.

1. Police investigate crimes.
2. The State Duma makes laws.
3. Courts resolve disputes.
4. Police arrested a criminal yesterday.
5. The Parliament has already passed the law.

6. Some laws provide for benefits for workers injured.
7. Informal rules of conduct already existing in society often form government-made laws.

**4. Раскройте скобки и выберите правильную форму глагола.**

1. Law (defines, is defined) as a rule of human conduct, imposed upon and enforced among, the members of the state.
2. Laws (codified, were codified) in many countries.
3. Laws (are enforced, have been enforced), and such enforcement usually (carries out, is carried out) by the state.
4. A defendant (refuses, refused) to obey law, so he (is punished, was punished).
5. Law (has, have) several aims which (concern, are concerned) mainly with making society more stable.
6. If people (disobey, will disobey) the rules the law (threatens, is threatened) them with something unpleasant — often called a sanction.
7. In England there (is, are) a rule that a man must not wear a hat in church or that one must stand up when “God Save the Queen”(plays, is played).

**5. Прочитайте текст.**

**TEXT**

**Law and Society**

When the world was at a very primitive stage of development there were no laws to regulate life of people. If a man chose to kill his wife or if a woman succeeded in killing her husband that was their own business and no one interfered officially.

But things never stay the same. The life has changed. We live in a complicated world. Scientific and social developments increase the tempo of our daily living activities, make them more involved. Now we need rules and regulations which govern our every social move and action. We have made laws of community living.

Though laws are based on the reasonable needs at the community we often don't notice them. If our neighbour plays loud music late at night, we probably try to discuss the matter with him rather than consulting the police, the lawyer or the courts. When we buy a TV set, or a train ticket or loan money to somebody a lawyer may tell us it represents a contract with legal obligations. But to most of us it is just a ticket that gets us on a train or a TV set to watch.

Only when a neighbour refuses to behave reasonably or when we are injured in a train accident, the money wasn't repaid, the TV set fails to work and the owner of the shop didn't return money or replace it, we do start thinking about the legal implications of everyday activities.

You may wish to take legal action to recover your loss. You may sue against Bert who didn't pay his debt. Thus you become a plaintiff and Bert is a defendant. At the trial you testified under oath about the loan. Bert, in his turn, claimed that it was a gift to him, which was not to be returned. The court after listening to the testimony of both sides and considering the law decided that it was a loan and directed that judgment should be entered in favour of you against Bert.

Some transactions in modern society are so complex that few of us would risk making them without first seeking legal advice. For example, buying or selling a house, setting up a business, or deciding whom to give our property to when we die.

On the whole it seems that people all over the world are becoming more and more accustomed to using legal means to regulate their relations with each other. Multinational companies employ lawyers to ensure that their contracts are valid whenever they do business.

**6. Выразите согласие/несогласие с утверждениями, используя следующие речевые модели.**

- Model:**           a) **I think it is true. The text tells us that ...**  
                          b) **To my mind, it is false because ...**

1. We usually think about the legal implications of everyday activities.
2. Few of us would risk making transactions without first seeking legal advice.
3. People all over the world are becoming more and more accustomed to using legal means to regulate their relations with each other.
4. Even though the TV set fails to work and the owner of the shop didn't return your money or replace the TV set, we don't start thinking of taking legal advice.
5. When you buy a train ticket a lawyer may tell you it represents a contract with legal obligations.
6. You may not sue against the person who didn't pay his debt.
7. The defendant accuses a plaintiff.
8. The court may listen to the testimony of one party.
9. All transactions in modern society are very complex.
10. Nobody should have basic knowledge of law.

**7. Ответьте на вопросы.**

1. Were there any laws when the world was at a very primitive stage of development?
2. Why do we need rules and regulations nowadays?
3. Do we notice laws? Why?

4. When do we start thinking about the legal implications of our everyday activities?

5. In what case may we sue against Bert?

6. Where do we testify under oath?

7. Did Bert win or lose the case?

8. In what cases do people seek legal advice?

9. Why do companies employ lawyers?

**8. Найдите в тексте слова, соответствующие данным определениям.**

1. \_\_\_\_\_ is the party that is accused in court of a crime or a civil offence.

2. \_\_\_\_\_ is the party that starts or carries out civil proceedings. It is usually a private citizen or a company.

3. \_\_\_\_\_ is a civil legal proceeding against someone.

4. \_\_\_\_\_ is an official court decision on the case.

5. \_\_\_\_\_ are an official body whose job is to make sure that people obey the law, to catch criminals, and to protect people and property.

6. \_\_\_\_\_ is someone whose job is to advise people about laws, write formal documents or represent people in court.

7. \_\_\_\_\_ is a house or a room where all the information about the crime is given so that it can be judged.

8. \_\_\_\_\_ is a sum of money that you owe somebody.

9. \_\_\_\_\_ is a formal statement that something is true, such as the one a witness makes in a court of law.

10. \_\_\_\_\_ is money that has been lost by a business, person or government.

11. \_\_\_\_\_ is a legal means regulating relations between companies.

**9. Подберите подходящий по смыслу ответ из предложенных вариантов и обоснуйте свой выбор двумя-тремя предложениями. Начните свой ответ одним из следующих выражений.**

**Model:**        a) I quite agree with the statement that \_\_\_\_\_ because ...

                  b) Just what I think ... because ...

1. Relations between people are regulated by ...

a) the government.

b) prescriptive laws.

c) people's experience.

d) customs and traditions.

2. If we always break the rules, other members of society may ...
  - a) refuse to have anything to do with us.
  - b) carry precise penalties.
  - c) use the system of courts.
  - d) consult the police.
  
3. When governments make laws for their citizens ...
  - a) they use the power of the police to enforce them.
  - b) they use justice.
  - c) they observe public opinion.
  - d) they try to use common sense.

**10. Прочитайте текст и найдите в тексте английские эквиваленты русским предложениям.**

1. Они используют судебную систему, опирающуюся на право полиции принудительно обеспечивать соблюдение закона.
2. Отношения между людьми регулируются сочетанием всех этих правил (норм).
3. ...понесет наказание в виде штрафа или временного отстранения от участия в игре.
4. Рефери может подать гражданский иск против игрока и потребовать материального возмещения за нанесенные ему телесные увечья ...
5. ...так как государство рассматривает антиобщественное поведение не как вопрос взаимоотношений между людьми, а как угрозу благосостоянию и порядку в обществе.

When governments make laws for their citizens, they use the system of courts backed by the power of the police to enforce these laws. Of course, there may be instances where the law is not enforced against someone — such as when young children commit crimes, when the police have to concentrate on certain crimes and therefore ignore others, or in countries where there is so much political corruption that certain people are able to escape justice by using their money or influence. But the general nature of the law is enforced equally against all members of the nation.

Government-made laws are nevertheless often patterned upon informal rules of conduct already existing in society, and relations between people are regulated by a combination of all these rules. This relationship can be demonstrated using the example of a sports club.

Suppose a member of a rugby club is so angry with the referee during a club game that he hits him and breaks his nose. At the most informal level of social custom, it is probable that people seeing or hearing about the incident

would criticize the player and try to persuade him to apologize and perhaps compensate the referee in some way. At a more formal level, the player would find he had broken the rules of his club, and perhaps of a wider institution governing the conduct of all people playing rugby, and would face punishment, such as a fine or a suspension before he would be allowed to play another game. Finally, the player might also face prosecution for attacking the referee under laws created by the government of his country. In many countries there might be two kinds of prosecution. First, the referee could conduct a civil action against the player, demanding compensation for his injury and getting his claim enforced by a court of law if the player failed to agree privately. Second, the police might also start an action against the player for a crime of violence. If found guilty, the player might be sent to prison, or he might be made to pay a fine to the court — that is, punishment for an offence against the state, since governments often consider anti-social behaviour not simply as a matter between two individuals but as a danger to the well-being and order of society as a whole.

**11. Расположите предложения в логической последовательности так, чтобы получился краткий пересказ текста.**

1. Government-made laws are often patterned upon informal rules of conduct already existing in society.
2. The player might face prosecution for attacking the referee under law.
3. When governments make laws for their citizens, they use a system of courts.
4. Governments consider anti-social behaviour as a danger to the well-being and order of society as a whole.
5. This relationship can be demonstrated using the example of a sports club.

**12. Озаглавьте текст.**

**13. Работа в парах. Прочитайте диалог и придумайте его продолжение. Представьте получившийся диалог в аудитории.**

**Peter** Hi, Alice. How are you getting on?

**Alice** Fine, thanks, Peter. What about you?

**Peter** I'm O. K. I'm glad to see you.

**Alice** Me too. I'm glad you are not in a hurry and we have time to talk today.

**Peter** Sure.

**Alice** I know you've entered the university, haven't you?

**Peter** That's right.

**Alice** Congratulations. Why did you make up your mind to become a lawyer?

**Peter** \_\_\_\_\_

**Alice** \_\_\_\_\_



## UNIT 4. LEGAL PROFESSION

В английском языке существует группа так называемой интернациональной лексики. К ней относится, например, слово **legal**. О значении слов этой группы нетрудно догадаться, так как в русском языке есть однокоренные аналоги. Однако в специализированной литературе интернациональные слова могут образовывать терминологические словосочетания (клише), отличные от их однокоренных аналогов.

### **правовой**

- ~ document — правовой документ
- ~ obligation — правовое обязательство
- ~ system — система права

### **судебный**

- ~ action — судебный иск
- ~ costs — судебные издержки
- ~ decision — решение суда
- ~ procedure — судопроизводство
- ~ remedy — средство судебной защиты

### **законный**

- ~ government — законное правительство
- ~ foundation — законное основание
- ~ owner — законный владелец

### **юридический**

- ~ person — юридическое лицо
- ~ profession — профессия юриста
- ~ advisor — юрисконсульт
- ~ ethics — профессиональная этика юриста
- ~ department — юридический отдел
- ~ language — юридический язык, язык юристов
- ~ aid — юридическая помощь

**1. Переведите на русский язык следующие английские предложения, обращая внимание на словосочетания со словом legal.**

1. To the rest of the world the English **legal profession** is very strange because historically there were two types of lawyers: barristers and solicitors.
2. Every **legal system** has many shortcomings.

3. Criminal charges and divorce are normally seen as matters needing **legal help** and advice.

4. Not every accident victim has a **legal remedy**. Some accidents are nobody's fault.

5. There is a large information gap in people's awareness of their **legal rights**.

6. Such **legal knowledge** as people had come largely from newspapers and television.

7. The new Community **Legal Service** aims to provide **legal information** as well as **legal advice** and representation.

8. Newspapers regularly carry frightening stories about losers in **legal actions** who face bills of thousands of pounds.

9. **Legal costs** of the lowest income group are paid by the state.

10. **Legal aid** is usually granted as long as financial test is satisfied.

**2. Прочитайте интернациональные слова, обращая внимание на их правильное произношение по-английски, и переведите их на русский язык.**

Advocate, licensed, clients, jurisdiction, specialization, profession, qualification, training, examinations, office, type, business, contracts, audience, normally, options, career, private, civil, criminal, faculty, college, dissertation, arbitrator, professor, politician.

## TEXT

### Legal Profession

#### Vocabulary

1. a person learned in law — специалист в области права
2. an individual licensed by the state to engage in the practice of law — человек, получивший государственную лицензию на ведение юридической практики
3. to do all the legal work — заниматься всеми видами юридической работы
4. solicitors and barristers — солиситоры и барристеры
5. preparing cases to be tried in the civil or criminal courts — подготовка дел, которые должны слушаться в судах гражданской и уголовной юрисдикции
6. to have rights of audience — иметь право выступать в суде
7. to pursue a Bachelor (LLB) or a Master (LLM) of Laws degree — добиваться получения степени бакалавра или магистра права

8. a series of advanced examinations — ряд экзаменов повышенной сложности

9. to require extensive clinical training in a form of apprenticeships — требовать прохождения юридической практики широкого профиля в форме ученичества

10. legal education around their chosen specialty — юридическое образование, смежное с выбранным направлением

### **3. Прочитайте и переведите текст.**

A lawyer is a person learned in law. A lawyer, also known as an attorney, a counselor, a solicitor, a barrister or an advocate, is an individual licensed by the state to engage in the practice of law and advise clients on legal matters. Lawyers act as both advocates and advisors on behalf of their clients.

The role of the lawyer varies significantly across legal jurisdictions, and therefore can be treated in only the most general terms. Lawyers' roles vary greatly, depending upon their practice environment and field of specialization.

In most countries there is only one legal profession. This means that all the lawyers have roughly the same professional education leading to the same legal qualifications, and they are permitted to do all the legal work.

In England the system is different. Here the profession is divided into two types of lawyers, called solicitors and barristers. Solicitors and barristers are both qualified lawyers, but they have different legal training; they take different examinations to qualify; and once they have qualified, they usually do different types of legal work.

Many solicitors deal with a range of legal work: preparing cases to be tried in the civil or criminal courts; giving legal advice in the field of business and drawing up contracts; making all the legal arrangements for the buying and selling of land or houses; assisting employees and employers; making wills.

Barristers are mainly “courtroom lawyers” who actually conduct cases in court. Unlike solicitors, they have rights of audience (rights to appear) in any court of the land, and so barristers are those lawyers who appear in the more difficult cases in the higher courts.

The educational requirements to becoming a lawyer vary greatly from country to country. In some countries, law is taught by a faculty of law, which is a department of a university's general undergraduate college. Law students in those countries pursue a Bachelor (LLB) or a Master (LLM) of Laws degree. In some countries it is common or even required for students to earn another bachelor's degree at the same time. Besides it is often followed by a series of advanced examinations, apprenticeships, and additional coursework at special government institutes. In other countries, particularly the United States, law is primarily taught at law

schools. Most law schools are part of universities but a few are independent institutions. Law schools in the United States (and some in Canada and elsewhere) award graduating students a J.D. (Juris Doctor/Doctor of Jurisprudence) as the practitioner's law degree (a professional degree). However, like other professional doctorates, the J.D. is not the exact equivalent of the Doctor of Philosophy (Ph.D.), a university degree of the highest level, since it does not require the submission of a full dissertation based on original research.

The methods and quality of legal education vary widely. Some countries require extensive clinical training in the form of apprenticeships or special clinical courses. Many others have only lectures on highly abstract legal doctrines, which force young lawyers to figure out how to actually think and write like a lawyer at their first apprenticeship (or job).

In most common law countries lawyers have many options over the course of their careers. Besides private practice, they can always aspire to becoming a prosecutor, government counsel, corporate in-house counsel, judge, arbitrator, law professor, or politician.

In most civil law countries, lawyers generally structure their legal education around their chosen specialty; the boundaries between different types of lawyers are carefully defined and hard to cross. After one earns a law degree, career mobility may be severely constrained.

**4. Найдите в тексте английские эквиваленты, соответствующие следующим словосочетаниям.**

- 1) консультировать клиентов по вопросам права
- 2) выполнять все виды юридической работы
- 3) солиситоры и барристеры
- 4) сдавать квалификационные экзамены
- 5) право преподается на юридическом факультете
- 6) университетский колледж, готовящий бакалавров
- 7) степень магистра
- 8) добиваться получения степени бакалавра
- 9) присвоить ученую степень доктора юриспруденции (США)
- 10) защита диссертации
- 11) научно-исследовательская работа
- 12) учебная практика
- 13) ученичество, место начального практического обучения
- 14) штатный юрисконсульт компании
- 15) страны общего права (англосаксонской системы права)
- 16) страны романо-германской (континентальной) системы права

**5. Соотнесите слова из двух колонок так, чтобы получились словосочетания из текста, переведите их на русский язык и составьте с ними свои предложения.**

- 1) to take
- 2) to deal with
- 3) to draw up
- 4) to make
- 5) to have
- 6) to go to
- 7) to engage in
- 8) to advise on
- 9) to depend on
- 10) on behalf of

- a) the clients
- b) the practice of law
- c) the right of audience
- d) court
- e) the practice environment
- f) legal matters
- g) legal arrangements
- h) contracts
- i) legal advice
- j) a range of legal work

**6. Прочитайте определения и соотнесите их со словами из рамки.**

1. Bachelor's degree (1lb)
2. master's degree (1lm)
3. juris doctor degree (jd)
4. Doctor of philosophy (ph.d)
5. Solicitor
6. Barrister
7. Common law
8. Civil law

1. Law developed by judges through decisions of courts. \_\_\_\_\_
2. The degree awarded to an individual upon the successful completion of a law school. \_\_\_\_\_
3. An academic degree awarded for an undergraduate course or major that generally lasts for three or four years. \_\_\_\_\_
4. Lawyers who traditionally deal with any legal matter including conducting proceedings in courts. \_\_\_\_\_
5. An academic degree granted to individuals who have undergone study demonstrating a mastery or high-order overview of a specific field of study or area of professional practice. \_\_\_\_\_
6. A legal system inspired by Roman law. \_\_\_\_\_
7. A postgraduate academic degree awarded by universities. \_\_\_\_\_
8. A member of one of the two classes of lawyers found in many common law jurisdictions with split legal profession specializing in courtroom advocacy, drafting legal pleadings and giving expert legal opinions. \_\_\_\_\_

**7. По образцу предыдущего задания дайте определения следующим понятиям из текста, связанным с профессией юриста. Воспользуйтесь толковым словарем или интернет-ресурсом (Wikipedia).**

1. Prosecutor \_\_\_\_\_
2. Government counsel \_\_\_\_\_
3. Corporate in-house counsel \_\_\_\_\_
4. Judge \_\_\_\_\_

5. Arbitrator \_\_\_\_\_  
 6. Law professor \_\_\_\_\_  
 7. Politician \_\_\_\_\_

**8. Прочитайте текст, замените русские слова и словосочетания, стоящие в скобках, английскими выражениями.**

A number of law schools have (учебную практику) in which students gain legal experience through practice, (судебные процессы) and projects (под руководством) of practising (юристы) and law school faculty. Law school (учебная практика) may include work in (юридических консультациях), for example on the staff of legislative committees.

Law school graduates receive the (степень доктора юриспруденции) as the first professional (ученая степень). Advanced law (ученые степени) may be desirable for those planning to specialize, (заниматься научно-исследовательской работой), or teach. Some law students (добиваются получения) joint degree programs, which usually require an additional semester or year of study. Joint degree programs are offered in a number of areas, including (право) and business administration or public administration.

**Повторение грамматики. Порядок слов в вопросительном предложении (Word Order In the Interrogative Sentence)**

**Структура общего вопроса**

<b>Вспомогательный глагол</b>	<b>Подлежащее</b>	<b>Смысловой глагол</b>	<b>Остальные члены предложения</b>
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e.g. Does the role of the lawyer vary significantly across legal jurisdictions?

**Структура специального вопроса**

<b>Вопросительное слово When, Where, What, Why, How ...</b>	<b>Вспомогательный глагол</b>	<b>Подлежащее</b>	<b>Смысловой глагол</b>	<b>Остальные члены предложения</b>
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e.g. In which countries is law taught at law schools?

**9. Исправьте грамматические ошибки. Составьте вопросы к тексту в соответствии со схемами. Из десяти вопросов только три построены правильно. Ответьте на вопросы.**

1. What is a lawyer?
2. Act lawyers as both advocates and advisors on behalf of their clients?
3. What so special in legal profession in England is?
4. What is the difference between solicitors and barristers?
5. What kind of legal work solicitors deal with?
6. Who have the right of audience in any court of the land?
7. Where law students pursue a Bachelor degree?
8. What degree is awarded in the USA?
9. Vary the methods and quality of legal education in different countries?
10. Where lawyers have many options over the course of their careers?
11. Why career mobility is constrained in civil law countries?

**10. Раскройте скобки и поставьте глаголы в правильную форму.**

Joe (to grow up) in a small town, then (to move away) to attend college and law school. He (to decide) to come back to the small town because he could be a big man in this small town. He really (to want) to impress everyone. He (to open) his new law office, but business (to be) very slow at first.

One day, he (to see) a man coming up the path. He (to decide) to make a big impression on this new client when he (to arrive). As the man (to come) to the door, Joe (to pick up) the phone. He (to motion) the man in, all the while talking. “No. Absolutely not. You tell those clowns in New York that I (not settle) this case for less than one million. Yes. The Appeals Court (to agree) to hear that case next week. I (to handle) the primary argument and the other members of my team (to provide) support. Tell the District Attorney that I (to meet) with him next week to discuss the details.”

This sort of thing (to go on) for almost five minutes. Joe (to put down) the phone and (to turn) to the man. “I (to be) sorry for the delay, but as you can see, I (to be) very busy. What can I do for you?” The man (to reply), “I (to be) from the phone company. I (to come) to repair your phone.”

**11. Прочитайте текст и расскажите на английском языке о юридическом образовании и профессии юриста в Англии. Задайте вопросы к тексту.**

В Англии есть два типа юристов — солиситоры и барристеры. Барристер — это юрист, который ведет судебные дела, выступает в суде, готовит документы для суда и т. д. Солиситоры после 1990 года тоже получили право выступать в суде, если у них есть специальный сертификат.

В Англии (не в Великобритании) в 2008 году было 112,2 тысячи солиситоров и около 16,5 тысячи барристеров. С 1997 по 2008 год количество юристов в Англии увеличилось более чем на 50%.

Для того чтобы стать солиситором, нужно иметь юридическое образование. Это либо бакалавр права в Англии (3 года) (LLB), либо бакалавр в какой-либо другой области плюс годичный интенсивный курс профильного образования (называется GDL — Graduate Diploma in Law).

Кроме юридического образования, надо получить контракт на прохождение практики в юридической фирме (training contract). В течение двух лет надо проработать в 4 разных департаментах по 6 месяцев в каждом. Получить образование в Англии относительно легко. Что действительно сложно, так это получение контракта на прохождение практики — в хорошие фирмы конкуренция составляет около 20—40 человек на место.

## 12. Ответьте на вопросы теста.

### CAN YOU BE A LAWYER?

- 1. Do you love to argue?**  
*Yes.*  
*Not really.*
- 2. Can you manipulate things for your benefit?**  
*Yes, why not?*  
*Not sure.*
- 3. Is your mind sharp like a knife?**  
*Yes, it can cut even iron!*  
*It is more like a butter knife.*
- 4. How good are your lying abilities?**  
*Well honed.*  
*Not worth mentioning.*
- 5. How good are you at convincing people?**  
*Very good.*  
*Barely ok.*
- 6. Can you twist the truth in your favour?**  
*Maybe.*  
*Not sure.*
- 7. What genres of movies/novels do you like most?**  
*Detective and crime thrillers.*  
*Romantic and comic stories.*

*Answers:*

1. a) 10; b) 0 2. a) 10; b) 0 3. a) 10; b) 0 4. a) 10; b) 0 5. a) 10; b) 0  
6. a) 10; b) 0 7. a) 10; b) 0

**Score:** 1. 0—30. You can't become a lawyer.

You don't have the qualities of becoming a lawyer. Forget it!

2. 40—70. You can become a lawyer. Why not try to be one?



## UNIT 5. LEGAL SKILLS

### Повторение грамматики. Степени сравнения прилагательных и наречий (Degrees of Comparison: Adjectives and Adverbs)

1. Прочитайте прилагательные: а) в положительной степени; б) в сравнительной степени; в) в превосходной степени. Сформулируйте правило образования степеней сравнения прилагательных и наречий в английском языке.

Many — more — the most, wise — wiser — the wisest, competitive — more competitive — the most competitive, clear — clearer — the clearest, concise — more concise — the most concise, bad — worse — the worst, simple — simpler — the simplest, complex — more complex — the most complex, little — less — the least, persuasive — more persuasive — the most persuasive, good — better — the best, efficient — more efficient — the most efficient, far — farther (further) — the farthest (furthest), effective — more effective — the most effective.

2. Переведите на русский язык следующие предложения, содержащие сравнительные обороты.

1. This method is **as effective as** the previous one. 2. The period is **twice as long as** a semester. 3. Inform us **as soon as** possible. 4. His job is **not as efficient as** his colleague's one. 5. **The more** you work, **the better** you study. 6. The document is **as concise as** possible. 7. Her resume is **not as clear as** required. 8. His career promotion is **twice as quick as** that of the friend. 9. **The better** you communicate with people, **the more** clients you have.

3. Сравните ученые степени, которые присваиваются выпускникам высших учебных заведений. Используйте как можно больше сравнительных оборотов.

UNIVERSITY DEGREES	high /low	popular	honourable
Bachelor's Degree (LLB)			
Master's Degree (LLM)			
Doctor of Jurisprudence (JD)			
Doctor of Philosophy (Ph.D)			

#### **4. Прочитайте и переведите текст.**

### **TEXT**

#### **Top Ten Legal Skills**

While legal positions vary greatly in scope and responsibility, there are several core legal skills that are required in most legal functions. If you are considering a career in law, it is wise to polish these top ten legal skills to excel in today's competitive legal market.

##### **1. Oral Communication.**

Language is one of the most fundamental tools of the legal professional.

Legal professionals must:

- √ Convey information in a clear, concise, and logical manner.
- √ Communicate persuasively.
- √ Advocate a position or a cause.
- √ Master legal terminology.
- √ Develop keen listening skills.

##### **2. Written Communication.**

From writing simple correspondence to drafting complex legal documents, writing is an integral function of nearly every legal position.

Legal professionals must:

- √ Master the stylistic and mechanical aspects of writing.
- √ Master the fundamentals of grammar.
- √ Learn how to write organized, concise and persuasive prose.
- √ Draft effective legal documents such as motions, briefs, memos, resolutions and legal agreements.

##### **3. Client Service.**

In the client-focused legal industry, serving the client honestly, capably and responsibly is crucial to success.

##### **4. Analytical and Logical Reasoning.**

Legal professionals must learn to review and assimilate large volumes of complex information in an efficient and effective manner. Legal analytical and logical reasoning skills include: reviewing complex written documents, drawing inferences and making connections among legal authorities; developing logical thinking, organization and problem-solving abilities; structuring and evaluating arguments; using inductive and deductive reasoning to draw inferences and reach conclusions.

##### **5. Legal Research.**

Researching legal concepts, case law, judicial opinions, statutes, regulations and other information is an important legal skill.

##### **6. Technology.**

Technology is changing the legal landscape and is an integral part of every legal function. To remain effective in their jobs, legal professionals

must master communications technology including e-mails, voice messaging systems, videoconferencing and related technology.

#### **7. Knowledge of Substantive Law and Legal Procedure.**

All legal professionals, even those at the bottom of the legal career chain, must have basic knowledge of substantive law and legal procedure.

#### **8. Time Management.**

In a profession based on a business model (billable hours) that ties productivity to financial gain, legal professionals are under constant pressure to bill time and manage large workloads.

#### **9. Organization.**

In order to manage large volumes of data and documents, legal professionals must develop top-notch organizational skills.

#### **10. Teamwork.**

Legal professionals do not work in a vacuum. Even solo practitioners must rely on secretaries and support staff and team up with co-counsels, experts to deliver legal services.

### **5. Найдите в тексте английские эквиваленты русским словам и словосочетаниям.**

- 1) профессиональные компетенции юриста
- 2) представлять информацию в ясной и краткой форме
- 3) овладеть юридической терминологией
- 4) развивать способность внимательно слушать собеседника
- 5) составлять сложные юридические документы
- 6) овладеть основами грамматики
- 7) составлять ходатайства, записки по делу
- 8) обслуживать клиента честно и ответственно
- 9) просматривать и усваивать большой объем информации
- 10) навыки логического рассуждения
- 11) делать выводы и умозаключения
- 12) осваивать технологии общения (коммуникации)
- 13) на нижней ступеньке карьерной лестницы
- 14) знания материального права и судопроизводства
- 15) поддерживать большие рабочие нагрузки
- 16) почасовая оплата
- 17) развивать высочайшие навыки самоорганизации
- 18) работа в команде

### **6. Прочитайте определения и соотнесите их со словами из рамки.**

1. Document 2. Communication 3. Client 4. Top – notch 5. Draft 6. Skill 7. Research
--

1. An ability to do something well, especially because you have learned and practiced it. \_\_\_\_\_

2. To write a plan, letter, report, bill, etc. that will need to be changed before it is completed. \_\_\_\_\_
3. A piece of paper that gives official written information about something. \_\_\_\_\_
4. Someone who pays for services or advice from the person or organization. \_\_\_\_\_
5. Serious study of a subject that is intended to discover new facts or test new ideas. \_\_\_\_\_
6. Having the highest quality or standard. \_\_\_\_\_
7. The process by which people exchange information or express their thoughts or feelings. \_\_\_\_\_

**7. Переведите предложения на английский язык, используя слова и словосочетания из текста.**

1. Мы осваиваем юридическую терминологию с первого дня поступления в университет.
2. К концу первого курса он научится представлять информацию в четкой и краткой форме.
3. На вчерашнем семинаре по истории государства и права России студенты активно отстаивали свои позиции.
4. Только к концу прошлого занятия он понял, как составлять ходатайство.
5. Тише, идет лекция! Преподаватель рассказывает об использовании индуктивно-дедуктивных методов в работе юриста.
6. Он занимался исследовательской работой в области теории государства и права еще на первом курсе.
7. Овладение современными технологиями общения, такими как видеоконференции, является неотъемлемой частью работы юриста.

**8. Выскажите мнение по поводу утверждений. Начните ответ с одного из следующих выражений:**

- а) выражения полного согласия: **It goes without saying, Exactly so;**
- б) выражения абсолютного несогласия: **Nothing of the kind, Surely not;**
- в) выражения неуверенности и неясности позиции: **I'm not quite sure about it, That's hard to tell ...**

1. Legal research is the only reliable tool of the legal profession.
2. In their first year students must read and brief hundreds of cases.
3. Experts say that the brain is a complex information processor capable of processing and assimilating complex information at greater speeds through practice.

4. We must know how to analyze and gather information, identify issues, organize our data base, draft inferences and reach conclusions.

5. You can brush up your writing skills by reading resources on the craft of writing.

6. It is easy to learn legal English.

7. We must learn the substantive law and legal procedure.

## 9. Выступите в качестве переводчика.

**BE CAREFUL. A CAREER IN LAW COULD CHANGE  
THE WAY YOU THINK.**

Guest Henry Dahut, Esq., author of *Marketing The Legal Mind* and founder of GotTrouble.com, provides insight into learning to think like a lawyer in the following interview.

**Correspondent:** Генри, почему вы выбрали профессию юриста?

**Mr. Dahut:** When asked why I became a lawyer I usually say because it seemed like a smart thing to do. Unlike some of my law school classmates, I had no illusions of becoming either a great advocate or a legal scholar. All I wanted was a nice income and a respectable position in life. For me, law was a safe career choice, not a passion. My only concern was that as a creative, emotive, right-brain type, I would not be able to make my mind do whatever it is that lawyer minds do to think like lawyers. But an old lawyer, I met, told me that the real danger was that once you start thinking like a lawyer it becomes difficult to think any other way.

**С.:** Когда вы сами поняли, что необходимо научиться мыслить как юрист?

**Mr. Dahut:** That process began on the first day of law school when the dean told our petrified first-year class that before we could become lawyers we had to learn how to think like lawyers. One student had the nerve to ask the dean how we would know when he had learned to think like lawyers. The dean shot back, when you get paid to think! I soon saw how thinking like lawyers actually meant altering our reasoning structures. For example, memory, while important to success in law school, stood a distant second to learning how to reason like a lawyer.

**С.:** Что значит — мыслить как юрист?

**Mr. Dahut:** Thinking like a lawyer demands thinking within the confines of inductive and deductive forms of reasoning. As law students, we entered a world of rigorous dialogue in which abstractions are formulated and then described — usually leading to the discovery of a general principle or rule,

which is then distinguished from another general rule. We learned how to narrow and intensify our focus. The process taught us how to think defensively: We learned how to protect our clients (and ourselves) and why we needed to proceed slowly, find the traps, measure and calculate the risk. And above all, never, ever let them see you sweat!

**C.:** Какие качества вы стремились развить в себе во время учебы?

**Mr. Dahut:** The goal, of course, was for me to become a rational, logical, categorical, linear thinker — trained to separate what is reasonable from what is not and what is true from what is false. Having learned to think in a new way, I had less tolerance for ambiguity. A new mental structure was forming — a new set of lenses through which to view the structure of human affairs.

**C.:** Как изменилась ваша личность во время обучения в юридическом колледже?

**Mr. Dahut:** It turns out I had just enough left-brain skills to get me through law school and the bar. The mental gymnastics is necessary for forming the plasticity of the human mind. Unconsciously, I began to relate to and observe others within the context of my new way of thinking. The old lawyer I once met was right: Learning to think like lawyers made us less capable of the kind of emotive thinking necessary to make creative choices, manage and inspire people, and respond quickly to change.

**10. Работа в парах. Прочитайте резюме, обсудите с возможности соискателя получить работу юриста. Аргументируйте свою точку зрения, используя информацию из текста.**

**Model:**

**A:** In my opinion John Applicant has a good chance to take the position of a lawyer because he can convey information in a clear, concise, and logical manner.

**B:** Why do you think so?

**A:** I think so because in his resume he writes that he got Oral Advocacy Award in Spring 2008 and four times he was the State Policy Debate Champion in 1998—2002.

**John Applicant**  
123 Main St. New York, New York 12345  
John.Applicant@email.com

**EDUCATION**

**University of State, College of Law, Springfield, CA**

*Candidate for Juris Doctor* May 2010

Oral Advocacy Award, spring 2008

**State University**, College of Arts and Sciences, Los Angeles, CA

*Bachelor of Arts*, American Government (Honours), May 2006

Parliamentary Debate Team (2002–2004)

### **WORK EXPERIENCE**

**Honourable Judge Johnson, U.S. Court of Appeals**, *autumn 2008*. Externship was comprised of researching and writing memos, draft opinions and draft orders.

**Thomas & Smith, P.A.**, *Summer Associate*, Phoenix, AZ, Summer 2008  
Researched and wrote memoranda and motions for commercial (trade secrets), criminal defence (racketeering) and pro bono (Constitutional standards for conditions of confinement) matters.

### **OTHER INTERESTS AND ACTIVITIES**

Spanish (proficient); travelled extensively throughout Latin America

4-time 4A State Policy Debate State Champion (1998–2002); 2-time National Tournament Qualifier (2000, 2001)

## **UNIT 6. APPLYING FOR A JOB**

**1. Работа в парах. Прочитайте и обсудите действия, необходимые при поиске работы. Внимательно ознакомившись с рекомендациями, поговорите с работодателем по телефону и в офисе.**

**Write a resume.** Even if the particular job you're looking for has an application process where a resume isn't necessary, the process of writing a resume can help sort your thoughts and prepare you for an interview. Having a written record of your work history makes filling out an application much easier, too. Tailor the resume to the type of job for which you are applying, emphasizing related skills and coursework.

**Call the employer.** Ask about the application process: "Good morning. My name is John Doe. I was wondering if you had any positions open and, if so, how I could apply". You will usually have your call routed to the hiring or human resources manager. If they have any openings, they'll either ask you to come in and fill out an application form, or they'll ask you to send a resume and cover letter by mail or e-mail, in which case you should inquire "To whom should the letter be addressed?" They will give you their full name — write it down and ask them to spell it out if necessary.

**Write a cover letter if it's a part of the application process.** Make sure it is specific to the job, with the company name and address and, if possible, the name of the person who will be receiving it.

Ask two or three friends or family members to read over your resume and cover letter for typos. It's often difficult to see our own mistakes.

**Apply.**

- √ Visit the employer to fill out your application form. It's usually best to go in the mid-morning, when they're not too busy, but before the day has worn them out. Ask to speak to the hiring manager and try to hand the form to him personally: "Hi, we spoke on the phone yesterday about the (job title) position. Here's my application form. Let me know if you need anything else!" This will give the employer a chance to see you (so present yourself well) and put a face to a name.
- √ Send your cover letter and resume as instructed.

**Follow up.**

If you filled out an application form but the hiring manager wasn't there at the time, call three days later, ask to speak to the manager, and confirm that the application form was received: "Hello, this is (your name). I filled out an application form on (day you came in) and I just wanted to confirm that it was received".

If you sent a cover letter and resume by mail, call a week later to confirm their receipt. If you sent them by e-mail, call the day after.

**Tips.**

- √ Always thank the employers for their time and consideration.
- √ Thank the manager.
- √ Follow up with a phone call.
- √ Always be honest when filling out a job application form online.

**2. Заполните типовую анкету для тех, кто ищет работу в США. Обратите внимание на особенности заполнения анкет в США и России.**

**SAMPLE JOB APPLICATION FORM**

Many employers require all applicants, regardless of the job they apply for, to complete a job application form. This way the employer will have consistent data on file for all prospective applicants.

Instructions: Print clearly in black or blue ink. Answer all questions. Sign and date the form.

**PERSONAL INFORMATION:**

First Name \_\_\_\_\_

Middle Name \_\_\_\_\_

Last Name \_\_\_\_\_

Street Address \_\_\_\_\_



City, State, Zip Code

---

Phone Number

( ) \_\_\_\_\_

Are you eligible to work in the United States?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you are under age 18, do you have an employment/age certificate?

Yes \_\_\_ No \_\_\_

Have you been convicted of or pleaded no contest to a felony within the last five years?

Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, please explain: \_\_\_\_\_

---

**POSITION/AVAILABILITY:**

Position Applied For

---

**EDUCATION:**

Name and Address of School — Degree/Diploma — Graduation Date

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Skills and Qualifications: Licenses, Skills, Training, Awards

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**EMPLOYMENT HISTORY:**

Present or Last Position:

Employer: \_\_\_\_\_

Address: \_\_\_\_\_

Supervisor: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Position Title: \_\_\_\_\_

From: \_\_\_\_\_ To: \_\_\_\_\_

Responsibilities: \_\_\_\_\_

---

Salary: \_\_\_\_\_

Reason for Leaving: \_\_\_\_\_

**May We Contact Your Present Employer?**

Yes \_\_\_\_\_ No \_\_\_\_\_

**References:**

Name/Title Address Phone

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I certify that information contained in this application is true and complete. I understand that false information may be grounds for not hiring me or for immediate termination of employment at any point in the future if I am hired. I authorize the verification of any or all information listed above.

Signature \_\_\_\_\_

Date \_\_\_\_\_

**3. Самостоятельная работа. Заполнив анкету, продумайте ответы на вопросы, которые обычно задают соискателю на собеседовании.**

### POTENTIAL INTERVIEW QUESTIONS

Technically, not every item is a question; some are statements; but all are intended to prompt you for a response.

Better questions are not those that can be answered with a “yes” or “no,” but are open-ended questions that invite thoughtful response. Even if you are asked a question that can be answered with a “yes” or “no,” (e.g. “Are you comfortable with the amount of travel this job involves?”), you can certainly add a word of explanation to back up your answer (e.g., “Yes. I actually look forward to the opportunity to travel and to work with the staff members in some of the other offices).

Best questions are those that ask you how you behaved in the past, because past behaviour is the best predictor of future behaviour.

Not every interviewer will ask you every one of these questions. However, if you are prepared to address these questions, you will leave the impression that you were prepared for your job interview, even if additional questions take you by surprise.

- What are your long-range goals and objectives for the next seven to ten years?
- What are your short-range goals and objectives for the next one to three years?
- How do you plan to achieve your career goals?
- What are the most important rewards you expect in your career?
- Why did you choose the career for which you are preparing?
- What are your strengths, weaknesses, and interests?
- How do you think a friend or professor who knows you well would describe you?
- Describe a situation in which you had to work with a difficult person (another student, co-worker, customer, supervisor, etc.) How did you handle the situation?
- How do you determine or evaluate success?

- In what ways do you think you can make a contribution to our organization?
- Describe a contribution you have made to a project on which you worked.
- What qualities should a successful lawyer possess?
- What two or three accomplishments have given you the most satisfaction? Why?
- Describe your most rewarding college experience.
- Why did you select your college or university?
- What led you to choose your major or field of study?
- What college subjects did you like best? Why?
- What college subjects did you like least? Why?
- Do you think your grades are a good indication of your academic achievement?
- What have you learned from participation in extracurricular activities?
- In what kind of work environment are you most comfortable?
- Describe a situation in which you worked as part of a team. What role did you take on?
- What went well and what didn't?
- In what part-time or summer jobs have you been most interested? Why?
- How would you describe the ideal job for you following graduation?
- Why did you decide to seek a position with our organization?
- What two or three things would be most important to you in your job?
- What criteria are you using to evaluate the organization for which you hope to work?
- Are you comfortable with the amount of travel this job requires?
- Are you willing to spend at least six months as a trainee?

### **What the interviewer is looking for.**

Interviewer says: **Tell me about yourself.**

Remember, this is a job interview, not a psychological or personal interview. The interviewer is interested in the information about you that relates to your qualifications for employment, such as education, work experiences and extracurricular activities.

Interviewer says: **What do you expect to be doing five years from now? Ten years from now?**

The interviewer is looking for evidence of career goals and ambitions rather than minutely specific descriptions. The interviewer wants to see your thought process and the criteria that are important to you. The interviewer is not looking for information about your personal life.

Interviewer says: **Why should I hire you?**

Stress what you have to offer the employer as relates to the position for which you are interviewing, not how nice it would be to work there or what you want from the employer. Remember that you are being compared to other candidates, and in fact more than one candidate might be a very good employee. Deliver to the employer reasons to see that you are a good fit (show you know yourself, know the field/industry, know the organization, and know the position).

Interviewer says: **What are your ideas about salary?**

Research salaries in your field before your interviews so that you know the current salary range for the type of position you are seeking.

Interviewer says: **Why do you want to work for our company/organization?**

Not having an answer is a good way to get crossed off the candidate list, and is a common pet peeve of interviewers. Research the employer before your interview; attempt to find out about the organization's products, locations, clients, philosophy, goals, previous growth record and growth plans, how they value employees and customers, etc.

Unfortunately it's very common for job-seekers to directly state, "I really want to work for your company/agency/organization/firm", but then to be unable to answer the question "why?" Without the answer to "why?" the initial statement becomes meaningless.

#### **4. Ролевая игра.**

Группа делится на подгруппы, состоящие из четырех человек. Один студент из подгруппы будет исполнять роль «Работодателя», трое других — «Соискателей на должность юриста/консультанта компании». Работодатель должен выбрать самого достойного на эту должность, для этого он должен заранее продумать, какие вопросы он задаст каждому из соискателей, как будет оценивать их в соответствии с рекомендациями, данными выше. Соискатели тоже должны хорошо подготовиться к собеседованию, прийти с написанными заранее заявлениями (анкетами), просмотреть вопросы, которые обычно задают на собеседовании, и подготовить свои ответы на них (Potential Interview Questions). Работодатель начинает:

(Opening) Good morning Mr. (Ms) (X, Y, Z). I have got your application form and I would like to ask you a few questions about yourself.

(Closing) Thank you very much, Mr. (Ms) (X, Y, and Z). I'll make my decision and contact you in the near future. Goodbye.

После того как соискатели пройдут собеседование, работодатель должен оценить каждого из претендентов по предложенной ниже шкале оценок, написать краткую характеристику каждого из соис-

кателей и огласить свое решение о том, кто из них и почему будет принят на работу.

MR (MS) X	GRADES
QUALIFICATIONS	1 2 3 4 5 6 7 8 9 10
LEGAL SKILLS	1 2 3 4 5 6 7 8 9 10
APPROPRIATE EXPERIENCE	1 2 3 4 5 6 7 8 9 10
PERSONALITY	1 2 3 4 5 6 7 8 9 10
<b>OVERALL GRADE</b>	<b>1 2 3 4 5 6 7 8 9 10</b>

Note: 1 = not at all suitable; 10 = very suitable

## GLOSSARY

award — 1. (присужденная) награда или наказание 2. решение суда  
3. присуждать что-либо, награждать чем-либо

to give (the highest) award — присуждать (высшую) награду

to award a degree — присуждать степень

to award a judgment — вынести судебное решение

college — 1. университетский колледж 2. специальное высшее учебное заведение

University's undergraduate college — университетский колледж, готовящий бакалавров

conduct — 1. поведение 2. вести, руководить, проводить

rules of conduct — правила поведения

to conduct an examination — проводить экзамен

degree — ученая степень

Bachelor's degree — степень бакалавра

Master's degree — степень магистра

law degree — степень в области юриспруденции

to earn a degree — заработать степень

to pursue a degree — стремиться получить ученую степень

draft — составлять план, проект, черновой набросок

to draft documents — составлять документы

to draft a motion — составлять ходатайство

to draft an agreement — составлять соглашение (договор)

fair — 1. честный, справедливый 2. честно

by fair means — честным путем

strict but fair — строгий, но справедливый

graduate — выпускник, окончивший высшее учебное заведение  
to graduate (from) — окончить высшее учебное заведение и получить степень бакалавра  
law — закон, право  
natural law — естественное право  
prescriptive laws — предписывающие законы, основанные на праведности или обычаях  
substantive law — материальное право  
to amend a law — вносить поправки в закон  
to apply a law — применять закон  
to be against the law — быть противозаконным  
to break a law — нарушать закон  
to enforce a law — обеспечить (принудительно) исполнение закона  
to make a law — издавать, принимать закон  
to obey a law — соблюдать закон  
to repeal a law — отменять закон  
to study law — изучать право  
law and order — правопорядок  
master — 1. магистр 2. овладевать (знаниями, языком и т. д.)  
to take one's Master's degree of Law — получить степень магистра права  
to master legal terminology — овладеть юридической терминологией  
to master communications technology — освоить современные технологии общения  
to master writing skills — овладеть навыками письма  
property — собственность, имущество  
private (public) property — частная (общественная, государственная) собственность  
to own a property — владеть собственностью  
right — 1. правота, справедливость 2. право, привилегия  
civil rights — гражданские права  
right of audience — право выступать в суде  
to respect rights — уважать права  
rule — 1. правило 2. норма 3. предписание, приказ  
rule of law — норма права  
rules of behaviour — правила поведения  
rule of court — судебное предписание  
rules of practice — процессуальные нормы  
skill — 1. мастерство, искусство 2. компетенция 3. ловкость, умение  
skills in logical reasoning — навыки логического рассуждения  
to develop high notch organizational skills — развивать высочайшие навыки самоорганизации

legal skills — профессиональные компетенции юриста

society — 1. общество, общественный строй 2. ассоциация, организация

democratic society — демократическое общество

well-ordered society — высокоорганизованное сообщество

training — обучение, подготовка

clinical training — учебная практика

legal training — профессиональная подготовка (обучение) юристов

on-the-job training — обучение по месту работы

trainee — практикант

# CHAPTER 2. LEGISLATION AND CONSTITUTION

## UNIT 1. LEGISLATION IN RUSSIA

### 1. Ответьте на вопросы.

1. What do you know about legislation? What is the aim of legislation?
2. What bodies in your country are responsible for making laws?
3. What would our country be like if there were no laws or rules to follow?

### TEXT

#### Legislation in Russia

#### Vocabulary

1. under the doctrine of the separation of powers — согласно принципу разделения властей
2. to create legislation — заниматься законотворческой деятельностью
3. the lower house — нижняя палата
4. the upper house — верхняя палата
5. to have special powers — обладать особыми полномочиями
6. to hear annual reports — заслушивать ежегодные отчеты
7. to decide the issue of confidence in the government — решать вопрос о доверии правительству
8. announcement of amnesty — объявление амнистии
9. to adopt a decree — принять постановление
10. to charge smb with smth — возложить на кого-либо что-либо
11. the introduction of martial law — введение военного положения
12. a state of emergency — чрезвычайное положение
13. the Higher Arbitration Court — Высший Арбитражный Суд
14. the Accounting Chamber — Счетная палата
15. to approve/reject amendments — одобрять/отвергать поправки
16. to form a conciliation commission — сформировать согласительную комиссию
17. to reach a compromise — достигнуть компромисса
18. to insist on passing the bill — настаивать на принятии законопроекта
19. to override a veto — преодолеть вето
20. to deliver an annual address — выступить с ежегодным обращением

### 2. Прочитайте и переведите текст.

Under the doctrine of the separation of powers legislation is regarded as one of the three main functions of government. Those who have the formal power to create legislation are known as legislators. Legislation can have



many purposes: to regulate, to authorize, to proscribe, to provide funds, to sanction, to grant, to declare or to restrict.

The **Federal Assembly of the Russian Federation** is the lawmaking body of the Russian Federation, according to the Constitution of the Russian Federation, 1993. It consists of **the State Duma**, which is the lower house, and **the Federation Council**, which is the upper house. Both houses are located in Moscow.

The State Duma has special powers enumerated by the Constitution of Russia. They are:

- consent to the appointment of the Prime Minister of Russia;
- hearing annual reports from the Government of the Russian Federation on the results of its work, including issues raised by the State Duma;
- deciding the issue of confidence in the Government of the Russian Federation;
- appointment and dismissal of the Chairman of the Central Bank of Russia;
- appointment and dismissal of the Chairman and half of the auditors of the Accounting Chamber;
- appointment and dismissal of the Commissioner for Human Rights, who shall act according to federal constitutional law;
- announcement of amnesty;
- bringing charges against the President of the Russian Federation for his impeachment (requires a two thirds majority).

The State Duma adopts decrees on issues referred to its authority by the Constitution of the Russian Federation. Decrees of the State Duma are adopted by a majority of the total number of deputies of the State Duma.

The Federation Council together with the State Duma are charged with drafting and voting on laws. Special powers of the Federation Council are:

- Approval of changes in borders between subjects of the Russian Federation;
- Approval of a decree of the President of the Russian Federation on the introduction of martial law;
- Approval of a decree of the President of the Russian Federation on the introduction of a state of emergency;
- Deciding on the possibility of using the Armed Forces of the Russian Federation outside the territory of the Russian Federation;
- Declaring elections of the President of the Russian Federation;
- Impeachment of the President of the Russian Federation;
- Approving the President's nomination of judges of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, the Higher Arbitration Court of the Russian Federation;
- Approving the President's nomination of the Attorney General of the Russian Federation;

- Appointment of Deputy Chairman and half of the auditors of the Accounting Chamber.

To pass the law more than half of senators of the Federation Council must vote for it. When considering federal constitutional laws, three-fourths of the Council's votes are required for passage.

All bills must first be considered by the State Duma. Upon adoption by a majority of the full State Duma membership, a draft law is considered by the Federation Council, which has fourteen days to place the bill on its calendar. The Federation Council cannot make amendments to bills passed by the Duma and can either approve or reject them. If the Federation Council rejects a bill passed by the State Duma, the two chambers may form a conciliation commission to work out a compromise version of the legislation. If the two chambers cannot reach a compromise, or the Duma insists on passing the bill as it is, the veto of the Federation Council can be overridden if two thirds of the Duma's constitutional composition vote in favour of the bill. The State Duma and the Federation Council usually meet separately. Joint sessions are organized when the President of the Russian Federation delivers his annual address to the Federal Assembly and on some other very rare occasions.

### **3. Переведите следующие слова и словосочетания из текста.**

- 1) to create legislation
- 2) a lawmaking body
- 3) to have special powers
- 4) a dismissal of the Chairman of the Central Bank of Russia
- 5) to bring a charge against the President
- 6) to adopt decrees on issues
- 7) introduction of the martial law
- 8) approval of changes
- 9) special powers of the Federation Council
- 10) to reject a bill
- 11) the possibility of using the Armed Forces
- 12) to make amendments to bills
- 13) the Accounting Chamber
- 14) to override the veto
- 15) to form a conciliation commission

### **4. Найдите в тексте английские эквиваленты русским словам и словосочетаниям.**

- 1) законодательная деятельность
- 2) законодательный орган
- 3) нижняя палата
- 4) верхняя палата
- 5) перечислять полномочия
- 6) заслушивать ежегодные отчеты
- 7) уполномоченный по правам человека

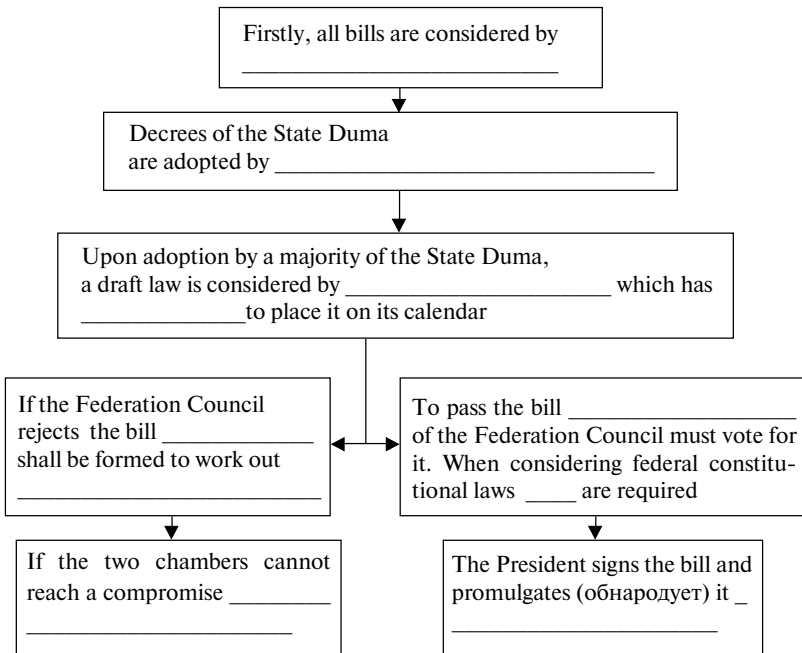
- 8) принимать закон
- 9) чрезвычайное положение
- 10) одобрение указа Президента
- 11) прийти к компромиссу
- 12) отвергнуть поправки к законопроекту
- 13) назначение на должность
- 14) проголосовать за законопроект
- 15) принцип разделения властей

**5. Ответьте на вопросы по тексту.**

1. What is the main legislative body in the Russian Federation? What does it consist of?
2. What powers of the State Duma are enumerated in the Constitution?
3. What are the main special powers of the State Duma?
4. What are the most important special powers of the Federation Council?
5. What route must a bill pass to become a law?

**6. Используя текст, заполните схему, отражающую процесс принятия закона в России.**

Draft laws may originate in either legislative chamber, or they may be introduced by the president, the Government, local legislatures and the Supreme Court, the Constitutional Court, or the Superior Court of Arbitration within their respective competences.



**7. Используя текст и схему упражнения 6, расскажите о законодательной власти в Российской Федерации.**

**8. Заполните пропуски словами и словосочетаниями из рамки.**

bring charges against 2. elects 3. draft laws 4. the lower house 5. vetoed  
6. issues 7. approve or reject 8. to override a presidential veto  
9. the upper house 10. appoint or dismiss 11. appointment

1. The 628-member law-making body, termed the Federal Assembly, consists of two chambers, the 450-member State Duma ... and the 178-member Federation Council ... .

2. The State Duma confirms the ... of the Prime Minister, although it does not have the power to confirm Government ministers.

3. The two chambers of the legislature also have the power ... of legislation.

4. Upon the advice of the prime minister, the president can ... Government members, including the deputy prime ministers.

5. Under the 1993 constitution, if the president commits “a grave crime” or treason, the State Duma may ... him with the parliament’s upper house, the Federation Council.

6. Several bills that the President had ... were taken up again by the new legislature.

7. The Federation Council deals primarily with such ... as internal borders and decrees of the president establishing martial law or a state of emergency etc.

8. All ... even those proposed by the Federation Council, must first be considered by the State Duma.

9. According to the 1993 Constitution, the State Duma must decide within one week to ... a candidate once the president has placed that person’s name in nomination.

10. Each legislative chamber ... a chairman to control the internal procedures of the chamber.

**9. Замените русские слова и выражения в скобках соответствующими английскими эквивалентами.**

1. The State Duma (принимает постановления) on (вопросам) referred to its authority by the Constitution of the Russian Federation. Decrees of the State Duma are adopted by a majority of the total number of deputies of the State Duma, unless another procedure is envisaged by the Constitution. All (законопроекты) are first (одобряются) by the State Duma and are further debated and approved (or (отклоняются)) by the Federation Council.

2. (Государственная Дума) in the Russian Federation is the lower house of the (Федерального Собрания) of Russian (законодательного органа), the upper house being the (Совет Федераций) of Russia.

3. The president (назначает) the prime minister, and the Duma (голо-суер) whether to confirm the appointment. The president has wide legisla- tive powers, including the (право вето) and decree. Decrees carry the force of law, but may not violate existing law. The Federal Assembly may (прео- долеть президентское вето) by a two-thirds vote of each house.

4. (Законодательная деятельность) originates in the Duma and, if passed, is sent to the Federation Council. If the Federation Council ap- proves the legislation or fails to examine it within fourteen days, the legisla- tion is sent to the President to be signed.

5. When considering federal constitutional laws, three-fourths of the Federation Council have to (проголосовать). If the Council vetoes a law passed by the State Duma, the two chambers are mandated to form a (со- гласительную комиссию) in order to (прийти к компромиссу) and make up a document, which would again go under vote by both houses.

6. The two chambers of the Federal Assembly (заседают отдельно), with the State Duma residing in another part of Moscow. Sessions of the Federation Council are held in Moscow from January 25 to July 15 and from September 16 to December 31.

7. The State Duma has special powers enumerated by the Constitution of Russia. Among them there is the power to (выносить обвинение) against the President of the Russian Federation for his impeachment.

## **10. Переведите предложения на английский язык, используя слова и словосочетания из текста.**

1. Высший орган законодательной власти в России — Федераль- ное Собрание — состоит из двух палат: верхней и нижней.

2. Верхняя палата именуется Советом Федерации, нижняя — Го- сударственной Думой.

3. Совет Федерации и Государственная Дума проводят заседания отдельно, каждая палата имеет свои полномочия.

4. В России действует принцип разделения властей.

5. Первоначально закон принимается простым большинством в Государственной Думе, затем рассматривается Советом Федерации.

6. В том случае, если между палатами возникают разногласия, па- латы формируют согласительную комиссию.

7. Для преодоления вето в каждой из палат закон должен быть одо- брен не менее чем  $\frac{2}{3}$  голосов.

8. Законодательная деятельность в Российской Федерации регу- лируется Конституцией Российской Федерации.

9. В течение 14 дней Президент может отклонить закон, то есть наложить на него вето и вернуть обратно в Государственную Думу.

10. Законопроект обсуждается на заседаниях Государственной Думы, в текст законопроектов вносятся поправки, изменения, до- полнения.

**11. Самостоятельная работа. Прочитайте раздел Конституции, посвященный законодательной ветви власти в России, и найдите ответы на вопросы.**

1. Who are the members of the Federation Council?
2. Who does the State Duma consist of?
3. What term is the State Duma elected for?
4. Who can be elected a deputy of the State Duma?
5. What does deputy's immunity mean?
6. What are the duties of the State Duma Chairman?
7. What are the duties of the Speaker of the Federation Council?
8. What are the responsibilities of committees and commissions?
9. What are the State Duma and the Federation Council entitled to do if the President rejects a federal law?
10. In what cases may the State Duma be dissolved by the President?

**Повторение грамматики. Система времен английских глаголов  
в пассивном залоге (The System of Tenses. Passive Voice)**

**12. Замените в предложениях глагольные формы в активном залоге на пассивные, как указано в примерах, и переведите их.**

**Examples:**

**MODEL 1.** First, the State Duma considers all bills.

First, all bills are considered by the State Duma (usually, always).

**MODEL 2.** First, the State Duma considered all bills.

First, all bills were considered by the State Duma (yesterday, two days ago, the day before yesterday).

**MODEL 3.** First, the State Duma will consider all bills.

First, all bills will be considered by the State Duma (tomorrow, in a week, in a month).

1. A majority of the total number of deputies of the State Duma adopts decrees of the State Duma.
2. The Constitution of Russia enumerates special powers of the State Duma.
3. The Federation Council considered a draft law yesterday.
4. The State Duma overrode the veto of the Federation Council two weeks ago.
5. The President will sign the bill tomorrow.
6. If necessary, the two chambers form a conciliation commission to work out a compromise version of the legislation.
7. The State Duma will pass the bill in a few months.
8. The Federation Council rejected the bill yesterday.

9. The State Duma and the Federation Council will vote for the draft law the day after tomorrow.

10. The State Duma has the power to bring charges against the President.

## UNIT 2. LAWMAKING PROCEDURE IN THE USA

### TEXT

#### Lawmaking Procedure in the USA

#### Vocabulary

1. the House of Representatives — Палата представителей
2. the introduction of a bill to the Congress — внесение законопроекта на рассмотрение Конгресса
3. a constituent — избирательный округ
4. an appropriate committee — соответствующий комитет
5. a subcommittee — подкомитет
6. to move a bill forward — продвигать законопроект
7. consideration — рассмотрение, обсуждение
8. to introduce an amendment — внести поправку
9. to pass both houses of the Congress — пройти обсуждение в обеих палатах Конгресса
10. to sign a bill into law — поставить подпись на законопроекте, сделав его тем самым законом

#### 1. Прочитайте текст и ответьте на вопросы.

1. What is the legislative body in the USA? What does it consist of?
2. What are the steps in the legislative process?
3. What are the sources of bills?
4. Who can introduce the legislation?
5. What options has the President upon receiving a bill?

The Congress of the United States is the highest lawmaking body in the United States and one of the oldest national legislatures in the world. The U.S. Congress consists of two houses — the Senate and the House of Representatives. A member of the Senate is referred to as a senator, and a member of the House of Representatives is called a representative or congressman or congresswoman.

The general process for making a bill into a law is described in the Constitution.

The first step in the legislative process is the introduction of a bill to the Congress. Bills originate from several different sources: from individual

members of the Congress, from a member of a constituent or a group of constituents, from one or more state legislatures, or the President or his administration, but only members of the Congress can introduce legislation.

After being introduced, a bill is referred to the appropriate committee for review. There are 17 Senate committees, with 70 subcommittees, and 23 House committees, with 104 subcommittees. A bill is first considered in a subcommittee, where it may be accepted, amended, or rejected. If the members of the subcommittee agree to move a bill forward, it is reported to the full committee, where the process is repeated again. If the full committee votes to approve the bill, it is reported to the House or the Senate.

When the bill comes up for consideration, the House has a very structured debate process. Each member who wishes to speak has only a few minutes, and the number and kind of amendments are usually limited. In the Senate, debate on most bills is unlimited — senators may speak to issues other than the bill under consideration during their speeches, and any amendment can be introduced. A bill must pass both houses of the Congress before it goes to the President for consideration. Once debate has ended and any amendments to the bill have been approved, the full membership will vote for or against the bill.

The bill is then sent to the President. When receiving a bill from the Congress, the President has several options. If the President agrees with the bill, he or she may sign it into law. If the President disagrees with the bill, he may veto it and send it back to the Congress. The Congress may override the veto with a two-thirds vote of each chamber, at which point the bill becomes law and is printed.

**2. Выразите согласие/несогласие со следующими утверждениями, используя следующие речевые модели.**

**Model:**            **a) I fully agree with the statement.**  
                         **b) I am afraid, I can't agree with it.**

1. The Senate is the main legislative body of the USA.
2. The Constitution of the USA sets forth the general process for making a bill into law.
3. The first step in the legislative process is voting.
4. In the House of Representatives, debate on most bills is unlimited.
5. All bills must pass both houses of the Congress before it goes to the President.
6. Upon receiving a bill from the Congress, the President has to sign it.
7. The Congress has no right to override the presidential veto.



## UNIT 3. LEGISLATION IN THE UNITED KINGDOM

### TEXT

#### Legislation in the United Kingdom

#### Vocabulary

1. the House of Lords — Палата Лордов
2. the House of Commons — Палата Общин
3. similar — подобный, схожий
4. scrutiny — тщательная проверка
5. a life peer — пожизненный пэр (титул и привилегии не передаются по наследству)
6. a hereditary peer — потомственный пэр (титул и привилегии передаются по наследству)
7. to proceed to committee stage — перейти на стадию обсуждения в комитете
8. to propose further amendments — предлагать дальнейшее внесение поправок
9. to reach agreement — достигнуть соглашения
10. the Royal Assent — королевская санкция

#### 1. Прочитайте текст и ответьте на вопросы.

1. What is the legislative body in the UK? What does it consist of?
2. What are the steps in the legislative process?
3. What are the sources of bills? Who can introduce the legislation?

In Great Britain laws are made in Parliament at Westminster. The British Parliament consists of the monarch, the House of Lords, and the House of Commons. Their work is similar: making laws (legislation), checking the work of the government (scrutiny), and debating current issues. The House of Lords is composed of life peers and hereditary peers. The House of Commons is composed of Members of Parliament (MPs).

The idea for a new law can come from a variety of sources: bills may be introduced by any member of either House (a “Private Member’s Bill”), a Minister of the Crown (a “Government Bill”), by the general public (“Public Bills”), by an individual or small group of individuals (a “Private Bill”).

First reading is the first stage of a Bill’s passage through the House of Commons — usually a formality, it takes place without debate. The short title of the Bill is read out and then the Bill is printed. The Bill is published as a House of Commons paper for the first time.

The next stage is second reading, the first opportunity for MPs to debate the general principles and themes of the Bill.

Once second reading is completed the Bill proceeds to committee stage. Committee stage is where detailed examination of the Bill takes place, clause by clause, determining the intent and impact of the Bill's language. This is therefore often considered the most important step in the parliamentary process for researchers aiming to determine legislative intent. It is at this stage that amendments are made. If the Bill has been amended the Bill is reprinted before its next stage.

Once committee stage is finished, the Bill returns to the floor of the House of Commons for its report stage, where the amended Bill can be debated and further amendments proposed. All MPs can suggest amendments to the Bill or new clauses (parts) they think should be added.

Report stage is normally followed immediately by debate on the Bill's third reading. Amendments (proposals for change) cannot be made to a Bill at the third reading in the Commons.

The process in the House of Lords is very similar to the process in the House of Commons. The Bill will have the pro forma first reading, then the second reading. After the second reading the Bill will normally be referred to a Committee of the Whole House. The Bill then passes through a consideration stage and the third reading. In the House of Lords amendments may be made in the Committee of the Whole House, the consideration stage, and the third reading (this is different from the House of Commons where no amendments can be made in the third reading).

If the Bill is started in the Commons it goes to the House of Lords for its first reading. If the Bill is started in the Lords it returns to the House of Lords for consideration of any amendments the Commons has made. Both Houses must agree on the exact wording of the Bill. A Bill may go back and forth between each House until both Houses reach agreement.

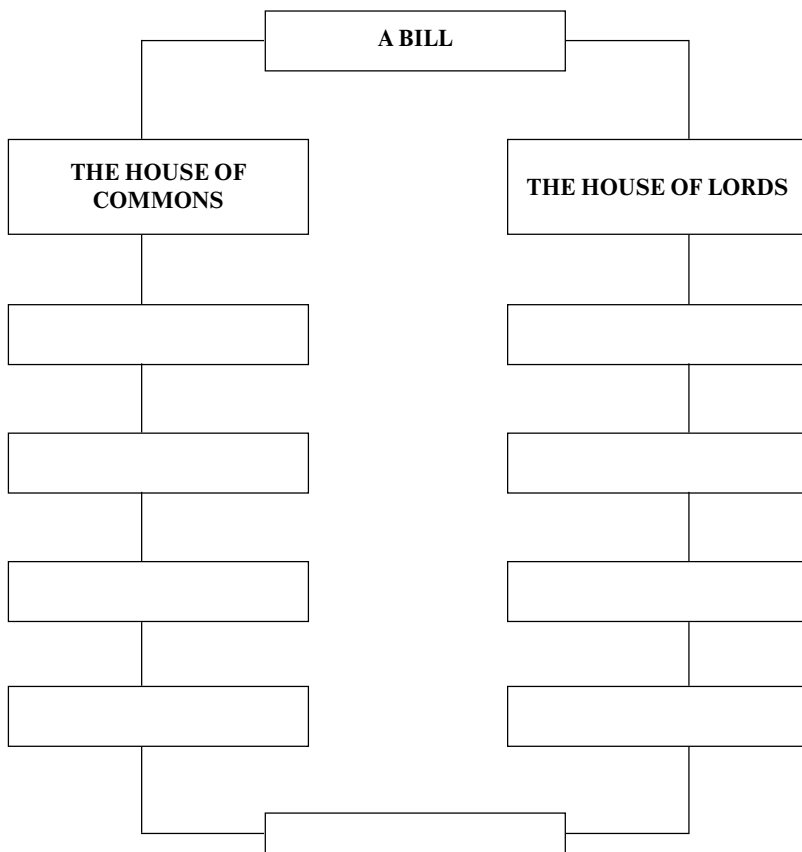
When a Bill has completed all its parliamentary stages in both Houses, it must have the Royal Assent before it can become an Act of Parliament. The Royal Assent is the monarch's agreement to make the Bill into an Act and is a formality. When Royal Assent has been given to a Bill, the announcement is usually made in both Houses by the Lord Speaker in the Lords and the Speaker in the Commons.

**2. Закончите предложения согласно содержанию текста и переведите их на русский язык.**

1. The British Parliament consists of ... .
2. During the first reading the short title of the Bill ... .
3. The second reading is the first opportunity ... .
4. The committee stage is ... .
5. Once the committee stage is finished, the Bill returns to the floor of the House of Commons for its report stage, where ... .

6. The report stage is followed by ... .
7. The process in the House of Lords is ... .
8. The Royal Assent is ... .
9. When the Royal Assent has been given to a Bill, ... .

**3. Просмотрите текст 3 и заполните таблицу, отражающую этапы принятия закона в Великобритании.**



**4. Используя информацию из текстов, а также дополнительных источников, заполните таблицу. Сделайте вывод, что общего и в чем различия в законодательных процессах России, США и Великобритании.**

	The Russian Federation	The United States of America	The United Kingdom
The legislative body and its structure			
Members of each House			
Requirements for the members of both Houses			
Who can introduce the bill?			
The number of stages in the legislative process			
Who signs the bill?			

5. Работа в парах. Используя таблицу, задайте друг другу вопросы по каждому пункту. Сделайте совместную мини-презентацию темы.

#### 6. Полевая игра.

#### We Are Making Laws

##### *Организация игры.*

1. Все вместе предложите закон на рассмотрение. Решите, кто инициирует законопроект.

2. Выберите одного человека на роль Президента. Его задача: ознакомиться с законопроектом, предложить свои поправки, одобрить, подписать и огласить закон или отклонить его (наложить вето). Обсудите свое решение.

3. Остальную часть группы поделите на две подгруппы — Государственная Дума (большая часть группы) и Совет Федерации (меньшая часть группы).

4. Задача обеих палат: выбрать председателя и под его руководством осуществить рассмотрение законопроекта и вынести решение о принятии или отклонении закона.

5. Прежде чем вступать в игру, вспомните содержание текста 1, еще раз проанализируйте процесс принятия закона в России. Для удобства можно изобразить процесс схематично на доске или воспользоваться схемой из Упражнения 6. Четко сформулируйте последовательность действий в игре (какая палата должна обсуждать законопроект первой, что потом происходит с проектом, как может действовать каждая палата, когда в игру вступает президент, и др.). Помните, что игра интересна только тогда, когда она четко организована.

# UNIT 4. THE CONSTITUTION OF THE RUSSIAN FEDERATION

## TEXT

### The Constitution of the Russian Federation

#### 1. Подумайте и ответьте на вопросы.

1. What is a constitution?
2. What basic principles are contained in a constitution?
3. Why is a constitution the supreme law of any country?

#### 2. Прочитайте и переведите текст.

The Constitution of the Russian Federation is Russia's supreme law, passed through a national vote. It contains the basic principles of the Russian constitutional system.

The Constitution:

- defines the federative structure of the Russian Federation;
- establishes the principles of sovereignty and independence of the Russian Federation;
- defines the principle of separation of powers between legislative, executive and judicial branches;
- establishes equality of ideologies and religions;
- defines the Russian Federation as a secular state.

The Constitution of the Russian Federation defines the rights and freedoms of a human and a citizen, sets their priority when deciding any issues, and proclaims the principle of equality before law and court. As for the federative structure, the Constitution contains the list of component units of the Russian Federation, covers the issues that are within the jurisdiction of the Russian Federation and those that are within the joint jurisdiction of federal and local authorities.

Separate articles are devoted to the bodies of federal power: the President of the Russian Federation, the Federal Assembly of the Russian Federation, and the Government of the Russian Federation and also the judicial power of the Russian Federation. In these articles, the order and the terms of appointed and elected officials and the limits of their competence are defined according to the principle of separation of powers.

Under the Constitution adopted on December 12, 1993 at the all-Russia referendum, full authority in the Russian Federation belongs to the President and the bodies of the legislative (two-chamber parliament — Federal Assembly), executive (Government of the Russian Federation) and the judicial authorities, which work independently.

The President of the Russian Federation is the Head of the State; the duties of the President are listed, including his status of the Supreme

Commander of the Armed Forces of the Russian Federation. The Constitution also contains the text of the oath taken by the President of the Russian Federation upon taking office.

The Federal Assembly of the Russian Federation (the Federation Council and the State Duma) represents the legislature. The order of electing representatives for these chambers, their competence, terms of office are provided by the Constitution.

The Government of the Russian Federation is the executive branch. The Constitution determines the extent of its jurisdiction and also defines the order and the terms of office of government officials.

Judicial power is implemented by means of constitutional, civil, administrative, and criminal legal proceedings. The Constitution establishes the principles of independence, irremovability and immunity of judges, thus providing for objectiveness and impartiality of the court.

The system of courts of the Russian Federation consists of:

- the Constitutional Court of the Russian Federation;
- the Supreme Court of the Russian Federation;
- the Higher Arbitration Court of the Russian Federation.

Separate articles are devoted to the Russian Federation Procurator's Office with functions of supervision and control, and the procedure for adoption of Constitutional amendments. The Constitution regulates the issues of local self-government, including its authority and sphere of activity.

Transitional and Final provisions regulating the promulgation of the Constitution and its enforcement are contained in Part 2 of the Constitution.

### **3. Переведите на русский язык следующие слова и словосочетания из текста.**

- 1) to establish the principles of sovereignty and independence
- 2) to cover issues
- 3) to be devoted to the bodies of federal power
- 4) to define the federative structure
- 5) legislative authority
- 6) executive authority
- 7) judicial authority
- 8) to list duties
- 9) the Armed Forces
- 10) to represent the legislature
- 11) to determine the extent of the jurisdiction
- 12) immunity of judges
- 13) impartiality of the court
- 14) supervision and control
- 15) promulgation of the Constitution

**4. Найдите в тексте английские эквиваленты следующим русским словам и словосочетаниям.**

- 1) установить принцип суверенитета
- 2) принцип разделения властей
- 3) установить равенство религиозных конфессий
- 4) светское государство
- 5) в ведении федеральных и местных властей
- 6) провозглашать принцип равенства перед законом
- 7) Федеральное Собрание
- 8) рамки полномочий
- 9) судебная власть
- 10) глава государства
- 11) порядок избрания представителей
- 12) установить принцип несменяемости судей
- 13) Прокуратура Российской Федерации
- 14) беспристрастность суда
- 15) процедура принятия поправок к Конституции

**5. Ответьте на вопросы по тексту.**

1. What does the Constitution of the Russian Federation define and establish?
2. What provisions does the Constitution contain regarding the federative structure?
3. What are the bodies of federal power?
4. Who does the full authority in the Russian Federation belong to under the current Constitution?
5. What provisions concerning the legislature are provided by the Constitution?
6. What is the executive branch of power in the Russian Federation?
7. How is judicial power implemented in the Russian Federation?
8. What principles of judicial power does the Constitution establish?
9. What does the system of courts consist of?
10. Does the Constitution regulate the activities of local self-government?

**6. Подберите синонимы из правой колонки к словам в левой колонке.**

- |                   |                   |
|-------------------|-------------------|
| 1) fundamental    | a) impartial      |
| 2) power          | b) period of time |
| 3) independently  | c) be vested in   |
| 4) establish      | d) choose         |
| 5) duty           | e) obligation     |
| 6) solemn promise | f) basic          |
| 7) term           | g) separately     |
| 8) elect          | h) oath           |
| 9) objective      | i) set up         |
| 10) belong to     | j) authority      |

**7. Подберите антонимы из правой колонки к словам в левой колонке.**

- |                |               |
|----------------|---------------|
| 1) separation  | a) dependence |
| 2) within      | b) reject     |
| 3) sovereignty | c) unity      |
| 4) adopt       | d) beyond     |
| 5) secular     | e) religious  |

**8. Закончите предложения согласно содержанию текста.**

1. Constitution establishes ...
- a) the principles of independence and partial sovereignty of the RF.
  - b) equalities of ideologies but not religions.
  - c) the principle of separation of powers.
2. As for the federative structure, the Constitution ...
- a) covers the questions that are exclusively in the jurisdiction of the RF leaving out the competence of federal and local authorities.
  - b) contains the list of component units of the RF.
  - c) covers only those questions that are in the joint jurisdiction of federal and local authorities.
3. The bodies of federal power are...
- a) the Federal Assembly of the RF and the judiciary of the RF.
  - b) the President of the RF and the Government of the RF.
  - c) all the bodies mentioned above in a) and b).
4. The Federal Assembly of the RF represents ...
- a) the legislature.
  - b) the judiciary.
  - c) the executive branch.
5. The Constitution determines ...
- a) the extent of the jurisdiction of the executive branch.
  - b) the order and the terms of office of the governmental officials.
  - c) both.
6. Judicial power is implemented by means of ...
- a) civil and criminal legal proceedings.
  - b) constitutional and administrative legal proceedings.
  - c) all the proceedings mentioned in a) and b).

**Повторение грамматики. Система времен английских глаголов  
в пассивном залоге (The System of Tenses. Passive Voice)**



**9. Замените в предложениях глагольные формы в активном залоге на пассивные, как указано в примерах, и переведите их на русский язык.**

*Examples:*

**MODEL 1** The constitution **defines** the federative structure of the Russian Federation.

The federative structure of the Russian Federation **is defined** in the Constitution.

**MODEL 2** The constitution **defined** the federative structure of the Russian Federation.

The federative structure of the Russian Federation **was defined** in the Constitution (several years ago, yesterday, two days ago, the day before yesterday).

**MODEL 3** The constitution **will define** the federative structure of the Russian Federation.

The federative structure of the Russian Federation **will be defined** in the Constitution (one of these days, tomorrow, in a week, in several months).

1. The Constitution of the Russian Federation defines the rights and freedoms of a human and a citizen.

2. The Constitution defined the Russian Federation as a secular state in 1993.

3. The Constitution contains the text of the oath taken by the President of the Russian Federation.

4. The Constitution determines the extent of the jurisdiction of the Russian Government.

5. The Constitution established the principles of independence, irremovability and immunity of judges when it was adopted.

6. The Constitution will regulate the issues of local self-government in a year.

7. Part 2 of the Constitution contains Transitional and Final provisions.

**10. Соотнесите слова из левой колонки с их определениями из правой колонки.**

- 1) unofficial
- 2) the legislative power
- 3) immunity
- 4) supervision

- a) freedom from favouritism, disinterestedness, fairness
- b) the quality or condition of being legally qualified to perform an act
- c) a giving force to, authority, or effect to

5) the executive power	d) one who holds an office or position, especially one who acts in a subordinate capacity for an institution such as a corporation or governmental agency
6) competence	e) the system of courts that interprets and applies the law in the name of the state
7) enforcement	f) the part of government that has sole authority and responsibility for the daily administration of the state affairs
8) the judicial power	g) all actions that are authorized or sanctioned by law and instituted in a court or a tribunal for the acquisition of rights or the enforcement of remedies
9) legal proceeding(s)	h) authority belonging to an officially elected body of people vested with the responsibility to make laws
10) impartiality	i) authoritative control over the affairs of others j) exemption from normal legal duties, penalties, or liabilities, granted to a special group of people

**11. Переведите предложения, используя слова и словосочетания из текста.**

1. Конституция Российской Федерации — Основной закон страны.
2. Конституция устанавливает основы социального, экономического и политического устройства России.
3. Конституция провозглашает идею приоритета прав и свобод человека.
- 4.носителем суверенитета и единственным источником власти в РФ является ее многонациональный народ.
5. Все граждане России равны перед законом и судом.
6. Статья 10 Конституции Российской Федерации предусматривает принцип разделения государственной власти на законодательную, исполнительную и судебную.
7. Судебная власть осуществляется посредством конституционного, гражданского, административного и уголовного судопроизводства.
8. Согласно Конституции судьи обладают независимостью, несменяемостью и неприкосновенностью.
9. В компетенцию Прокуратуры входит надзор за исполнением законов всеми учреждениями, должностными лицами и гражданами.
10. При вступлении в должность Президент Российской Федерации приносит присягу.

# UNIT 5. CONSTITUTIONS OF THE USA AND THE UK

## TEXT 1

### The US Constitution

#### **1. Прочитайте текст и ответьте на вопросы.**

1. When was the US Constitution adopted?
2. What does the US Constitution consist of?
3. How are the first 10 amendments to the US Constitution called?
4. What rights and liberties are protected under the Bill of Rights?
5. What kind of trial is guaranteed by the Bill of Rights?
6. What are the key features of the US Constitution?
7. What are the three branches of power according to the Constitution?
8. Is there a strict separation of powers in the USA?
9. Does any branch have more power than the others?
10. What duties does every branch have regarding the other branches under the principle of checks and balances?

The form of the US government is based on the Constitution of 1787 which was adopted after the War of Independence. The US Constitution consists of 7 articles and 27 amendments. The first 10 amendments are called the Bill of Rights and were adopted in 1791 under popular pressure.

The Bill of Rights is a series of limitations on the power of the United States federal government, protecting the natural rights and liberties, property including freedom of religion, freedom of speech, a free press, free assembly, and free association, as well as the right to keep and carry arms. In federal criminal cases, it requires indictment by a grand jury for any capital crime, guarantees a speedy, public trial with an impartial jury composed of members of the state in which the crime occurred.

A key feature of the US Constitution is federalism — the division of power between the national government and the states. Another major feature of the Constitution is the principle of the separation of powers within the national government. According to this principle the executive, legislative and judicial branches exercise powers that are largely separate and distinct. There is not a strict and complete separation of powers, the powers of the three branches overlap. Each branch has its own responsibilities, but no branch has more power than the other branches. There is the system of checks and balances. Under this principle each branch has certain duties to check the powers of the other branches. This system was meant to protect against the extremes since it makes compromise and consensus necessary.

The legislative branch is called the Congress which consists of the Senate and the House of Representatives. It is the responsibility of the Congress to propose and pass laws. In the system of checks and balances, Congress can refuse to approve Presidential appointments and can override presidential veto.

The executive branch consists of the President, the Vice President, the Cabinet and the 13 Departments, and also the independent agencies. Its responsibility is to enforce laws. According to the principle of checks and balances, the President has the power of veto to reject the bill of the Congress. He also appoints all Supreme Court Justices.

The judicial branch consists of the Supreme Court, 11 Circuit Courts of Appeals and 94 District Courts. This branch explains and interprets laws and makes decisions in lawsuits. It has the power over the other two branches and according to the principle of checks and balances can declare their actions and laws unconstitutional in case they violate the principles of the Constitution.

**2. Выразите согласие/несогласие со следующими утверждениями, используя следующие речевые модели.**

**Model:**        a) I think it is true. The text tells us that ...  
                      b) To my mind, it is false because ...

1. The US Constitution was adopted in 1918 after the World War I.
2. The first 10 amendments are called the Bill of Rights.
3. The Bill of Rights sets forth the structure of the Federal Government.
4. The key features of the US Constitution are federalism, the separation of powers and the system of checks and balances.
5. The legislative branch has more powers than the others.
6. The powers of the three branches don't overlap.
7. The system of checks and balances was meant to protect against the extremes.
8. The responsibilities of the Congress are to protect the rights of citizens and enforce laws.
9. The executive branch consists of the President, the Vice President, the Cabinet and the 13 Departments, and also the independent agencies.
10. The judicial branch explains and interprets laws and makes decisions in lawsuits.

## TEXT 2

### The British Constitution

**3. Прочитайте текст и ответьте на вопросы.**

1. What makes the UK Constitution different from other constitutions?

2. What are the sources of the UK Constitution?
3. What is the core principle of the UK Constitution?
4. What bodies represent the three branches of power (executive, legislative and judiciary)?

The British Constitution is unwritten unlike the constitution in America or the proposed European Constitution, and as such, is referred to as an uncodified constitution in the sense that there is no single document that can be identified as Britain's constitution. The British Constitution can be found in a variety of documents. The main ones are: Statutes (the Magna Carta of 1215 and the Act of Settlement of 1701), Acts of Parliament; customs and traditions, political conventions, case law; constitutional matters decided in a court of law.

Since the English Civil War, the core principle of the British constitution has traditionally been the doctrine of parliamentary sovereignty, according to which the statutes passed by Parliament are the UK's supreme and final source of law. It follows that Parliament can change the constitution simply by passing new Acts of Parliament to be followed by the Royal Assent. There is some debate about whether this principle remains entirely valid today, in part due to the UK's European Union membership.

According to the doctrine of parliamentary sovereignty, Parliament may pass any legislation that it wishes. There are many Acts of Parliament which themselves have constitutional significance. For example, Parliament has the power to determine the length of its own term. However, the Sovereign retains the power to dissolve Parliament at any time on the advice of the Prime Minister. Parliament also has the power to change the structure of its constituent Houses and the relation between them.

Parliament consists of the Sovereign, the House of Commons and the House of Lords. All the legislation must receive the approval of the Sovereign (the Royal Assent). Following the accession of the UK to European Economic Community (now the European Union) in 1972, the UK became bound by European law and more importantly, the principle of the supremacy of European Union law.

The House of Commons alone possesses the power to pass a motion of no-confidence in the Government, which requires the Government either to resign or seek fresh elections. Such a motion does not require passage by the Lords, or the Royal Assent. Parliament traditionally also has the power to remove individual members of the government by impeachment. By the Constitutional Reform Act 2005 it has the power to remove individual judges from office for misconduct.

The executive power in the United Kingdom is exercised by the Sovereign through Her Majesty's Government. The monarch appoints the

Prime Minister as the head of Her Majesty's Government in the United Kingdom. The Prime Minister then selects the other Ministers which make up the Government. As in some other parliamentary systems of government, the executive is accountable to Parliament.

The Courts of the United Kingdom are divided into three separate jurisdictions serving England and Wales, Scotland and Northern Ireland, since the United Kingdom does not have a single unified judicial system.

The Constitutional Reform Act 2005 created a new Supreme Court of the United Kingdom to take over the judicial functions of the House of Lords and devolution cases from the Judicial Committee of the Privy Council. The Supreme Court began its work in 2009, and serves as the highest court of appeal in England, Wales and in Northern Ireland, and for civil cases in Scotland. The High Court of Justiciary remains the court of last resort in Scotland for criminal cases.

**4. Выразите согласие/несогласие со следующими утверждениями.**

1. The British Constitution is unwritten unlike the Constitutions of the USA and the proposed European Constitution.
2. The British Constitution can be found in a variety of documents.
3. Amendments to the British Constitution need the approval of both Houses of Parliament, but they do not need the Royal Assent.
4. Parliamentary sovereignty has always been the core principle of the British Constitution.
5. The Sovereign has no power to dissolve Parliament.
6. Parliament has no power to change the structure of its houses.
7. The British Parliament consists of the House of Commons and the House of Lords.
8. The European law has priority over the UK law.
9. The executive power in the United Kingdom is exercised by the Sovereign.
10. The Constitutional Reform Act 2005 created a new Supreme Court of the United Kingdom.

**5. Прочитайте текст о различных типах конституций и переведите его.**

### **Types of Constitutions**

A Constitution is a system which establishes the fundamental rules and principles which a state will use to govern and regulate.

There are several types of constitutions: written/unwritten, rigid/flexible, federal/unitary.

The term *written constitution* is used to describe a constitution that is entirely written, that is codified in one single document. Written constitutions normally consist of a ceremonial preamble, which sets forth the goals of the state and the motivation for the constitution, and several articles containing the substantive provisions.

The term *unwritten constitution* is used to describe a constitution in which no single, formal document delineates the powers of a government. Instead, an unwritten constitution comprises the body of a country's laws, enacted overtime, with an emphasis on political precedent and parliamentary procedure, to create a framework in which a limited government operates. Unwritten constitutions can contain written sources: e.g. constitutional statutes enacted by the Parliament; and also unwritten sources: constitutional conventions, customs and traditions.

Many historians use the term "*rigid*" to describe the Constitution because in such constitution there are provisions in writing that cannot be legally changed with the same ease and in the same manner as ordinary laws. On the other hand, the Constitution is called "*flexible*" because it is an unwritten document that can be changed by an act of Parliament or through a process of amendment.

The *federal constitution* establishes the division of authority between the Federal Government and the component units of the government. In a federal constitution, sovereignty is invested in the central government. It allows a limited amount of government among units.

The *unitary constitution* relates to the parliament. It follows parliamentary system of power. The unitary constitution establishes a unitary system of government where a central government does exist. Although units are associated with that government, sovereignty is controlled by the central government.

## **6. Используя текст, охарактеризуйте конституции Российской Федерации, США и Великобритании.**

### **Повторение грамматики.**

#### **Прямая и косвенная речь (Direct and Indirect Speech)**

При изменении прямой речи в косвенную соблюдаются следующие правила.

1. Запятая и кавычки опускаются. Возможен союз *that*.

**Example:** **Прямая речь:** The judge says, "The defendant is guilty".

**Косвенная речь:** The judge says (that) the defendant is guilty.

2. Все личные и притяжательные местоимения изменяются по смыслу в зависимости от лица, от которого ведется речь. (1-е лицо меняется на 3-е лицо; 2-е лицо меняется на 1-е лицо или на 3-е лицо.)

**Example:** Citizen B. says, “My human rights and freedoms are violated”. — Citizen B. says that his rights and freedoms are violated.

3. а) В утвердительном предложении глагол в повелительном наклонении заменяется инфинитивом.

**Example:** “Call the police immediately!” the robbed woman cried. — The robbed woman cried to call the police immediately.

б) В отрицательном предложении 1-я форма глагола изменяется на “not” + инфинитив.

**Example:** “Don’t threaten my key witness!” the lawyer shouted. — The lawyer shouted not to threaten his key witness.

4. Если в прямой речи глагол главного предложения стоит в прошедшем времени, то при преобразовании прямой речи в косвенную речь время глагола придаточного предложения меняется в соответствии с правилами последовательности употребления времен (the Sequence of Tenses). Именно в этом основное различие между русским и английским языками в употреблении косвенной речи.

Таким образом, в косвенной речи *вместо Present Indefinite употребляется время Past Indefinite:*

**Example:** A police officer said, “I investigate serious crimes”. — A police officer said he investigated serious crimes.

*вместо Present Continuous употребляется время Past Continuous:*

**Example:** A police officer said, “I am investigating serious crimes.” — A police officer said he was investigating serious crimes.

*вместо Present Perfect употребляется время Past Perfect:*

**Example:** A police officer said, “I have investigated serious crimes.” — A police officer said he had investigated serious crimes.

*Вместо Present Perfect Continuous употребляется время Past Perfect Continuous:*

**Example:** A police officer said, “I have been investigating serious crimes.” a police officer said he had been investigating serious crimes.

*Вместо Past Indefinite употребляется Past Perfect:*

**Example:** A police officer said, “I investigated serious crimes”. — A police officer said he had investigated serious crimes.

*Вместо Past Continuous употребляется Past Perfect Continuous:*

**Example:** A police officer said, “I was investigating serious crimes”. — A police officer said he had been investigating serious crimes.



*Вместо Future Indefinite употребляется соответствующая форма Future in the Past:*

**Example:** A police officer said, “I will investigate serious crimes”. — A police officer said he would investigate serious crimes.

*Вместо Future Continuous употребляется форма Future Continuous in the Past:*

**Example:** A police officer said, “I will be investigating serious crimes”. — A police officer said he would be investigating serious crimes.

*Вместо Future Perfect употребляется соответствующая форма Future Perfect in the Past:*

**Example:** A police officer said, “I will have investigated serious crimes”. — A police officer said he would have investigated serious crimes.

*Времена Past Perfect и Past Perfect Continuous остаются без изменений.*

**Example:** A police officer said, “I had investigated serious crimes”. — A police officer said he had investigated serious crimes.

**Example:** A police officer said, “I had been investigating serious crimes”. — A police officer said he had been investigating serious crimes.

5. Past Indefinite и Past Continuous могут оставаться без изменений при обращении прямой речи в косвенную, когда указано точное время совершения действия.

**Example:** The Foreign Minister said, “The International agreement on cooperation was signed on October 9, 2003”. — The Foreign Minister said that the International agreement on cooperation was signed on October 9, 2003”.

6. Если содержание прямой речи представляет собой неоспоримую истину (universal truth), грамматическое время глагола не меняется.

**Example:** Delivering a lecture on the intellectual property the professor said, “Copyright is the body of law that deals with the ownership and use of works of literature, music and art”. — Delivering a lecture on the intellectual property the professor said that copyright is the body of law that deals with the ownership and use of works of literature, music and art.

7. Указательные местоимения и наречия времени и места, употребляемые в прямой речи, заменяются в косвенной речи соответствующими им по смыслу словами и выражениями.

This (этот) меняется на that (тот).

These (эти) меняется на those (эти).

Now (теперь) меняется на then (тогда).

Today (сегодня) меняется на that day (в тот день).

Tomorrow (завтра) меняется на the next day (на следующий день).

The day after tomorrow (послезавтра) меняется на two days later (два дня спустя).

Yesterday (вчера) меняется на the day before (накануне).

The day before yesterday (позавчера) меняется на two days before (двумя днями ранее).

Month ago (месяц назад) меняется на month before (за месяц до этого).

Last month (в прошлом месяце) меняется на the previous month (в предыдущем месяце).

Here (здесь) меняется на there (там).

### **7. Замените предложения в прямой речи на предложения в косвенной речи, произведя необходимые изменения.**

1. “We are not talking about any kind of censorship on the Internet”, the President says.

2. The committee spokesman said a week ago, “The Investigative Committee is forming a department that will investigate crimes committed by police officers”.

3. A lawyer said to Mr. Woodworth, “The most severe punishment now for this criminal offence is life imprisonment”.

4. “Please, don’t interrupt me”, the associate lawyer said to his client yesterday.

5. “We have been providing here the highest quality legal assistance to our clients”, said the in-house lawyer.

6. The Interior Minister says, “Russian law should punish police officers more severely than ordinary people for illegal activities”.

7. The lawyer speaking about the Graduate Recruitment Programme said, “I will outline what we can offer to these employees”.

8. The judge said, “The owner of the Perm night-club where 156 people were killed in a fire has been hiding in Spain before being arrested and extradited to Russia”.

9. Moscow’s mayor said, “I will focus on maintaining social stability and solving transportation problems”.

10. The President said, “The Internet may increase the quality of state governance”.

### **Вопросительные предложения в косвенной речи. Indirect questions.**

1. Если прямая речь является **вопросительным предложением**, то при обращении в косвенную речь этот вопрос становится **придаточным предложением (косвенным вопросом)**.

2. При обращении вопросительного предложения в косвенный вопрос вопросительный знак опускается, а вопросительный порядок слов заменяется на порядок слов в повествовательном предложении (т. е. сказуемое ставится после подлежащего и т. д.). **Общие вопросы** вводятся словами *if, whether*.

**Example:** The student of the law academy asks, “Is the Supreme Court the highest judicial organ of the state?” — The student of the law academy asks *if* the Supreme Court is the highest judicial organ of the state.

**Example:** “Did the Higher Regional Court uphold the decision on the appeal?” he asked. — He asked whether the Higher Regional Court had upheld the decision on the appeal.

3. Вопросы, начинающиеся с вопросительного слова или группы слов: *who, which, whose, when, why, how many, how much, how long*, называются **специальными вопросами** и при преобразовании в косвенную речь превращаются в придаточные предложения, где данные слова становятся союзами и служат для присоединения придаточного предложения к главному. Остальные изменения производятся согласно вышеизложенным правилам.

**Example:** The deputy minister asked, “What law enforcement bodies will take part in this operation?” — The deputy minister asked what law enforcement bodies would take part in that operation.

**Example:** Mr. Brown asked, “How many justices of the peace will be trying this case?” — Mr. Brown asked how many justices of the peace would be trying that case.

## **8. Замените вопросительные предложения в прямой речи на предложения в косвенной речи, произведя необходимые изменения.**

1. The professor asked, “Is English law based on common law tradition?”

2. The first-year student asked the professor yesterday, “Do barristers give expert opinions on legal matters?”

3. Tom Brown asked his groupmate, “Why is it important for judges to be independent of the government?”

4. The correspondent asked last week, “How long did it take the FBI experts to perform these scientific examinations?”

5. The defence counsel asked the prosecution, “How many defendants were convicted of illegal weapons possession?”

6. The clerk of the court asked, “Did the defendant plead guilty to any charges?”

7. The head of the court’s press service was asked, “Has the appellate panel found any procedural violations?”

8. Tom Brown asked his lawyer, “Who backed a request for bail?”
9. The judge was asked at the press conference, “Why was the charge of murder reduced to manslaughter?”
10. The Federal Security Service officer was asked, “When was an explosive device found on board a passenger jet flying from Moscow to Grozny?”

## UNIT 6. EMAIL IN ENGLISH

### 1. Подумайте и ответьте на вопросы.

1. What is email?
2. What do you think of this way of communication?
3. How often do you write emails?
4. How does email differ from a letter?
5. Do you know any rules of writing an email?

Каждое письмо **Email** содержит две основные части: **заголовок и основную часть**.

**Заголовок письма** содержится в следующих полях:

- В поле **To:** (Куда) записывается адрес получателя сообщения. В зависимости от используемого сервера или почтовой клиент-программы это поле может называться **Message To:** или **Mail To:**.
- Поле **From:** (Ваш адрес Email) Обычно этот адрес автоматически записывается и поэтому может отсутствовать на экране.
- В поле **Subject:** (Тема) указывается краткая аннотация содержания сообщения (не более 20–30 знаков).
- В поле **Cc (carbon copy):** (Копия) при необходимости записываются адреса корреспондентов, которым рассылаются копии сообщений.
- В поле **Bcc (blind carbon copy):** (Скрытая копия) указываются адреса корреспондентов, которым копии сообщений рассылаются втайне от первого адресата.

### Структура электронного письма:

1. Salutation (приветствие). Выбор приветственной фразы зависит от того, насколько хорошо вы знаете адресата.
2. Opening sentence (вступительное предложение). Объясняет причину создания письма, всегда начинается с заглавной буквы.
3. Main part (основная часть). Содержание письма.
4. Conclusion (заключение). Часть, в которой вы сообщаете о том, что ждете (или не ждете) ответа от адресата.
5. Close salutation (прощание).

## 2. Распределите по колонкам следующие фразы.

Dear Sir or Madam

[no name or no close]

Hello

Best wishes

Feel free to get in touch\* if you have any questions

Hey

Bye

Dear all

I'm writing to thank you...

Yours sincerely\*

Just a short email to inform you...

All the best

Dear Mr, Mrs, Miss, Ms

Looking forward to\* your reply

To whom it may concern\*

Let me know if you need anything else

Hi everyone

Best regards\*

Do not hesitate\* to contact us if you need any assistance

See you (soon)

I look forward to hearing from you

### Notes:

to get in touch — связаться с кем-либо

Yours sincerely — С уважением

to look forward to — с нетерпением ждать

to concern — касаться, иметь отношение к чему-либо

best regards — с уважением, с наилучшими пожеланиями

Salutation	Opening sentence	Conclusion	Close salutation

## 3. Изучите список фраз, которые используются в деловых и личных письмах.

**Note:** Все электронные письма можно разделить на две группы: деловые (официальные) и личные (неофициальные). В зависимости от того, кому адресовано письмо (работодателю, начальнику, коллеге по бизнесу или другу, приятелю, хорошо знакомому коллеге по работе), выбираются соответствующие фразы и выражения.

Formal emails	Informal emails
<p><b>Salutation:</b>  When you don't know the name:  Dear Sir or Madam  To whom it may concern</p> <p>When you know the name:  Dear Mr, Mrs, Miss, Ms*</p> <p>When writing to a group:  Dear all</p> <p><b>Opening sentence:</b>  I'm writing: to inform  to confirm  to request  to update you  This is to let you know  to thank you</p> <p><b>Main part:</b>  I would like to  Please find the requested  information attached  We hope you  I do apologize for  We regret to inform you ...  Could/Can you please send me ...?  We are working on your request</p> <p><b>Conclusion:</b>  I look forward to/ Looking  forward to  Do not hesitate to contact us if  you need any assistance  I'd appreciate a reply asap</p> <p><b>Close:</b>  Your sincerely  Best regards  Regards  Best wishes</p>	<p><b>Salutation:</b>  When you don't know the name:  Hello  [no salutation]</p> <p>When you know the name:  John/Mary etc.  [no salutation]</p> <p>When writing to a group:  Hi everyone</p> <p><b>Opening sentence:</b>  How are you?  How's it going?  Just a quick note to tell  Just a short email to get in touch  Writing to help</p> <p><b>Main part:</b>  Re your email, I ...  I'm sorry, but  Thanks for ...  Here's the low-down on ...  You'll be happy to hear</p> <p><b>Conclusion:</b>  Please answer asap  Feel free to get in touch with any  questions  Have a nice day/weekend  Hope to hear from you soon</p> <p><b>Close:</b>  All the best  Best  See you  Take care  Bye  [just the name or initials]  [noclose]</p>

\*Мг — господин

Mrs — госпожа (обращение к замужней женщине)

Miss — госпожа (обращение к незамужней женщине)

Ms — госпожа (обращение к женщине, семейное положение которой не уточняется)

**4. Для современных электронных писем характерны различные аббревиатуры и сокращения:**

**отдельные слова**

**appt — appointment**

**ad — advertisement**

**2 B- to be (highly informal)**

**cfm — confirm**

**4give-forgive (highly informal)**

**pls — please**

**rgds — regards**

**re — referring to**

**thx — thanks (highly informal)**

**U — you**

**некоторые фразы**

**asap — as soon as possible**

**at the mo — at the moment**

**BTW — by the way**

**FYI — for your information**

**ie — in other words**

**IMO — in my opinion**

**LOL — laughing out loud (highly informal)**

**MYOB — mind your own business (highly informal)**

**5. Расшифруйте приведенные ниже сокращения, укажите характер писем, в которых они используются.**

1. appt 2. asap 3. eg 4. etc 5. info 6. pls 7. wk 8. Mon 9. 2B 10. Apr 11. Dec 12. thx 13. U. 14. LOL 15. IMO.

**6. Напишите два электронных письма: деловое (официальное) и личное (неофициальное). Тему выберите самостоятельно или используйте предложенные варианты.**

<b>Formal email</b>	<b>Informal email</b>
Напишите письмо коллеге по работе и подтвердите свое участие в деловой встрече, уточните время и дату встречи. Напишите письмо организаторам конференции и сообщите тему своего выступления. Напишите письмо в отель, узнайте цену и забронируйте номер на определенную дату, попросите	Напишите письмо однокласснику и узнайте расписание занятий. Напишите письмо маме, расскажите что-нибудь о себе. Напишите письмо другу или подруге и договоритесь о вечеринке. Напишите письмо коллеге и расскажите о предстоящей командировке.

подтвердить бронирование номера.	
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Напишите письмо своему клиенту и отмените запланированную встречу, объясните причину, извинитесь и назначьте новую встречу.	
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## GLOSSARY

to adopt a decree — принимать указ

to approve a bill — одобрять законопроект

to be in charge of smth/doing smth — возглавлять что-либо, нести ответственность за что-либо

to bring charges against smb — выдвигать обвинения против кого-либо

to consider a law — рассматривать закон

core principle of the constitution — основной принцип конституции

to cover legal issues — охватывать правовые вопросы

to create legislation — создавать закон

to decide legal issues — решать правовые вопросы

to define basic principles of the constitution — определять основные принципы конституции

to determine the extent of jurisdiction — определить степень полномочий

to establish the principle of independence, irremovability and immunity — устанавливать принцип независимости, несменяемости и неприкосновенности

functions of supervision and control — функции надзора и контроля

grand jury — большое жюри, присяжные, выносящие решение о предании дела суду

to implement judicial power — осуществлять судебную власть

indictment — обвинительное заключение

to interpret a law — толковать закон

lawmaking body — законодательный орган

local self-government — местное самоуправление

to make amendments to the Constitution — вносить поправки в Конституцию

to override the veto — преодолеть вето

to pass a law — принять закон

to reach a compromise — прийти к компромиссу

to reject a bill — отклонять законопроект



rights and freedoms of a human and a citizen — права и свободы человека и гражданина

to take an oath — принимать присягу

to take office — вступить в должность

the principle of equality before law — принцип равенства перед законом

the supreme law — высший закон

to vote on a draft law — голосовать по законопроекту

## PART II

### CHAPTER 3. STATE AND POLITICAL SYSTEMS

#### UNIT 1. STATE AND POLITICAL SYSTEM OF RUSSIA

##### 1. Ответьте на вопросы.

1. What do we study state systems for?
2. Are state systems the same in different countries?
3. Can the state system of a particular country undergo changes?
4. What types of state systems do you know?

#### TEXT

##### The System of State and Government of the Russian Federation

##### Vocabulary

1. a constituent entity — субъект Федерации
2. to contradict federal laws — противоречить федеральным законам
3. to sign a treaty — подписывать договор
4. to enforce the law — обеспечить исполнение закона
5. to be subject to approval by smb — подлежать утверждению кем-то
6. to announce pre-term election — объявлять досрочные выборы
7. to introduce the state of emergency — вводить чрезвычайное положение
8. to suspend the acts — приостанавливать действие
9. to vest power in smb — возлагать власть на кого-либо
10. to combat crimes — бороться с преступлениями
11. state security — государственная безопасность
12. to be subject to the constitution — подчиняться конституции

##### 2. Прочитайте и переведите текст.

The Russian Federation was established by the Constitution of 1993. Under the Constitution Russia is a democratic federative law-governed state with a republican form of government. The Russian Federation consists of 83 constituent entities (republics, regions, and territories, cities of federal significance, the autonomous regions and one autonomous area, which have equal rights). The authorities of the constituent entities have the right to pass laws independently of the federal government. The laws of the subjects of the Russian Federation may not contradict federal laws. In case of conflicts between federal and local authorities, the President uses consensual procedures to resolve the problem. In the event a consensus is

not reached, the dispute is transferred to the appropriate court for its resolution.

The President of the Russian Federation is the head of state. He is the Supreme Commander-in-Chief of the Armed Forces of the Russian Federation. The President organizes and heads the Security Council of Russia, signs treaties, enforces the law. The President appoints ministers, who are subject to approval by the Federal Assembly. He nominates judges to the Constitutional Court, the Supreme Court and the Higher Arbitration Court of the Russian Federation, and the Procurator-General of the Russian Federation. The President has the right to introduce the state of emergency within the Russian Federation. He announces pre-term elections. He has the right to suspend the acts of executive bodies of the Russian Federation members, if they contradict the Constitution of the Russian Federation, federal laws or the international obligations of the Russian Federation.

State power in the Russian Federation is exercised on the basis of its separation into legislative, executive and judicial branches. Each of them is balanced by the President.

The legislative power is vested in the Federal Assembly (the Parliament). It consists of two chambers: the Federation Council (the upper chamber) and the State Duma (the lower chamber). The two chambers of the Federal Assembly possess different powers and responsibilities, the State Duma being the more powerful. The Federation Council includes two representatives from each constituent entity of the Russian Federation, one from the representative and one from the executive bodies of the subject of the Federation.

The State Duma consists of 450 deputies and is elected for a term of 4 years. In December 2008 the term was extended to 5 years. Each chamber elects a chairman (the Speaker) to control the internal procedures of the chamber. The Federal Assembly is a permanently functioning body. The Federation Council and the State Duma sit separately. Their sessions are open (public). Each of the Houses forms committees and commissions and holds hearings on the appropriate issues. Bills may be initiated by each chamber. But to become a law a bill must be approved by both chambers and signed by the President. The President may veto the bill.

The executive power is exercised by the Government which consists of the Chairman of the Government (the Prime Minister), deputy chairmen and federal ministers. The Prime Minister is appointed by the President with the consent of the State Duma. Should the selected candidate be rejected three times, the President appoints the Prime Minister himself, dissolves the State Duma and announces new elections. The Prime Minister proposes to the President his candidates for the offices of federal ministers. The Government presents a draft budget to be discussed by the State Duma and provides its implementation as well as realization of financial, credit and monetary policies. It carries out measures to ensure legality, rights and

freedoms of citizens, protects property, public order and combats crimes. The Government ensures state security and the realization of foreign policy. It pursues a uniform state policy in the sphere of culture, science, education, social security, health and ecology.

Justice in the Russian Federation is treated as a special type of state activity. It is administered by courts of law unified within a single judicial system which is independent of other state systems. The aim of justice in Russia is to safeguard both the citizens' rights and interests as well as those of the state and individual institutions, enterprises and organizations. Judicial power is effected by means of constitutional, civil, administrative and criminal judicial proceedings. Judges are independent and subject only to the Constitution of the Russian Federation and federal law.

**3. Подберите русские эквиваленты к следующим словам и выражениям из текста.**

- 1) to be established by the Constitution
- 2) a law-governed state
- 3) a constituent entity
- 4) consensual procedures
- 5) a branch of power
- 6) to exercise power
- 7) to vest power in smb
- 8) to introduce a state of emergency
- 9) a draft budget
- 10) to dissolve Parliament
- 11) public order
- 12) to administer justice
- 13) to ensure legality
- 14) powers and responsibilities
- 15) to pursue a uniform state policy

**4. Найдите в тексте английские эквиваленты.**

- 1) республиканская форма правления
- 2) противоречить федеральным законам
- 3) подписывать договоры
- 4) постоянно действующий орган
- 5) представительный орган
- 6) кандидат на должность
- 7) быть избранным на срок
- 8) объявить новые выборы
- 9) проводить слушания
- 10) независимая государственная деятельность
- 11) судебная власть
- 12) государственная безопасность

- 13) исполнительная ветвь власти
- 14) внешняя политика
- 15) уголовное судопроизводство
- 16) обеспечивать права граждан

**5. а) Образуйте соответствующие однокоренные слова и запишите их в таблицу.**

	Verb	Abstract noun	Person	Adjective
1.	govern			
2.		authority		
3.			representative	
4.	elect			
5.				legislative
6.		execution		
7.	nominate			
8.				federal

**б) Вспомните, в каких предложениях данные слова употреблялись в тексте.**

**6. Соотнесите русские словосочетания в левой колонке с их английскими эквивалентами в правой.**

- |                          |                             |
|--------------------------|-----------------------------|
| 1) Совет безопасности    | a) the Accounting Chamber   |
| 2) Федеральное Собрание  | b) the Supreme Court        |
| 3) Генеральный прокурор  | c) the Federation Council   |
| 4) Помощник председателя | d) constituent entity       |
| 5) Совет Федерации       | e) the Security Council     |
| 6) Совет Министров       | f) the Procurator-General   |
| 7) Счетная палата        | g) the Deputy Chairman      |
| 8) Верховный Суд         | h) the Council of Ministers |
| 9) Субъект Федерации     | i) the Federal Assembly     |

**7. Закончите предложения.**

1. Russia is ...
  - a) parliamentary republic.
  - b) a presidential republic.
  - c) a constitutional monarchy.
  
2. The Parliament consists of ...
  - a) one branch only.

- b) two chambers.
  - c) several committees.
3. The Federation Council and the State Duma sit ...
- a) separately.
  - b) together.
  - c) with other governmental subcommittees.
4. Military Forces cannot be used outside the country without the approval of ...
- a) the State Duma.
  - b) the Federation Council.
  - c) the President.
5. The power to impeach the President is vested in ...
- a) the Federation Council.
  - b) the Constitutional Court.
  - c) the State Duma.
6. Charges against the President can be brought by ...
- a) the Government.
  - b) the Deputy Chairman.
  - c) the State Duma.
7. The Prime Minister candidate is appointed by ...
- a) the State Duma.
  - b) the Federation Council.
  - c) the President.
8. The state of emergency is introduced by ...
- a) the Federation Council.
  - b) the Prime Minister.
  - c) the President.
9. The Security Council of Russia is headed by ...
- a) the Prime Minister.
  - b) the Procurator-General.
  - c) the President.
- 10). Ministers are subject to approval by ...
- a) local authorities.
  - b) constituent entities.
  - c) the Federal Assembly.

**8. Прочитайте текст еще раз и определите, справедливы ли данные утверждения. Исправьте неверные утверждения.**

1. The Russian Federation was established by the Constitution of 1995.
2. The Government consists of the federal ministers only.
3. The authorities of the constituent entities don't have the right to pass laws independently of the Federal Government.
4. Should the selected candidate be rejected three times, the President appoints the Prime Minister himself.
5. A draft budget is to be discussed by the State Duma.
6. To become a law a bill must be signed by the President.
7. Judges are subject to the President only.
8. The Prime Minister heads the Security Council of the Russian Federation.
9. In case of a conflict between federal and local authorities, the President uses consensual procedures to resolve the problem.

**9. Ответьте на вопросы по тексту.**

1. What type of state is Russia?
2. Who is the head of the Russian Federation?
3. What are the three independent branches of state power in Russia?
4. What kind of a working body is the Federal Assembly?
5. Which chamber is more powerful?
6. Why are legislative and executive functions performed by different institutions?
7. Are these two establishments (the Government and the State Duma) equally important? Why?
8. Who does the Government consist of?
9. What is the aim of justice in Russia?
10. How does the judicial system function?
11. What are the functions of: a) the President; b) the Federal Assembly; c) the Government?

**10. Переведите на английский язык.**

1. Президент РФ является главой государства.
2. В соответствии с Конституцией Россия — это демократическое федеративное правовое государство с республиканской формой правления.
3. РФ состоит из 83 субъектов.
4. Исполнительная власть осуществляется правительством, которое состоит из Председателя Правительства (премьер-министра), заместителей Председателя и федеральных министров.
5. Премьер-министр назначается президентом с согласия Государственной Думы.

6. Судебная система функционирует независимо от других ветвей власти.

7. В современном правоведении выделяют 2 формы правления — монархия и республика, и 3 формы государственного устройства — федерация, конфедерация и унитарное государство.

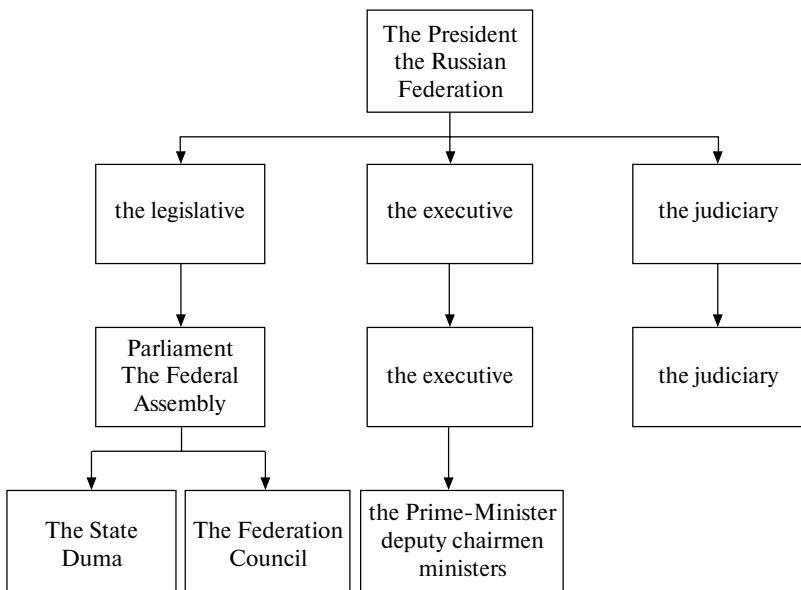
8. Президент избирается на должность гражданами РФ на основе прямого и равного избирательного права тайным голосованием.

9. Правительство обеспечивает государственную безопасность.

10. Правительство проводит единую государственную политику в области культуры, науки и образования.

11. Судьи независимы и подчиняются только Конституции Российской Федерации и федеральным законам.

**11. Используя текст и данную схему, расскажите о государственном устройстве Российской Федерации.**



**12. а) Прочитайте текст и заполните пропуски подходящими по смыслу словами из рамки.**

chairman, office, secret ballot, a term, in succession, nominated, supporters, performing, elections, impeachment



## **Elections**

The political system established by the Constitution of 1993 provides the President with substantial superiority over other branches of the state. The President is elected to the office for ... of four years by the citizens of the Russian Federation on the basis of universal, direct and equal suffrage by ... . In December 2008 the term was extended to 6 years. No one may hold ... for more than two terms ... . Russia has a multiparty system with one dominant party United Russia. Presently there are four parties that make up the State Duma: the United Russia, the Communist Party of the Russian Federation, the Liberal Democratic Party of Russia, the Just Russia. A candidate for the President of the Russian Federation can be ... by a political party or by the candidate personally. In the later case the candidate must have an initiative group of 500 ... . A candidate who receives more than one half of the votes is considered elected. The President stops ... his duties ahead of time if he resigns, because of ... , or if he cannot continue to carry out his duties due to poor health. ... of a new President are to take place within 3 months and in the meantime his duties are acted upon by the ... of the Government of the Russian Federation.

### **б) Расскажите о выборах Президента Российской Федерации.**

#### **13. Работа в парах.**

1. Расскажите о государственном устройстве и политической системе России. Укажите преимущества и недостатки. Аргументируйте свою точку зрения.

2. Хотели бы вы стать Президентом Российской Федерации, членом Парламента или политиком? Какие меры по совершенствованию системы управления страной вы бы предложили?

## **UNIT 2. THE UK SYSTEM OF STATE AND GOVERNMENT**

### **TEXT**

#### **The System of Government of the United Kingdom**

##### **Vocabulary**

1. to run a country — управлять страной
2. to raise finance — обеспечивать финансирование, привлекать средства
3. statutory law — право, выраженное в законах, статутное право, писанный закон

4. common law — общее право, неписанный закон, обязательность которого основывается на всеобщем признании
5. universal suffrage — всеобщее избирательное право
6. parliamentary constituency — избирательный округ по выборам в парламент
7. the Royal Proclamation — официальное сообщение по общему вопросу
8. to alter the constitution — изменить конституцию
9. an absolute monarchy — абсолютная/неограниченная монархия
10. revision — пересмотр
11. to remain responsible to smb — оставаться ответственным перед кем-то

**1. Просмотрите текст и озаглавьте каждый абзац, используя следующие заголовки.**

UK Government. General Elections. Introduction. Cabinet Government. Judiciary. Parties. Parliament.

The United Kingdom is a unitary state and a democratic constitutional monarchy.

The constitution is uncodified, being made up of constitutional conventions and various elements of statutory law. The Monarch is Head of State and the Prime Minister is the head of Government.

The Sovereign formally appoints the Prime Minister, who, by convention, is the leader of the majority party in the House of Commons. Other ministers are appointed by the Sovereign on the advice of the Prime Minister. They make up the Government and act as political heads of the various Government Departments.

The UK has a cabinet Government. They meet weekly to run the country, while the British Parliament is in session. The UK Cabinet has collective responsibility for decision-making. no Cabinet minister can oppose it. Although the executive power is exercised by Her Majesty's Government, all the ministers remain responsible to the UK Parliament.

The UK Parliament is the United Kingdom's supreme legislative body. The main function of Parliament is to pass laws and raise finance through taxation. It consists of the Queen and the two chambers of Parliament, the House of Commons and the House of Lords. The House of Commons is a representative body consisting of 650 Members of Parliament (MPs) elected by a system of universal suffrage. The House of Lords is not elected. It is not allowed to amend in any way certain bills passed by the House of Commons and has limited powers of revision or delay over others.

Great Britain has a long judicial history. The judiciary is an independent body. The United Kingdom doesn't have a single unified judicial system. Today the UK has three distinct systems of law: English

law, Northern Ireland law and Law of Scotland. Both English law, which applies in England and Wales, and Northern Ireland law are based on common-law principles. The essence of common law is that law is made by judges sitting in courts, applying their common sense and knowledge of legal precedent to the facts before them. Law of Scotland, a hybrid system based on both common-law and civil-law principles, is applied in Scotland.

For electoral purposes Britain is divided into parliamentary constituencies. General elections must be called within five years. They are held following a dissolution of Parliament. The Prime Minister asks the Monarch to dissolve Parliament by Royal Proclamation. Traditionally the date of general elections is not fixed in advance, and the time is chosen by the governing party to maximize political advantages. Voting is by secret ballot and takes place on Polling Day. Since 1935 every general election has been held on a Thursday by universal suffrage.

The voters in the United Kingdom also elect members of the European Parliament on a broadly proportional system of voting.

The UK is sometimes called a “two-and-a-half” party system, because parliamentary politics is dominated by the Labour Party and Conservative Party, with the Liberal Democrats holding a significant number of seats (but still less than Labour and the Conservatives) and several small parties. The party in power requires the support of the people it governs. Without this most basic requirement, a government will find it hard to function effectively. If a party loses an election, it will confirm the right of the victorious party to exercise power. It will not deny its right to govern.

## **2. Прочитайте текст и закончите предложения в соответствии с содержанием текста.**

1. The constitution of the United Kingdom is made up of ... .
2. The Executive power is exercised by ... .
3. The United Kingdom’s supreme legislative body is ... .
4. The United Kingdom doesn’t have a single unified judicial system ... .
5. The essence of common law is ... .
6. For electoral purposes Britain is divided into ... .
7. General elections take place on ... .
8. The UK is a multi-party system and it is sometimes called a two-and-a-half party system ... .

## **3. Выразите согласие/несогласие, используя следующие речевые модели.**

- Model:**
- a) I quite/completely/fully/entirely agree, that’s right.
  - b) I disagree, I can’t agree, I don’t think so, it’s wrong/false, on the contrary.

1. The United Kingdom is both a constitutional monarchy and a democracy.
2. The British Constitution is written. It is set out in an official handbook which anyone can buy and study.
3. Though the Monarch is Head of State but in practice the Queen reigns, she doesn't rule.
4. The Queen, the Lords and the Commons form the Parliament. It means that they all act together.
5. The House of Lords is a very powerful body.
6. The House of Commons is directly elected by the people of Britain and general elections must take place at least every five years.
7. The UK exists under a "one-party system" because parliamentary politics is dominated by the Conservative Party only.

**4. Укажите, какие предложения содержат информацию из текста.**

1. The United Kingdom of Great Britain and Northern Ireland is a constitutional monarchy.
2. The Queen stands outside the Government as a symbol of country's unity.
3. The executive power is exercised by the Prime Minister who is the leader of the majority party in the House of Commons.
4. The Prime Minister is the Queen's chief adviser and his opinions shape the whole of Government policy.
5. Although the executive power is exercised by Her Majesty's Government, all the ministers remain responsible to the UK Parliament.
6. The UK doesn't have a single unified system. Today the UK has three distinct systems of law.
7. According to the Constitutional Reform Act 2005 the House of Lords was replaced as the final court of appeal on civil cases within the United Kingdom on October 1, 2009, by the Supreme Court of the United Kingdom.
8. General elections are held following a dissolution of Parliament. The Prime Minister asks the Monarch to dissolve Parliament by Royal Proclamation.
9. Britain has a two-party system. Each of the parties represented in the House of Commons maintains its own organization within Parliament in order to keep its members informed about parliamentary business and to maintain its parliamentary voting strength.
10. If a party loses an election, it will confirm the right of the victorious party to exercise power.

**5. Ответьте на одиннадцать What вопросов по содержанию текста.**

1. What is the United Kingdom?
2. In what way is the British Constitution different from the constitutions of many other countries?

3. What makes up the Government?
4. What is the role of the UK Cabinet Government?
5. What kind of body is the UK Parliament?
6. What two main duties does the Parliament perform?
7. What does the UK Parliament consist of?
8. What is the judiciary?
9. What systems of law does the UK have?
10. What is Britain divided into for electoral purposes?
11. What parties is parliamentary policies dominated by?

**6. Соотнесите словосочетания в левой колонке с их определениями из правой колонки.**

- |   |   |
|---|---|
| <ol style="list-style-type: none"> <li>1) constitutional convention</li> <li>2) to run a country</li> <li>3) statutory law</li> <li>4) common law</li> <li>5) universal suffrage</li> <li>6) the Royal Proclamation</li> <li>7) parliamentary constituency</li> </ol> | <ol style="list-style-type: none"> <li>a) a public or official announcement dealing with a matter of great importance, having the status of a king or queen</li> <li>b) the right of almost all adults to vote in political elections</li> <li>c) the part of English law that is derived from custom and judicial precedent</li> <li>d) to rule a country</li> <li>e) an informal and unmodified procedural agreement</li> <li>f) a group of voters in a specified area who elect a representative to a legislative body</li> <li>g) a law established by legislative enactment</li> </ol> |
|---|---|

**7. Передайте содержание текста The system of Government of the United Kingdom, отметив следующее.**

- What the United Kingdom is;
- Who is Head of State and the head of Government;
- Who exercises the executive power;
- What the United Kingdom's supreme legislative body is;
- What the judiciary is;
- When general elections are held;
- Why the UK is sometimes called a "two-and-a-half" party system.

## UNIT 3. THE US SYSTEM OF STATE AND GOVERNMENT

### TEXT

#### Overview of the United States Government and Policies

##### Vocabulary

1. the system of checks and balances — система сдержек и противовесов
2. to be vested in the Supreme Court — быть возложенным на Верховный Суд
3. the electoral college — коллегия выборщиков
4. judicial review — судебный пересмотр, судебный контроль
5. a major political party — главная политическая партия
6. voter-turn-out — явка избирателей
7. “winner-take-all” principle — принцип «победителю достается все»
8. to reign supreme — царствовать

#### 1. Прочитайте текст и найдите подтверждение следующим предложениям.

1. Конституция США — это живой документ.
2. Конгресс является законодательной властью в США.
3. Исполнительная власть обеспечивает организацию исполнения законов, и президент должен выполнять правительственные программы.
4. Верховный суд является высшей судебной инстанцией в стране.
5. В США есть две наиболее крупные политические партии.
6. В различных штатах США выборы проводят по-разному.

Government of the United States is based on a written constitution. This constitution consists of a Preamble, seven Articles, and 27 Amendments. From this document, the entire federal government was created. It is a living document whose interpretation has changed over time. The amendment process is such that while not easily amended, US citizens are able to make necessary changes over time.

**Three Branches of Government.** The USA is a presidential republic. The US Constitution was adopted by Congress in 1787. The Constitution created three separate branches of government. Each branch has its own powers and areas of influence. At the same time, the Constitution created a system of checks and balances that ensured no one branch would reign supreme. The three branches are:

**Legislative Branch.** This branch consists of the Congress (the Senate and the House of Representatives) which is responsible for making the

federal laws. The Congress can pass the law anyway if it gets a two-thirds majority votes. The President can veto (reject) it. Congress also plays an informative role. It informs the public about different and important subjects.

**Executive Branch.** The executive power lies with the President of the United States who is given the job of executing, enforcing, and administering the laws and government. The president is to carry out the programmes of the Government, to recommend much of the legislation to the Congress.

**Judicial Branch.** The judicial power of the United States is vested in the Supreme Court — the highest judicial organ of the state and the federal courts. Their job is to interpret and apply US laws through cases brought before them. Another important power of the Supreme Court is that of Judicial Review whereby they can rule laws unconstitutional.

The Constitution is built on six basic principles: Popular Sovereignty; Limited Government; Separation of Powers; Checks and Balances; Judicial Review; Federalism.

**Political Process.** While the Constitution sets up the system of government, the actual way in which the offices of Congress and the Presidency are filled is based upon the American political system. The US exists under a two-party system. The two major parties in America are the Democratic and Republican parties. Sometimes, a special issue produces a third party, but the third party often loses strength. Parties perform a wide variety of functions. They act as coalitions and attempt to win elections.

**Elections.** In the United States elections are held at all levels including local, state, and federal. There are numerous differences from locality to locality and state to state. Even when determining the presidency, there is some variation with how the electoral college (a body of people representing the states of the USA, the system that is used in presidential elections) is determined from state to state. While voter-turn-out is barely over 50% during Presidential election years and much lower than that during midterm elections, elections can be hugely important.

## **2. Закончите предложения в соответствии с содержанием текста.**

1. The Constitution of the USA consists of ...
2. The Constitution created ...
3. The President of the USA is given the job of ...
4. The judicial branch of the government is the system of courts in the USA. Its job is ...
5. The USA exists under a two-party system. Sometimes, a special issue produces a third party, but ...
6. Elections are held in the United States at all levels ...

**3. Выразите согласие/несогласие со следующими утверждениями, используя известные вам речевые модели.**

1. The Constitution of the USA consists of 27 Amendments.
2. A written constitution is a living document. It can be altered with ease.
3. The Constitution created three separate branches of government.
4. Congress, the legislative branch of the federal government, is made up of an upper house, called the Federation Council, and a lower house, the State Duma.
5. Power is concentrated in the executive branch, which is headed by the President who is given the job of executing, enforcing and administering the laws and the government.
6. The judicial power of the United States is vested in the US District Courts.
7. The two major parties in America are the Democrats and the Republicans. They perform a wide variety of functions.
8. Elections are held at all levels and there are numerous differences in registration laws from locality to locality and state to state.

**4. Укажите, какие предложения содержат информацию из текста.**

1. The Constitution and the Bill of Rights illustrated two different sides of American political life.
2. The Constitution was adopted by Congress in 1789.
3. In 1791 two amendments were made to the Constitution.
4. The USA is a presidential republic.
5. There are 100 Senators, two from each state in the Senate and 435 members in the House of Representatives.
6. The President of the United States is elected for a term of four years by electors of each state, must be a native born citizen, resident in the country for 14 years and at least 35 years old.
7. The Supreme Court — the highest judicial organ of the state has the power of Judicial Review.
8. The two political parties in America act as coalitions and attempt to win elections.
9. Almost all elections in the United States follow the “winner-take-all” principle: the candidate who wins the largest number of votes in a Congressional district is the winner.

**5. Выберите правильный вариант ответа.**

1. What is the United States of America?
  - a) an absolute monarchy
  - b) a federation of states
  - c) a presidential republic
2. What does the Constitution of the USA consist of?
  - a) a Preamble, ten Articles, thirty Amendments



- b) a Preamble, seven Articles, twenty seven Amendments
- c) statutes, customs, constitutional conventions

3. How many branches is the Government in the United States divided into?

- a) two
- b) three
- c) four

4. How is the legislative branch of the Government called?

- a) Parliament
- b) Congress
- c) the Supreme Court

5. What branch of the Government has the responsibility to carry out the law?

- a) the executive branch
- b) the legislative branch
- c) the judicial branch

6. What branch of the Government is the most powerful?

- a) legislative
- b) executive
- c) judicial

7. What is the highest executive power in the United States?

- a) the President
- b) the House of Representatives
- c) the Senate

8. What does the judicial branch do?

- a) makes and passes laws
- b) interprets and applies US laws
- c) executes, enforces and administers laws

9. What party system does the United States have?

- a) a one-party system
- b) a multi-party system
- c) a two-party system

**6. Прочитайте, на каких шести принципах была создана конституция США, и назовите их.**

Since the people give government its power, government itself is restrained to the power given to it by them. In other words the US government doesn't derive its power from itself. It must follow its own laws and it can only act using powers given to it by the people.

In order to protect citizens, the constitution sets up the system of government with balanced powers to make compromise and consensus necessary. This system limits the duties of each branch and separates powers for each branch. Basically, each branch of government has a certain number of checks it can use to ensure the other branches do not become too powerful.

The US Government is divided into three branches so that no one branch has all the power. Each branch has its own purpose: to make the laws, execute the laws and to interpret the laws.

This principle is one of the most complicated foundations of the US. This is the idea that the central government doesn't control all the power in the nation. States also have powers reserved to them. Central government exercises exclusively such powers as defence and matters of state security, whereas the regions exercise power over such things as planning, regional development and taxation.

This principle states that the source of governmental power lies with the people. The Government of the United States is truly national in character and should be for the benefit of its citizens. If the Government is not protecting the people, it should be dissolved.

This power allows the Supreme Court to decide whether acts and laws are unconstitutional. This was established with *Marbury v. Madison* in 1803.

**7. Соотнесите английские словосочетания в левой колонке с их эквивалентами из правой колонки.**

- |                                      |                                       |
|--------------------------------------|---------------------------------------|
| 1) "winner-take-all" principle       | a) унитарное государство              |
| 2) an absolute monarchy              | b) коллегия выборщиков                |
| 3) the system of checks and balances | c) явка избирателей                   |
| 4) to be vested in the Supreme Court | d) судебный пересмотр                 |
| 5) the electoral college             | e) федеральное государство            |
| 6) Judicial Review                   | f) принцип «победителю достается все» |
| 7) to alter the constitution         | g) неограниченная монархия            |
| 8) federal state                     | h) главная политическая партия        |
| 9) voter-turn-out                    | i) быть возложенным на Верховный Суд  |
| 10) a major political party          | j) система сдержек и противовесов     |
| 11) unitary state                    | k) изменить конституцию               |

**8. Составьте аннотацию к тексту (не более 10—12 предложений). Используйте предложенный ниже план.**

- 1) System/form of government.
- 2) The US Constitution.

- 3) Branches of power (legislative, executive, judicial).
- 4) Six basic principles of the US Constitution.
- 5) The two major parties in America.
- 6) Elections.

### **Ролевая игра**

Урок — конференция. Тема: «Формы государственного устройства Российской Федерации, США, Великобритании».

Играют три команды, представляющие делегации из Российской Федерации, Соединенных Штатов Америки и Великобритании.

Для проведения конференции необходимо выбрать председателя.

При подготовке к конференции следует повторить материалы изученных текстов и найти дополнительную информацию из других источников: Интернета, газет The Moscow News, The Moscow Times.

Готовясь к конференции, обратите внимание на следующие вопросы.

1. Существующие формы правления.
2. Формы государственного устройства.
3. Функции трех ветвей власти.
4. Политические партии.
5. Избирательные системы.
6. Государство и личность.

Участники делегаций готовят свои выступления самостоятельно. На занятии каждому из представителей дается слово.

Чтобы изложить и аргументировать свою точку зрения, используйте предложенные речевые модели.

1. Let me tell you about ... — Разрешите сказать вам о ...
2. It's important to say that ... — Важно сказать, что ...
3. It's necessary to note that ... — Необходимо отметить ...
4. I would like to draw your attention to .... — Я хотел бы привлечь ваше внимание к ...
5. I'm well aware of ... — Я хорошо знаю о ...
6. I'd like to add that ... — Я хотел бы добавить, что ...
7. I fully/quite agree with you ... — Я с вами полностью согласен.
8. I agree with neither side. — Я не соглашусь ни с одной из сторон.
9. So ... — Итак, таким образом ...
10. In conclusion, I want to underline ... — В заключение я хочу подчеркнуть ...
11. Summing up ... — Подводя итог ...

В конце председатель подводит итоги конференции.

**Повторение грамматики. Модальные глаголы и их эквиваленты  
(Modal Verbs and Expressions)**

Can — may — must — need — should — would — ought to — to have  
to — to be to — shall  
to be obliged to

**Ответьте на вопросы.**

1. Какой модальный глагол выражает вежливый совет или рекомендацию?
2. Какой модальный глагол служит для описания правил и требований закона?
3. Какой модальный глагол выражает настоятельную необходимость?
4. После каких модальных глаголов не употребляется частица to?

**Значение модальных глаголов и их эквивалентов**

Модальные глаголы обозначают не действие, а:

- возможность или способность совершения действия;
- разрешение, позволение;
- вероятность, предположение;
- необходимость;
- долженствование.

**1. Прочитайте предложения, объясните значения модальных глаголов can/could, must, to have to, to be to, may/might, should, ought to, shall, to be obliged to и переведите на русский язык.**

1. The laws of the subjects of the Russian Federation cannot contradict federal laws.
2. Bills may be introduced by individual MPs, they are debated in the Commons usually on Fridays.
3. To become a law a bill must be approved by both chambers and signed by the President.
4. The President can veto a bill.
5. Can the state system of a particular country be changed?
6. The House of Representatives can also impeach the President.
7. The President is to carry out the programmes of the Government.
8. All citizens of the Russian Federation shall enjoy equal rights.

9. The Monarch must give the Royal Assent before a Bill can become a legal enactment (Act of Parliament).

10. The British are divided on the issue whether the Monarchy should last.

11. The Speaker of the House of Commons has to be completely impartial.

12. Students ought to treat professors with respect.

13. Shall I pay the rent monthly? No, you needn't. We charge rental payments once a year.

14. You should do your best to learn legal terminology.

15. Trade secret needn't be registered.

16. All citizens are obliged to observe laws.

17. The US President shall be elected every 4 years.

**2. Вставьте подходящие по смыслу модальные глаголы или их эквиваленты.**

1. Do you believe all people, including high-ranking officials, ... obey the law?

2. An unwritten Constitution ... be easily changed.

3. What courses of law ... be included for advanced students?

4. Parliament ... not follow a special procedure to alter any constitutional laws.

5. General election ... be called within five years.

6. Who ... veto a bill?

7. The US President appoints the justices, but the Senate ... approve them.

8. The law ... not contradict the Constitution.

9. The government really ... do something about unemployment.

10. In a civil case a claimant ... prove the guilt of a defendant "beyond reasonable doubt".

11. Why ... trade secret not be disclosed?

**3. Заполните пропуски подходящими по смыслу модальными глаголами и их эквивалентами:**

1. — ... I take the document?

— No, you ....

2. — ... you work as a detective?

— Not yet.

3. The trial ... to begin at 10 o'clock.

4. She believes that the judge ... discharge him.

5. You ... tell him that we need his assistance.

6. The investigator was very tired, he ... to stop the cross-examination.

7. The witness ... answer the barrister's questions during the cross-examination.

8. When the examination of witnesses is over, the judge ... to sum up the evidence for the jury.

**4. Переведите предложения на английский язык, используя модальные глаголы и их эквиваленты.**

1. В британских школах дети должны носить форму.
2. Все граждане обязаны соблюдать законы общества, в котором они живут.
3. Свидетель должен прийти в кабинет следователя в 9 часов утра.
4. Вы обязаны помогать вашим пожилым родителям.
5. Вам следует просмотреть все вещественные доказательства еще раз.
6. Судьи обязаны действовать в соответствии с законом.
7. В наши дни члены общества не должны жить по законам джунглей.
8. Могу я попросить вас описать этот случай?

**5. Работа в парах. Соотнесите английские предложения в левой колонке с соответствующими русскими предложениями из правой колонки. Закрывая попеременно колонки, проверьте друг у друга перевод предложений.**

1. The US President appoints the justices to the Supreme Court, but the Senate must approve them.
2. A constitutional amendment can only be carried if a very substantial majority, both in Congress and the individual states, approve it.
3. A representative must be at least 25 years old, a citizen of the United States for 7 years, and a resident of that state in which he shall be chosen.
4. Nowadays the following cases can be tried by jury: libel, malicious prosecution, false imprisonment, fraud.
5. A candidate for the President of the Russian Federation can be nominated by a political party or by the candidate personally.

- a. Кандидат в Президенты Российской Федерации может быть выдвинут политической партией или лично самим кандидатом.
- b. Правительство США должно следовать собственным законам, и оно может действовать, только используя полномочия, данные ему народом.
- c. Президент США назначает судей в Верховный суд, а сенат должен их утвердить.
- d. Поправка может быть внесена в Конституцию лишь в том случае, когда она получает одобрение большинства как в Конгрессе, так и в каждом штате.
- e. В настоящее время суд присяжных может рассматривать дела о клевете, злонамеренном судебном преследовании,

6. The US government must follow its own laws and it can only act using powers given to it by the people.

неправомерном лишении свобод и мошенничестве.

f. Членом палаты представителей может быть избран любой гражданин не моложе 25 лет. Он должен быть гражданином США в течение 7 лет и проживать в том штате, в котором будет избираться.

**6. Выразите свое отношение к высказываниям в левой колонке, используя фразы из правой.**

1. You **must** observe your University's Charter.
2. You **should** make your CV easy to read.
3. All citizens **have to** pay taxes.
4. You **mustn't** give false evidence in a court.
5. You **shouldn't** try to bypass the law.

- a. I think it's a bad thing to do.
- b. Do it because it's the law.
- c. Don't do it. It isn't allowed. It's against the law.
- d. Do it. I think it's very important.
- e. I think it's a good thing to do it.

**7. Вставьте модальные глаголы must, have to, should. Переведите предложения на русский язык.**

### **Must, have to, should**

Must/have to — выражают необходимость или обязанность. Эти два глагола очень близки по значению.

**Must** — основные значения.

1. Необходимость с точки зрения говорящего.

I must inform the police about this road accident.

Я должен (я считаю необходимым) сообщить в полицию об этом дорожном происшествии.

2. Настоятельная рекомендация.

You must follow the lawyer's advice.

Вы обязательно должны последовать советам юриста.

### 3. Приказ.

Witnesses must testify under oath.

Свидетели должны давать показания под присягой.

**Have to** — выражает необходимость, вызванную внешними обстоятельствами, а также обязанность, вытекающую из правил и требований закона.

Both parties of the agreement have to perform their obligations.

Обе стороны соглашения обязаны выполнять их обязательства.

**Should** — употребляется для выражения вежливого совета или рекомендации.

I think, you should complain to the higher authority.

Я считаю, что вы должны (вам следует) пожаловаться в вышестоящую инстанцию.

1. The court ... establish a person's guilt on the basis of facts.
2. The government ... give the police great powers to combat crime.
3. Judges ... be fair.
4. On the one hand, laws ... be just. On the other hand, morality needs laws to uphold rights and punish wrongs.
5. Many companies ... employ lawyers to ensure that their contracts are valid.
6. Contracts ... be either written or oral.
7. You have violated the law and ... pay a fine.
8. ... the victim identify his assailant?
9. In civil cases the jury ... decide on the amount of damages to be awarded to the plaintiff.

## UNIT 4. BUSINESS LETTERS

**Подумайте и ответьте на вопросы.**

1. What is a letter?
2. What do you think about this way of communication?
3. How often do you write letters?
4. How does a letter differ from an email?
5. Do you know any rules of writing a letter?

### **Схема делового письма**

1. Заголовок.
2. Дата.
3. Наименование (имя) и адрес получателя.



4. Вступительное обращение.
5. Текст письма.
6. Заключительная формула.
7. Подпись.
8. Приложение.

**Образец письма**

East West

5<sup>th</sup> May, 20\_\_

Enterprises

5Road

City

Country

Phone..., telex... , fax..., e-mail...

Dear Sirs,

In reply to your letter of April, 25 we are sending a set of documents as requested.

Yours faithfully,

Encl.30 sheets

**Sample letters**

*Covering letter*

*Сопроводительное письмо*

При составлении сопроводительного письма следует придерживаться следующей схемы:

— сообщить о том, на какую вакансию вы претендуете и где вы узнали о вакансии;

— написать о том, почему вы заинтересованы в вакансии и почему хотели бы работать в компании;

— отметить, какие навыки и опыт соответствуют требованиям, предъявляемым к вакантной должности;

— завершить письмо фразой о возможности прийти на собеседование, предоставив работодателю право выбора времени и места.

10 Sane Street  
Surrey UK  
Tel/fsx  
Ms. Gale Games  
21 Blackmail Road  
Cambridge  
5 October 2004

Dear Ms. Games

I would like to apply for the position of a Senior Sales Manager advertised in "The Economist" on 4 October 2004.

My work experience has familiarized me with many of the challenges of the sales domain. I am sure that this, together with my education and my understanding of the needs and expectations of the IT market, would be extremely relevant to the position.

Moreover, my fluent French and proficient Spanish would be very helpful in developing the business in these countries.

As you will notice on my enclosed resume, the position you are offering involves the issues I have been in charge of for these years.

I would be pleased to come for an interview at any time convenient to you.

I look forward to your reply.

Yours sincerely,  
Eric Davidson  
Enc.1

### *Letter of Introduction*

#### *Письмо о представлении компании*

Основной целью письма (Letter of Introduction) является представление себя и своей компании.

1) сначала кратко излагается предложение взаимовыгодного сотрудничества;

2) затем перечисляется то, чем конкретно занимается компания и чем она может быть полезна адресату;

3) в заключение указывается способ установления контакта или должностное лицо, с которым можно связаться при необходимости.

Malsond'Antiquites  
29, rue Vavin  
Paris, XJVe  
France July 1, 20\_\_\_\_\_

Mr. Jan Van der Reep  
Estate Specialist Associates Haarlem,  
The Netherlands

Dear Mr. Van der Reep

I'm writing to introduce myself and my company. My name is Jean-Paul Richard and I am with an antiques company in Paris.

Our company would like to establish ties with you for a mutually beneficial relationship. We buy and sell antiques. It is our understanding that you, as estate appraisers and consultants, are involved in the disposition of antique furnishings.

I am enclosing my card and our company brochure. It would be a great pleasure to meet with you personally. I will be calling you next week to see what we can arrange.

Yours truly,  
Jean-Paul Richard  
Executive Director

*Letter of information*  
*Информационное письмо*

Содержательной особенностью информационного письма (letter of information) можно считать последовательность изложения текста:

- 1) в начале одним-двумя предложениями сообщается, что конкретно предлагается вниманию адресата;
- 2) затем дается описание того, чем привлекателен этот конкретный товар/услуга;
- 3) далее описываются условия, в соответствии с которыми можно воспользоваться поступившим предложением;
- 4) указывается структура или должностное лицо, с которым можно установить контакт при необходимости.

Macquarie University  
Sydney, New South Wales 2109, Australia  
In reply please quote: DDF/45  
3 March, 2011

Time for English  
21 Tverskaya str. Moscow  
Russia

Dear Colleagues,  
Postgraduate Coursework Programmes in Business Administration

I attach details of our postgraduate coursework programmes in Business Administration and related fields at Macquarie. I would be grateful if you would bring them to the attention of any interested students or colleagues.

As you will see from the brochure we have a range of programmes covering a number of fields broadly within Business Administration. In addition, in the Graduate Diploma and Master's programme we also have very well developed research degrees in similar fields at MA (Hons) and PHD levels. These can be taken externally as can some of the coursework programmes. A separate brochure is available from the Department covering our research degree programmes.

Applications for the March 2001 commencement of postgraduate coursework programmes are due in early November 2000, although these are possibilities for late registration if places remain.

I look forward to hearing from you. If you have any questions we may be able to answer. Our Postgraduate Studies Office in the Department (address inside the brochure) will also be ready to assist any interested applicants.

Good wishes  
Professor Christopher G. Nadlin  
Enc.

*Letter of request*  
*Письмо-просьба*

Письмо-просьба (letter of request) содержит те же элементы, а в конце — стандартная фраза «Заранее благодарю вас» (Thank you in advance).

Danish Centre 51

Strandgade DK-1401 KobenhavnK

Denmark

1st. March2011

Time for English

21 Tverskaya str. Moscow

Russia

Dear Sir/Madam

Exchange Agreements

We are in the process of up-dating our mailing-list pertaining to exchange agreements and ask you kindly to fill in the enclosed questionnaire and return it to us soonest possible.

At the same time please correct your own address on the form if necessary.

Please note that exchange publications for us should be mailed to the above indicated address whereas correspondence concerning exchange agreements should be forwarded for attention of the undersigned.

Thank you in advance.

Yours faithfully,

Lisbeth Dursine

Enc.

*Letter of complaint*

*Письмо-жалоба*

Письмо-жалоба (letter of complaint) должно быть достаточно кратким и точным в изложении проблемы. Обратите внимание на фразу в строке приветствия: «Для предъявления по месту требования» (To whom it may concern).

203  
Stream Ave.  
Seattle,  
WA98103  
October  
23, 2003  
CompuWorld  
PO Box 6098  
Portsmouth

Re: Order # 445446

To whom it may concern:

On September 3, I ordered 2 keyboards, 1 screen and 1 tower processor for a total of \$ 480 plus shipping \$ 30. This brings the final total to \$ 510.

Enclosed is a copy of your receipt, which I received with my order. Today I got a bill for \$ 590 for 3 keyboards, 1 screen and 1 tower processor. Since I didn't order 2 keyboards and I never received 3\_keyboards I am sending a check for the original amount, \$ 510 for the merchandise I did receive. Please correct your billing. Thank you.

Sincerely,  
Sandra Sand  
Enc.

- 1. Какое выражение следует употребить, чтобы сообщить, что ...**  
**а) вы подтверждаете получение письма,**  
**б) вы пишете от чьего-либо имени.**

1. We acknowledge receipt of your letter of 28th January 2005.
2. I am writing on behalf of Mr. A.J. Jones, who requested me to contact you. (formal)
3. Thank you for your letter of 16th December 2004.
4. Please acknowledge receipt of this letter.
5. Mr. Brown asked me to get in touch with you concerning your new ABS brake system (informal)
6. We received delivery this morning of the samples we requested. However ...

**2. Три человека написали одно и то же официальное письмо, но в формулировках есть ошибки. Какое письмо составлено правильно?**

Jeremy	Rachel	Michael
Dear Sir/Madam	Dear Mr Spencer	Dear Henry
Thanks for.	Thank you for.	I would like to thank you for.
Please find enclosed.	We are pleased to enclose.	Attached is.
I shall be pleased to send you a copy ...	Should you require a copy, we shall ...	If you want, I can send you ...
Should you require any further information ...	If you require any further information ...	Want you more information ...
Just call.	Please do not hesitate to contact us.	I can send it.
Can you ...	Could you please ...	I would be grateful if you could ...
I'll see you on Friday.	We look forward to seeing you on Friday.	I look forward to seeing you Friday, then.
Soon	in the near future	Shortly
Yours sincerely.	Yours faithfully.	Best regards.

**3. Соотнесите английские фразы в левой колонке с соответствующими фразами из правой колонки.**

**Making an enquiry**

We would be grateful if you could send us ...

With reference to ...

We would be very interested in receiving further information about ...

Following your advertisement in ...

I am writing with reference to your ...

**Запрос информации**

Я пишу по поводу ...

Мы будем вам признательны, если вы вышлете нам ...

В связи с вашим сообщением в ...

Мы желали бы получить дополнительную информацию относительно ...

Касательно ...

**Replying to an enquiry**

Please find enclosed ...

Thank you for your letter of 21st February in which you expressed an interest in our ...

**Ответ на запрос информации**

Мы вас благодарим за ваше письмо от ... где вы проявили интерес к нашим ...

Вы найдете в приложении ...

**4. Ниже приведены два смешанных письма: одно из них письмо-благодарность, другое — письмо-приглашение. Работая в парах, разделите письма, а затем напишите их полностью.**

\_\_\_\_\_ They were such a surprise.  
\_\_\_\_\_ Just to let you know, we're having a little party.  
\_\_\_\_\_ Bring a friend if you want.  
\_\_\_\_\_ We must get together sometime to celebrate our five years of marriage on 9<sup>th</sup> October at 9 pm.  
\_\_\_\_\_ Love, Betty.  
\_\_\_\_\_ Yours, Eli and Tina.  
\_\_\_\_\_ P.S. RSVP just call before 5th October, please.  
\_\_\_\_\_ 34, Park Street Swansea  
\_\_\_\_\_ 25th September 20\_\_\_\_  
\_\_\_\_\_ We'd be very happy if you could come, and tell me when you'd be free for dinner?  
\_\_\_\_\_ It's so nice of you both to remember my birthday.  
\_\_\_\_\_ I'm writing to thank you for the lovely flowers you sent.  
\_\_\_\_\_ Why don't you call me  
\_\_\_\_\_ See you in two weeks we hope  
\_\_\_\_\_ 16, Sea Boulevard  
\_\_\_\_\_ 26007 Copenhagen  
\_\_\_\_\_ 10<sup>th</sup> August 20\_\_\_\_  
\_\_\_\_\_ Dear Paulina,  
\_\_\_\_\_ Dear Mary and James,

**5. Переведите на английский язык фразы из деловой переписки:**

- Будем вам признательны, если вы сможете ответить нам по возможности в кратчайшие сроки. Ввиду срочности вопроса мы были бы благодарны вам за быстрый по возможности ответ.
- Пользуясь случаем, благодарим вас еще раз за оказанное содействие, надеемся на продолжение наших контактов.
- Если мы сможем помочь, обязательно напишите нам, и мы будем рады оказать вам любую помощь.
- Если у вас есть вопросы, пожалуйста, свяжитесь с нами, и мы сделаем все, что от нас зависит, в решении ваших проблем.
- Благодарим вас за письмо от 14 мая и рады сообщить вам, что все вопросы урегулированы.
- Просим обратить внимание на перенесение сроков семинара. Примите наши извинения за доставленное неудобство и надеемся, что это не вызовет каких-либо осложнений.
- В ответ на ваше письмо от 4 мая мы рады сообщить, что в соответствии с вашей просьбой мы можем приложить новый проект контракта.



- К сожалению, должны сообщить вам, что мы до сих пор не получили вашего подтверждения. Просим обратить внимание на то, что срок ответа не должен превышать 5 дней.
- Напоминаем вам, что в случае возникновения каких-либо осложнений, мы будем благодарны, если вы заранее известите нас о возникающих трудностях. С наилучшими пожеланиями ... . Надеемся на скорую встречу. Ваши ... .

## 6. Заполните пропуски в письме словами из колонки справа.

Dear Mr. ... ,

Having recently ... to Tokyo, I take this first ... to thank you for the ... you ... to Mr. Brown and me when we were ... to ... your ... institution.

I ... our meeting and discussion to be ... and interesting, certainly ... us to achieve the ... of our trip.

I very much ... your ... suggestion on our providing additional services. As I explained during our meeting, we shall ... this suggestion ... . At the same time, we ... ask you to ... our ... proposal that you open a U.S. Dollar account with our bank.

I have heard that, Mr. Smith, your Deputy Chairman, will be ... Japan this autumn. I ... to ... him again, and want to discuss the subjects of interest.

In ... personal regards, I look forward to ... of expanding business activities we are ... to enjoy with your bank.

Please ... on my best ... to Mr. Collins, your Deputy General Manager.

Yours faithfully,

\*\*\*\*

to call on  
to assist  
fruitful  
opportunity  
to extend  
fine  
to be honoured  
hospitality  
objective  
to find  
to return  
sincere  
kind  
appreciate  
respectfully  
keep in mind  
to consider  
to look forward  
to visit  
mutual  
to see  
esteemed  
kindest  
way  
to be privileged  
to offer  
wish  
to pass

## GLOSSARY

authority	1) власть, полномочие; полнота власти; сфера компетенции;
to authorize	2) орган власти, орган управления
to administer justice	1) уполномочивать, давать право;
to alter the constitution	2) санкционировать, разрешать;
constituent entity	3) легализовать, узаконить
to contradict (federal laws)	отправлять правосудие
to dissolve Parliament	изменить конституцию
to elect	субъект Федерации
election	противоречить (федеральным законам)
elector	распускать Парламент
electoral	избирать, выбирать
to ensure rights and freedoms of citizens	выборы
	избиратель
government	избирательный
	обеспечивать, гарантировать права и свободы граждан
form of government	1) правительство; 2) форма правления, государственное устройство;
system of government	3) государство, власть; 4) руководство, управление
branches of government	форма правления
head	форма государственного устройства
head of state	ветви власти
to head	глава, руководитель, начальник
independent of something/ somebody	глава государства
to nominate	возглавлять
office	независимый от чего-либо/кого-либо
to hold office	1) выдвигать, предлагать кандидата (на должность); 2) назначать
term of office	1) должность; 2) ведомство, учреждение, министерство, управление;
power	3) контора, канцелярия
legislative power (the legislature)	обладать властью
executive power (the executive)	срок пребывания на должности
judicial power (the judiciary)	1) право, правомочие, полномочие;
to exercise power	2) сила, власть
to vest power in somebody	законодательная власть
to hold power	
branch of power	

separation of powers  
supreme power  
unlimited power  
abuse of power  
to raise finance

responsibility  
to remain responsible to smb  
representative  
representative democracy  
to reject  
to reject a bill  
to reject a candidate  
to run a country  
state  
unitary state  
federal state (federative)  
law-governed state  
to be subject to approval  
the system of checks and  
balances  
universal suffrage

исполнительная власть  
судебная власть  
осуществлять власть, наделять  
облекать властью кого-либо  
обладать властью  
ветвь власти  
разделение властей  
верховная/высшая власть  
неограниченная власть  
злоупотребление властью  
обеспечивать финансирование,  
привлекать средства  
1) обязанность, обязательство;  
2) ответственность  
оставаться ответственным перед  
кем-либо  
представитель, представительный  
представительная демократия  
отклонять, отвергать  
отклонить законопроект  
отклонить кандидатуру  
управлять страной  
государство  
унитарное государство  
федеративное государство  
правовое государство  
подлежать утверждению  
система сдержек и противовесов  
всеобщее избирательное право

# CHAPTER 4. MODERN LEGAL SYSTEMS

## UNIT 1. NATIONAL LEGAL SYSTEMS

### 1. Ответьте на вопросы.

1. What does the term “legal system” mean?
2. What legal systems can you name?
3. What legal system does the RF belong to?
4. What systems are there in the UK and the USA?

### 2. Прочитайте определения существительного system и выберите то, которое соответствует понятию «правовая система».

- a. System is a group of parts, facts, ideas, etc., that together form a whole.
- b. System is a number of things arranged to work well together.
- c. System is a number of things dependent on each other and working as the unique complex.

## TEXT

### Legal Systems of the World

#### Vocabulary

1. structure of law — структура права
2. Russian scholars — российские ученые
3. implementation — применение
4. consistency of all norms of law — последовательность всех правовых норм
5. division into — деление на части
6. additional type — дополнительный вид (тип)
7. supranational legal law — наднациональная правовая система

### 3. Просмотрите текст и определите, в каком абзаце

- a) рассказывается о классификациях правовых систем в прошлом;
- b) дается понятие «правовой семьи»;
- c) перечисляются признаки правовой системы;
- d) дается представление о международном праве.

1) What is a system of law? According to Russian scholars it is the internal structure of law defined by social relations. It is expressed by unity and coordination of all acting legal norms and their implementation in branches and institutions of law.

The characteristics of the legal system are:

- reflection of the existing system of social relations;
- unity and consistency of all norms of law;
- division into relatively independent parts — branches, sub-branches and institutions of law;
- close connections between different elements of a law system;
- stability and dynamism.

2) When rules and laws become systematized inside one country they make national legal systems and these systems can be classified into families according to their main features.

There are about 200 legal systems in the world. Throughout the history of mankind there were various attempts to classify them. In the past, legal systems have often been grouped by geography, history, culture, race, language, religion, or official ideology. Nowadays, scholars define the following legal blocks:

- national legal systems;
- legal families;
- groups of legal families.

3) Although each modern system has its own individuality, it is possible to group many of them into legal “families”. The existing legal systems of nearly all countries are generally modeled upon elements of several main types:

- civil law (Roman-Germanic legal family);
- common law (Anglo-Saxon legal system);
- religious law;
- customary law;
- mixed or pluralistic law.

4) The additional type of the legal system — international law — can be referred to as the law which governs the conduct of independent nations in their relationships. Its part, the law system of the European Community, has become the first example of the newly created supranational legal system.

**4. Найдите в тексте английские эквиваленты следующим словосочетаниям на русском языке.**

- 1) действующие нормы права
- 2) отрасли и институты права
- 3) существующая система общественных отношений
- 4) в соответствии с основными признаками
- 5) почти все страны
- 6) международное право
- 7) история человечества
- 8) правовые семьи

- 9) современные правовые системы
- 10) обладать индивидуальностью
- 11) кодекс Наполеона
- 12) попытки классифицировать системы
- 13) быть сгруппированным по (различным признакам)
- 14) смешанное или плюралистическое право
- 15) определяться социальными отношениями
- 16) быть систематизированным внутри страны

**5. Внимательно прочитайте текст еще раз и переведите первый абзац текста.**

**6. Используя следующие словосочетания, задайте друг другу 8–10 вопросов по тексту и ответьте на них.**

Hundreds of, various attempts, have been grouped, legal families, modelled upon, civil law, common law, religious law, customary law, mixed law, international law.

**Повторение грамматики. Причастие настоящего времени  
активного залога (Participle I)**

**Infinitive + ing (V+ing)**

Причастия переводятся на русский язык действительными причастиями настоящего времени с суффиксами — -ущ-, — -ющ-, деепричастиями настоящего времени, отвечающими на вопрос «что дела-ля?», или соответствующими придаточными предложениями. В предложении чаще всего выполняют роль определения.

*Example:* including the French law — включая законодательство Франции,  
speaking about the additional type — говоря о дополнительном виде,  
existing legal systems — существующие правовые системы.

**7. Переведите на английский язык.**

Классифицирующий принцип, существующие правовые семьи, управляя поведением людей, говоря о международном праве, отражающий социальные отношения, становясь примером, включающий большинство правовых систем, систематизируя характерные черты.

**8. Образуйте причастие I от глаголов, данных в скобках, и переведите предложения на русский язык.**

1. Civil law is a law (to relate) to the rights and duties of individuals, organizations, and associations (such as companies, trade unions, and charities) as opposed to criminal law.

2. Judges have different titles (to depend) on their experience, training and level.

3. All cases (to deal) with goods, property, debt repayment, breach of contract are subject to Civil Procedure law.

4. (To travel) in Central Africa, the explorers got acquainted with the customs of its peoples.

5. (To classify) national legal systems scholars also define legal families and groups of legal families.

6. (To speak) about the existing legal systems we should mention the international law as a comparatively new legal community.

7. While (to consult) a client, a lawyer should always be efficient and professional.

8. (To follow) your advice we'll succeed in this case.

9. (To compare, to contrast, and to qualify) these two cases we've come to the conclusion that their essence is very similar.

## **UNIT 2. LEGAL SYSTEMS OF THE WORLD: CIVIL LAW AND COMMON LAW SYSTEMS**

### **TEXT 1**

#### **Civil Law**

**1. Прочитайте текст. Назовите основные источники гражданского права, указанные в тексте.**

**Civil Law** (Roman-Germanic legal family) is the most widespread type of legal system in the world, applied in various forms in approximately 150 countries. Also referred to as European continental law, the civil law system is derived mainly from the Roman 'Corpus Juris Civilus' (Body of Civil Law), a collection of laws and legal interpretations compiled under the Roman Emperor Justinian I between A.D. 528 and 565.

The major feature of civil law systems is that the laws are organized into systematic written codes. The main sources of civil law are principally legislation — especially codifications in constitutions or statutes enacted by governments — and secondarily, custom. The civil law systems in some countries are based on more than one code.

**2. Найдите в тексте английские эквиваленты следующим словосочетаниям на русском языке.**

- 1) основываться на нескольких кодексах
- 2) наиболее распространенный вид
- 3) основной источник
- 4) основная черта
- 5) римский император
- 6) называться континентальным правом

**3. Найдите в тексте слова, соответствующие следующим определениям.**

1. Laws or written rules which are passed by Parliament and implemented by courts.
2. An official set of laws or regulations.
3. To come from something, to appear somewhere and then to develop into something.
4. What someone thinks about the meaning of a law or precedent?
5. Used or enforced in different ways.

**4. Образуйте соответствующие однокоренные слова и запишите их в таблицу.**

Noun	Verb	Adjective or Participle
code	codify	
	civilize	
base		
		legislative
	collect	
application		

**5. Работа в парах. Обсудите, соответствуют ли данные утверждения содержанию текста.**

1. Civil law is the most widespread legal system of the world.
2. Approximately 300 countries use civil law nowadays.
3. European continental law and civil law is the name of the same phenomenon.
4. "Corpus Juris Civilus" is a collection of laws and legal interpretations compiled in the times of the Roman Emperor Justinian I.
5. The date when the Body of Civil Law was compiled is known precisely.
6. Organizing the law into two written codes is the main feature of civil law system.
7. One of the main sources of civil law is custom.



## TEXT 2

### Common Law

#### 6. Прочитайте текст и ответьте на вопросы.

1. Why is common law called “English”?
2. Why are so many countries influenced by common law?

**Common Law** (Anglo-Saxon legal family) is a type of legal system, often synonymous with “English common law”, which is the system of England and Wales in the UK. It is also in force in approximately 80 countries which were a part of or greatly influenced by the former British Empire. The English common law reflects Biblical influences as well as systems imposed by early conquerors including the Romans, Anglo-Saxons, and Normans.

Some legal scholars attribute the formation of the English common law system to King Henry II (r. 1154—1189). Until the time of his reign, laws customary were administered locally. Henry II, having established the King’s court, designated that laws were “common” to the entire England.

The foundation of English common law is “legal precedent” — referred to as *stare decisis* (Lat), meaning “to stand by things decided”. In the English common law system, court judges are bound in their decisions in large part by the rules and other doctrines developed by the judges of earlier English courts. These rules were supplemented or amended over time.

#### 7. Найдите в тексте английские эквиваленты следующим словосочетаниям на русском языке.

- 1) дополнить или исправить
- 2) основа общего права
- 3) доктрины, созданные судьями
- 4) быть ограниченным в своих решениях
- 5) ученые-юристы
- 6) являться синонимом
- 7) приписывать создание кому-либо
- 8) бывшая Британская империя

#### 8. Найдите в тексте слова, соответствующие следующим определениям.

- a) \_\_\_\_\_ the country which was running half of the world during several centuries.
- b) \_\_\_\_\_ the religious book of Christians.
- c) \_\_\_\_\_ group of people or military troops who attack foreign territories in order to join them to their lands.
- d) \_\_\_\_\_ period of time when a King or a Queen is running the state.

e) \_\_\_\_\_ something (such as a judgment) which has happened earlier than the present and which can be a guide to what should be done in the present case.

**9. Образуйте соответствующие однокоренные слова и запишите их в таблицу.**

Noun	Verb	Adjective or Participle
	amend	
judgment		
		established
		reflecting
	administer	
reference		
meaning		

**10. Укажите, какие предложения содержат информацию из текста.**

Common law was derived from customs of continental countries.

Common law is a synonym to precedent law.

Common law is widely spread in many countries.

English common law is influenced by the Bible.

Laws were administered universally all over England before the reign of Henry II.

The King's court designed that laws were common for the whole country.

The source of English common law is the precedent.

Common law is stable and can't be amended or changed.

**11. Работа в парах или небольших группах. Расскажите о романо-германской и англосаксонской системах права. Сравните:**

**а) источники,**

**б) теории происхождения,**

**в) применение.**

**12. Передайте содержание следующих текстов на английском языке.**

**Романо-германская правовая семья  
(Roman-Germanic legal system — Civil Law system)**

Романо-германская правовая система объединяет правовые системы всех стран континентальной Европы. Эта правовая система возникла на основе римского права. Основным источником права — нормативный акт. Ей присуще четкое деление норм права на отрасли, а все

отрасли подразделяются на две подсистемы: частное право и публичное право. К сфере публичного права относятся: административное, уголовное, конституционное, международное публичное. К частному относятся гражданское, семейное, трудовое, международное, частное право. В системе органов государства проводится четкое различие на законодательные и исполнительные органы. Законотворческие функции составляют монополию законодателя. Для большинства стран этой системы характерно наличие писаной конституции.

### **Англосаксонская правовая семья (Anglo-Saxon legal system — Common Law System)**

Общее право доминирует в национальных правовых системах Великобритании (кроме Шотландии), Канады, США, Ямайки, Австралии и т. д. Прародительницей этой правовой семьи была Англия. В основе этой правовой системы лежит принцип *to stand by the things decided* (от латинского, *stare decisis* — стоять на решенном), означающий, что при выработке решения судом господствующая сила принадлежит прецеденту. Основным источником права в англосаксонской правовой системе является обычай (подтвержденный судебным прецедентом). Законодательство рассматривается как разновидность договора. Таким образом, в отличие от романо-германской системы, судебные решения играют большую роль в формировании права, тогда как романо-германская система оставляет за судами функцию толкования и применения права.

<p><b>Повторение грамматики. Причастие прошедшего времени пассивного залога (Participle II)</b></p>
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#### **V + ed or V3f**

Переводятся на русский язык страдательными причастиями настоящего или прошедшего времени с суффиксами -вш-, -ан-, -ем или придаточными предложениями. В предложении чаще всего выполняют функцию определения.

**Example:** applied in various forms — применяемый (примененный) в разных формах,

referred to — тот, на который была сделана ссылка

written code — написанный кодекс, enacted by — примененный (применяемый).

### **13. Переведите на английский язык.**

Методы, примененные к нему; кодексы, на которые ссылаются юристы; собранная ими информация; толкования, записанные во

времена римского императора; преступления, совершенные во время войны; вопросы, рассмотренные в этом сообщении; подтвержденный судебным прецедентом; судебные решения, сыгравшие важную роль.

**14. Замените слова в скобках формами причастий и переведите предложения.**

1. When legislators create laws they use the system of courts (to back) by the power of the police to enforce these laws.

2. Common law is applied in approximately 80 countries which were a part of or greatly (to influence) by the former British Empire.

3. Until the time of King Henry II reign customary laws were (to administer) locally.

4. The order (to establish) in the country improved the situation.

5. The English common law reflects Biblical influences as well as systems (to impose) by early conquerors including the Romans, Anglo-Saxons, and Normans.

6. Rules and doctrines (to develop) by the judges of earlier English courts were (to supplement) or (to amend) over time.

7. The new law (to establish) on the territory of entire England soon became common.

8. The letter (to write) by a junior lawyer should not be sent to the client because of its improper style.

9. The review on the UK Civil Procedure (to take) from the website was of great importance for his report.

10. Courses on Legal English (to offer) online have become very popular today.

### **UNIT 3. LEGAL SYSTEMS OF THE WORLD: RELIGIOUS AND CUSTOMARY LAW SYSTEMS**

#### **TEXT 1**

#### **Religious Law**

#### **Vocabulary**

1. predominantly — особенно, преимущественно
2. the main common feature — главная общая черта
3. to aim to cover all areas of life — иметь целью охватить все сферы жизни
4. revolutionary council — революционный совет
5. nonetheless — несмотря на, однако

### 1. Прочитайте текст и ответьте на вопросы.

1. What do numbers 50, 900, 450 mean in the text?
2. What legal systems do Iran, Iraq, Kuwait, Qatar, Oman, Saudi Arabia, Bahrain, the United Arab Emirates belong to?

**Muslim Law** — is an autonomous legal system which is of a religious nature and predominantly based on the Koran. The number of Muslim countries is growing (now there are more than 50 Muslim states the population of which is about 900 million people), and the main common feature is not merely spiritual: the Islamic religion aims to cover all areas of life. Countries belonging to this system are: Saudi Arabia, Syria, Sudan, Turkey, Tunisia, Algeria, Egypt, Jordan, Iraq, Iran, Pakistan and others.

In its strongest formulation, some Islamic scholars state that law cannot exist outside religion and therefore the state has no power to legislate. But in practice the religion is found in the countries with very different histories, where formal legal systems differ much.

**Hindu Law.** Unrivalled in age, the Hindu law found in India, Nepal, Pakistan, Malaysia and parts of East Africa is contained in a literature which is vast and complex. In the countries mentioned, however, it governs only personal and family relations and its family law has been codified and much amended, especially in India. Nonetheless it can affect the lives of some 450 million people.

### 2. Соотнесите русские эквиваленты из правой колонки с английскими словосочетаниями из текста в левой колонке.

- |                            |                               |
|----------------------------|-------------------------------|
| 1) common law patterns     | a) страны Персидского залива  |
| 2) death and rebirth       | b) отличаться от              |
| 3) not merely spiritual    | c) светские правовые системы  |
| 4) absolute sovereignty    | d) смерть и воскрешение       |
| 5) Islamic scholars        | e) не только духовный         |
| 6) Gulf countries          | f) по образцу общего права    |
| 7) autonomous legal system | g) предписывать               |
| 8) to preach               | h) ученые-теоретики ислама    |
| 9) to vary from            | i) отдельная правовая система |
| 10) secular legal system   | j) абсолютный суверенитет     |

### 3. Найдите в тексте английские эквиваленты.

- 1) основываться на положениях Корана
- 2) правовые системы Индии и Пакистана
- 3) закон не может существовать вне религии
- 4) по образцу общего права
- 5) не иметь законодательной власти
- 6) затрагивать все стороны жизни

- 7) в своем самом строгом толковании
- 8) кодифицировать и вносить поправки

**4. Выразите согласие/несогласие с утверждениями, используя следующие речевые модели.**

**Model:**        **a) I fully agree with the statement.**  
                     **b) I am afraid, I can't agree with it.**

1. Muslim law is based on the Koran.
2. The number of Muslim countries is decreasing.
3. In its strongest formulations some Islamic scholars think that state has no power to legislate.
4. Some Muslim countries are influenced by civil law, others — by common law.
5. It is easy to find roots of the Hindu law.
6. It is not difficult to unify postulates of the Hindu law.
7. The Muslim law precepts cover as many sides of life as secular systems do.

## TEXT 2

### Customary Law

#### Vocabulary

1. Customary law — традиционное право
2. Napoleonic Civil Code — гражданский кодекс Наполеона
3. prior to colonial influences — до влияния колониальных стран
4. following the colonization — вслед за колонизацией
5. the earliest systems of law — самые ранние системы права

**5. Прочитайте текст и ответьте на вопросы.**

1. What are the characteristic features of Customary law?
2. What is the main source of Customary law?

Customary Law is a type of legal system that serves as the basis of, or has influenced, present-day laws in approximately 40 countries — mostly in Africa, but some in the Pacific islands, Europe, and the Middle East. Customary law is also referred to as “primitive law”, “unwritten law”, “indigenous law”, and “folk law”. There is no single history of customary law such as that found in Roman civil law, English common law, Islamic law, or the Napoleonic Civil Code. The earliest systems of law in human society were customary, and usually developed in small agrarian and hunter-gatherer communities.

As the term implies, customary law is based upon the customs of a community. Common attributes of customary legal systems are that they are seldom written down, they embody an organized set of rules regulating social relations, and they are agreed upon by members of the community. Although such law systems include sanctions for law infractions, resolution tends to be reconciliatory rather than punitive. A number of African states practiced customary law many centuries prior to colonial influences. Following colonization, such laws were written down and incorporated to varying extents into the legal systems imposed by their colonial powers.

**6. Найдите в тексте английские эквиваленты следующим русским словосочетаниям.**

- 1) включать санкции
- 2) термин
- 3) может также называться
- 4) служить основой или испытывать влияние
- 5) входить в состав правовой системы
- 6) обнаружить
- 7) иметь тенденцию к мирному решению вопроса
- 8) регулировать общественные отношения

**7. Выберите правильную форму причастия и переведите предложения на русский язык.**

1. The government considered a new project (regulated, regulating) social relations.

2. (Following, followed) the customary law of agrarian and hunter-gatherer communities, the new type of law, (amended, amending) and (writing, written) down, came into being.

3. State structure (imposed, imposing) by former colonial empires to African and Asian countries was very much like those of European states.

4. (Written, writing, unwritten) law is a part of customary legal system.

**8. Выразите согласие/несогласие с утверждениями, используя следующие формулы речевого общения.**

- I really think that ...
- I'm sure that ...
- In my opinion ...
- I disagree that ...
- I consider it to be absolutely wrong ...
- I can prove that it is ...
- It can't be true/false because ...

1. Most countries of the world have customary law system.

2. Sometimes customary law is called "a folk law".

3. Customary law is easy to codify because it has single history of development.
4. Customary law first appeared in the countries of Africa and Asia.
5. Customary law is based upon previous decisions of courts.
6. It regulates social relations in a number of African and Asian countries.
7. Customary law is the most punitive among other systems of law.
8. Customary law became a part of modern national legislation in post-colonial period.

**Повторение грамматики.**  
**Причастие совершенного вида активного залога**  
**(Participle I Perfect)**

**Having + V 3f**

Причастия совершенного вида активного залога переводятся на русский язык деепричастиями прошедшего времени, отвечающими на вопрос «что сделав?», или придаточными предложениями. В предложении выполняют функцию обстоятельства.

**Example:** Henry II, **having established** the king's court and **designated** that laws were "common" to the entire England ... — король Генри II, **установив** королевские суды и **объявив**, что они становятся «общими»...

**9. Замените слова в скобках правильными формами причастий.**

1. (To have) long contacts with the English Public law and systems of court procedure, countries of "mixed" system inherited much of the Common law.
2. He presented an interesting report on Customary law (to study) a great amount of articles on the subject.
3. (To do) everything they could, the lawyers were unable to prevent him from being imprisoned.
4. King Henry II (to establish) the King's court, designated that laws were "common" to the entire England.
5. (To learn) about the new facts, they insisted on investigating the case.
6. (To colonize) African and Asian countries, western states introduced their legal systems there.
7. The members of parliament improved the situation greatly, (to include) these laws into their legislation.
8. (To consider) this decision as a precedent, the courts should follow it in future.
9. (To abolish) capital punishment, the country has got an opportunity to join the EU.



10. (To become) systematized inside one country, rules and laws make national legal systems and these systems, in their turn, can be classified into families according to their main features.

**10. Переведите на английский язык словосочетания.**

Завоевав многие страны, навязав свою правовую систему завоеванным странам, испытывая влияние Библии, внося поправки, появившись в странах Азии и Африки, создав систему наказаний, став частью современного законодательства, включив эти законы в систему права, использовав структуру государственной власти.

## **UNIT 4. LEGAL SYSTEMS OF THE WORLD: MIXED AND OTHER SYSTEMS**

### **TEXT 1**

#### **Mixed Systems**

##### **Vocabulary**

1. to be influenced by — находиться под влиянием чего-то
2. the Roman-Dutch law — романо-голландское право
3. to stem from — происходить, иметь корни
4. to owe much to the common law — иметь много общего с системой общего права
5. to endure in common-law environment — выжить в системе общего права
6. transparency of common-law judgments — ясность (прозрачность) решений общего права

**1. Просмотрите текст и определите, в каком абзаце**

- a) рассказывается о влиянии старого права Нидерландов на правовые системы других стран;
- b) отмечаются особенности правовых систем стран Северной Европы;
- c) дается пример страны, успешно совместившей в своей правовой системе признаки романо-германской системы права с общим правом.

1) In the first group are countries with a ‘mixed’ system influenced by both civil and common law. The older uncoded civil law of Holland is the basis of the Roman-Dutch law of South Africa, Zambia, Namibia, Lesotho, Swaziland, Botswana and, on the other side of the ocean, Sri

Lanka; it is marked by a rich juristic literature stemming from Hugo Grotius (de Groot) in the 17th century. But their long contacts with Britain mean that their public law and systems of court procedure owe much to the common law.

2) Scotland, Louisiana, Mauritius and Quebec are examples of a private law based on older civil and customary rules (uncodified in Scotland) struggling to endure in a common-law environment. Israel has a system of its own, where the older Ottoman and British mandate layers are now overridden by a modern system. It has no single constitutional document, but much of the modern law combines the broad legislative simplicity of the great codes of civil law with the careful transparency of the common-law judgment.

3) The Nordic Europe legal systems of Denmark, Finland, Iceland, Norway and Sweden do not fit neatly into the civil-law pattern. Their original Germanic public and private law was collected in legislative form long before the rationalizing fashion of the French model: in Denmark (1683), Norway (1683), and Sweden-Finland (1734). Marked by relatively small population with a high standard of living, economic efficiency and the ideals of the modern welfare state, they have adopted much uniform legislation especially in the fields of commerce and family law.

**2. Употребите предлоги в словосочетаниях из текста: by, by, of, with, for, on, into.**

- 1) the system is influenced \_\_\_\_ civil law
- 2) codes \_\_\_\_ civil law \_\_\_\_ the careful transparency of common law judgment
- 3) is the basis \_\_\_\_ the law of South Africa
- 4) is marked \_\_\_\_ rich juristic literature
- 5) private law base \_\_\_\_ older civil rules
- 6) do not fit neatly \_\_\_\_ the civil-law pattern

## TEXT 2

### Socialist Law

#### Vocabulary

1. entirely new form of law — совершенно новую форму права
2. elimination of the USSR — распад, ликвидация СССР
3. disintegration into — деление на
4. to provoke activity — стать причиной, спровоцировать активность
5. to draft something — сделать проект чего-либо
6. to abrogate the legislation — отменить законодательство

7. 'The Great Leap Forward' — великий прыжок вперед
8. to resemble something — напоминать что-то
9. to be partly resurrected — частично воскресить
10. the persistent attitude — стойкие отношения

**3. Прочитайте текст 2 и употребите следующие словосочетания в нужном месте.**

1. that makes law subordinate
2. inspired by Soviet models
3. much power remains
4. to attain socialism
5. a new democratic constitution
6. compared with the older systems
7. denigrated and degraded during

Until recently, the Union of Soviet Socialist Republics (the USSR) and some other countries proclaimed that socialism was producing an entirely new form of law, not to be judged by or even (A). This view was said to be the scientific conclusion of a Marxist analysis. The elimination of the USSR as a state was followed by the collapse of the newly build legal system at the end of the 20th century. The USSR's peaceful disintegration into 15 sovereign states has provoked much activity in fashioning new structures. Most of the states by now have (B) and are drafting the rest of the legal system.

One more example of applying socialist law is China. From its inception in 1949, the People's Republic of China's declared aim was (C). It abrogated all earlier legislation and during the next decade much of the formal law was (D). The legal structure has been partly resurrected, and a legal framework of codes enacted. The Basic Principles of Civil Law contain many provisions that would be familiar to Western jurists. The actual functioning of the system, however, is affected by the persistent attitude (E) to the decisions of central and local political authorities.

**4. Объединитесь в мини-группы и распределите между собой следующие вопросы. Подготовьте развернутые ответы на них, используя современные источники информации.**

1. Why did socialist countries proclaim that they were producing a new form of law?
2. In what way does this form of law differ from the others? Why was it so important?
3. Who was the founder of this theory? What other scientific conclusions did he make?
4. What does "peaceful disintegration" mean? What countries appeared after this process?

5. Why do you think the Chinese legal system has provisions similar to western legislations?

**5. Передайте содержание текстов на английском языке.**

**Датская правовая система.** Важнейший документ в истории права страны — «Датский закон Кристиана V» (1683), подготовленный по поручению короля путем пересмотра ранее действовавших законодательных актов (все они с его принятием были отменены). Он состоит из 6 книг и представляет собой свод законов, относящихся к различным отраслям права. Наиболее подробно в нем изложены уголовные законы, вошедшие в последнюю книгу. «Датский закон Кристиана V» никогда официально не отменялся, однако к настоящему времени остаются в силе лишь некоторые его положения. С 1849 г., после отмены абсолютной монархии, началась реформа законодательства (в частности, был принят Уголовный кодекс 1866 г.), в ходе которой в основном и сформировалась действующая правовая система Дании.

**Шведская правовая система.** Основы современной правовой системы Швеции были заложены Законом Шведского государства (королевства) 1734 г. До этого основными источниками права в стране служили сначала нормы обычного права, а затем и отдельные законодательные акты и собрания законов. Этот закон был далек от совершенства: он отличался сложностью формулировок, отсутствием необходимых общих определений, не был строго систематизирован, содержал немало пробелов даже применительно к потребностям того времени, когда он был составлен. Однако он стал основой развития шведского и финского права на последующие столетия. И поныне он формально признается центральным действующим актом шведского законодательства. К настоящему времени большинство первоначально изданных норм Закона 1734 г. заменено более поздними законодательными положениями. А все важнейшие отрасли права регулируются либо кодексами, либо крупными актами, изданными в XX в.

Participle I

Non-Perfect Passive	being written	В тот момент, когда его писали (письмо).
Perfect Passive	having being written	Когда оно было написано (письмо).

Participle II

written	написанное (письмо)
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## **6. Переведите на русский язык следующие предложения.**

1. Having been collected from different areas, the facts reflected the situation all over the country.
2. Being founded as a union of 13 colonies, the United States claimed to become independent from the British Crown.
3. Having been based on the US Constitution, the Constitutional law serves as the supreme federal law.
4. Having been inspired by the Soviet model, many countries followed it after World War II.
5. Being affected by the basic principles of Civil law, the provisions of Socialist law are familiar to Western lawyers.
6. Being influenced by different systems of law, these countries were united in the group of so called 'mixed' legal systems.

## **7. Раскройте скобки, употребив нужную форму причастия.**

1. In the past, legal systems (to be grouped) by geography, history culture, race, language, religion or official ideology were classified in different ways.
2. (To be derived) mainly from the Roman collection of laws and legal interpretations the Civil law appeared during the reign of Justinian I.
3. (To be based) on the Koran, Muslim law is considered to be an autonomous legal system.
4. (To be marked) by relatively small population with a high standard of living North European countries have adopted much uniform legislation especially in the fields of commerce and family law.
5. (To be collected) in the legislative form about 400 years ago, the original Germanic public and private law became the basis of the modern legal system of Finland, Norway, Sweden and some countries of Nordic Europe law system.
6. (To write) in very bad handwriting, the complaint was difficult to read.
7. (To spent) many years abroad while working with common law in England, he would find it difficult to work in Germany.
8. (To wait) in the hall, he thought over the problem he was going to discuss in the court room.
9. (To phone) the agency, he continued working on the contract.
10. (To show) the exhibition of the newly published books on law he was invited to the conference hall.
11. (To hear) the steps of the coming jury he raised his head.
12. (To follow) the colonization, such laws, (to be written down) and (to incorporate) into the legal systems, were (to impose) by the colonial powers.
13. (To be unwritten) common attributes of customary legal systems are seldom organized into a set of rules.
14. Usually customary laws (to be agreed) upon by members of the community.

## UNIT 5. LEGAL SYSTEMS OF THE WORLD: LEGAL SYSTEMS OF RUSSIA, THE UNITED KINGDOM, THE USA

### TEXT 1

#### What Legal System does Russia Belong to?

##### Vocabulary

1. to be defined according to — быть определенным в соответствии с
2. to borrow much from — здесь: унаследовать много от
3. to follow this path — идти этим путем
4. to come back to the roots — вернуться к своим корням
5. to be closer to something — быть ближе к чему-либо
6. to fit something — полностью соответствовать
7. to put together a case file — формировать дело
8. inquisitional system — система расследования
9. to bring up a sentence — вынести приговор
10. adversarial proceedings — состязательный процесс

#### 1. Прочитайте текст и скажите, к какой правовой системе следует отнести Россию.

While establishing its legal system Russia has passed several stages which can be defined according to their historical periods.

Before the socialist revolution (1917) Russian law system borrowed much from German legal system and formally could be included into the German sub-branch of the continental law. After the October Revolution Soviet lawyers decided to find their own unique way in law and followed this path for at least 75 years, they tried to find their own identity and to create Soviet socialist law in Russia. After these attempts failed, Russia tried to come back to its roots, i.e., to the European system of law.

Therefore, from the formal point of view the Russian law system is closer to the Roman-German law than to the Anglo-American one. It has many features of European continental law but we cannot say that it fully fits it. Modern post-soviet Russian legal system obtains its individual approaches to various aspects of law.

As Russia's legal system is based on a civil law system, influenced by Roman law, its emphasis is made on codification. All decisions are based on the foundation of statutes and codes rather than judicial precedent, as it is evident in common law. It is brightly demonstrated, for example, in criminal law. As in other civil law countries, the pretrial investigation in Russia is the dominant phase in the criminal process. In this part of the process, a judicial official of the state puts together a case file which contains all evidence of the case and then comes the court which holds an

active role in determining case facts, using a more inquisitional system and bringing up a sentence.

**2. Найдите в тексте эквиваленты следующим словосочетаниям на русском языке.**

- 1) содержать доказательства
- 2) вынести приговор
- 3) досудебная стадия
- 4) заимствовать из
- 5) потерпеть неудачу
- 6) полностью соответствовать
- 7) иметь собственные подходы

**3. Найдите в тексте словосочетания, соответствующие следующим определениям.**

a) \_\_\_\_\_ is a legal system where two advocates represent their parties' positions before an impartial person or group of people, usually a jury or judge, who attempt to determine the truth of the case. This system is generally adopted in common law countries. An exception, for instance in the U.S., can be made for minor violations, such as traffic offences.

b) \_\_\_\_\_ is a legal system, opposed to the previous one, which has a judge (or a group of judges who work together) whose task is to investigate the case and bring up a sentence. It is widely spread in Europe among some civil law systems (i.e. those deriving from Roman law or the Napoleonic Code).

**4. Выразите согласие/несогласие со следующими утверждениями, используя следующие формулы речевого общения.**

- I really think that ...
- I'm sure that ...
- In my opinion ...
- I disagree that ...
- I consider it to be absolutely wrong ...
- I can prove that it is ...
- It can't be true/false because ...

- 1) Russia in the 18<sup>th</sup> century was greatly influenced by German legal system.
- 2) Soviet lawyers followed common way of creating the legal system.
- 3) Modern legal system of the RF is much closer to Continental law than to Anglo-American one.
- 4) Emphasis is made on codification in Russian law system.
- 5) The pretrial stage of investigation is not of great importance as the court one.

5. Ролевая игра. Прочитайте тексты о правовых системах Великобритании и США. Составьте диалог, где вы берете интервью у специалиста по правовой системе Великобритании или США.

## ТЕХТ 2

### The United Kingdom. Common Law

#### Vocabulary

1. to contain something — содержать что-либо
2. to form something — образовывать что-либо
3. to relate to the political instability — быть связанным с политической нестабильностью
4. to retain distinctions — сохранить различия
5. to be binding — быть обязательным
6. to incorporate something — включать в себя что-то
7. to ensure certainty and consistency — обеспечить определенность и устойчивость
8. to be flexible — быть гибким
9. to be derived from — происходить

The United Kingdom of Great Britain and Northern Ireland contains three major legal systems which have been developed through ages. The three systems, each with their own legal rules, courts and legal professions, are based geographically. These are systems of England and Wales, Northern Ireland and Scotland.

**England and Wales.** These two areas form one jurisdiction. The national courts (High Court, Court of Appeal and House of Lords) are based in London, but there are local courts (Magistrates' Courts and County Courts) throughout the country and the Crown Court has many locations.

**Northern Ireland.** It has some unusual features in its system, which is centered in Belfast. Many relate to the political instability and violence which has taken place in the region since its establishment. One such feature is the absence of a jury in "terrorist" trials. But the legal system of Northern Ireland has otherwise grown very similar to that of England and Wales.

**Scotland.** It had its own system of laws and courts (based in Edinburgh) before its union with England and Wales in 1707. The Acts of Union of 1707 expressly allowed these to continue, and so Scotland retains many distinctions from the English system. It should be noted that the United Kingdom has incorporated the legal system of the European Union since 1972.

The legal systems within the United Kingdom were based largely on judge-made law since the 17<sup>th</sup> century. The law developed through decisions made by judges and was called "case law" or "common law" (common to



all courts of the country). Since that time, new laws and law reforms have increasingly been brought about through Acts of Parliament, usually inspired by policies of the Government.

Even so, the development of case law still remains an important source of law. A statement of law made by a judge in a case can become binding on later judges and can in this way become the law for everyone to follow.

Precedent has a very important role in the common law. It ensures certainty and consistency and logical progression and development in the law. Many countries (especially in Continental Europe) prefer a codified system in which laws are set out in legislation and cases which apply them may be illustrative but do not become binding. Nevertheless, the common law does have advantages over codified systems — it is more flexible, it is more practical as it is derived from real life dramas played out before the courts.

### TEXT 3

#### The US Law

##### Vocabulary

1. island possessions — островные владения
2. to define the division between something — определить деление на
3. to claim independence — требовать независимость
4. to shift — сдвигать, перемещать
5. to retain substantial legal authority — сохранить существенные правовые полномочия
6. to outline the general structure — определить общую структуру
7. to lack something — здесь: быть в недостатке

It is a type of common law, which is the basis of the legal system of the United States and that of its island possessions in the Caribbean and the Pacific. This legal system has several layers, more than in most other countries, and defined the division between federal and state law. The United States was founded not as one nation but as a union of 13 colonies, each claiming independence from the British Crown. The US Constitution, implemented in 1789, began shifting power away from the states and toward the federal government, though the states today retain substantial legal authority.

US law draws its authority from four sources: constitutional law, statutory law, administrative regulations, and case law.

Constitutional law is based on the US Constitution and serves as the supreme federal law. Taken together with those of the state constitutions, these documents outline the general structure of the federal and state governments and provide the rules and limits of power.

US statutory law is legislation enacted by the US Congress and is codified in the United States Code. The 50 state legislatures have similar authority to enact state statutes.

Administrative law is the authority delegated to federal and state executive agencies.

Case law, also referred to as common law, covers areas where constitutional or statutory law is lacking. Case law is a collection of judicial decisions, customs, and general principles that began in England centuries ago, that were adopted in America at the time of the Revolution, and that continue to develop today.

**6. Сравните английскую, американскую и российскую правовые системы.**

## TEXT 4

### The Comparative Law

#### Vocabulary

1. comparative law — сравнительное право
2. applicability of laws — применимость законов
3. world trade — мировая торговля
4. intergovernmental organization — межправительственная организация
5. to simplify rules — упростить правила

#### 7. Прочитайте текст и ответьте на вопросы.

1. Why do you think the comparative law is so necessary?
2. Do you agree that the law needs to be uniformed?
3. Can you imagine the possibility of creating the unique world law system?

This law is a newly made one and studies differences and similarities between different jurisdictions, including civil-law systems, common-law systems and religious (or theological) legal systems.

Comparative law has become of increasing practical importance for two reasons. First, the globalization of world trade means that commercial lawyers are often required to work with colleagues and clients from unfamiliar jurisdictions. The second reason is the increasing harmonization (or unification) of laws between previously separate jurisdictions, as with the European Union and the Union of South American Nations.

This kind of law is closely related to private international law and the harmonization of law. Private international law concerns the applicability

of laws in situations involving other jurisdictions. Harmonization of law developed out of a need to simplify these rules, both at a national level and between sovereign states.

One more aspect of comparative law is the idea of uniform law. There are two main sources of international uniform law: The Hague Conference on Private International Law (HCC) and the International Institute for the Unification of Private Law (UNIDROIT). The Hague Conference, a global intergovernmental organization with over 60 member states, is the leading organization in the area of private international law. An increasing number of non-member states are also becoming parties to the Hague conventions. The statutory mission of the HCC is to work for the progressive unification of private international law in a wide range of areas, from commercial law to international civil procedure and from child protection to matters of marriage and personal status.

**8. Объясните своими словами значение следующих словосочетаний.**

- increasing practical importance
- private international law
- commercial law
- globalization of world trade

**9. Внеаудиторная работа. а) Подготовьте сообщения для круглого стола о реформировании российской правовой системы в последние годы. Используйте рекомендации по подготовке круглого стола. б) Проведите заседание круглого стола по правовым системам стран мира.**

**Recommendations  
on the Round Table Discussion Organizing**

What does a Round Table conference mean? What is it for?

It means that several professionals take part in the discussion, expressing their views on the reasons, essence and consequences on some event or a problem. The purpose of holding such conferences is to clear up the scientific or international approach to such problems.

What is to be done?

1. Choose the topic for your report at the Round Table conference.
2. Choose the discussion leader who will combine the functions of the chairperson and the presenter.
3. Your report should have three main sections: introduction, main body and conclusion.
4. It should take 3–5 minutes.
5. If you are eager to add any other information to your friends' presentation — go ahead!

6. While speaking on your topic, try to use the link words and phrases, or sometimes they are called “discourse markers”, which will show how the ideas in your reporting interrelate. Besides they will make your presentation more understandable, colourful and attracting everybody’s attention.

**Words and phrases, useful to make your report at  
the Round Table conference**

**a) A presentation should begin with a clear statement of the topic:**

- My presentation deals with the topic of ...
- I would like to explain ... in my presentation
- the aim of this report is to ...
- the presentation is intended to ...
- let’s start with ...

**b) establishing a sequence:**

- as a next step;
- finally;
- first of all.

**c) contrasting:**

- however;
- alternatively.

**d) referring to the past:**

- traditionally;
- historically;
- initially.

**e) drawing a conclusion:**

- as a consequence;
- thus;
- accordingly;
- consequently.

**f) emphasizing:**

- in fact;
- in particular;
- clearly.

**g) summarizing:**

- in short;
- summarizing;
- in other words;
- briefly.

**h) your point of view:**

- from my point of view;
- however, in my opinion.

**i) to take part in the discussion of the problem:**

- I’m not sure I follow you.

- Did you say that?
- Sorry, I'm not sure I understand.
- as far as I can see, the main issue is ...
- allow me to explain ...
- it means that ...
- so, in other words, ...
- to put it in another way, ...
- let me add that ...
- yes, but that's only one side of the problem;
- sorry, could I please just finish my point?
- going back to what I was saying, ...
- would you mind clarifying ...

### **Recommendations to the chairperson.**

- 1) announce the name of the conference
- 2) speak on the importance of such conference
- 3) introduce the participants, name the topics of their reports
- 4) mention the time limit of 5 minutes for speaking
- 5) ask to put down the questions to be discussed later
- 6) give the floor to the first speaker and announce his topic
- 7) after his speech control the situation and go on with introducing every next participant
- 8) after all the speakers have taken the floor, ask if there are any questions, summarize the information discussed at the conference
- 9) thank everybody for participation

## **UNIT 6. MAKING NOTES**

**1. Прочитайте следующие рекомендации о том, как нужно делать заметки.**

### **Notes**

Making notes in general, taking notes on conversations using different styles of notes, and making notes as a way of planning and preparing documents is a very important side of lawyer's everyday work.

1. It is not a good idea to write your notes in complete sentences. Keep notes short.
2. Use abbreviations. But not so many that you can't understand your own notes later!

3. Use words like because, therefore, but, or, and to show how ideas are related.
4. Use dash. It's a very useful punctuation mark in note-making.
5. Use a lot of space — then you can expand your notes later.
6. Put each separate idea on a new line.
7. Use the layout to help make the meaning clear. Use new paragraphs, headings, capital letters and underlining.

## 2. Переведите текст и выполните задания к тексту.

### Taking and Making Notes

When you listen or read the text you may **take notes** in the way you like. You can make a scheme or a drawing, you may use separate words or short phrases. All of these things will remind you about the events which you want to remember or to put down later.

We usually **make notes** to prepare or to plan something. It may be an event, an action or a writing. While making notes, a person uses his own pattern of proposing the situation. It's a kind of individual brainstorm in solving the problem. In this way you try to note down the ideas as they occur to you and show the way they are connected up. Don't forget that if you want to be understood well, every oral or written idea should have the introduction to topic, the body and the conclusion.

**Задание 1. Сделайте заметки к тексту Comparative Law. Используйте свои заметки для составления диалогов по тексту.**

**Задание 2. Составьте план выступления по одной из систем права на студенческой конференции, используя метод making notes.**

### 3. Обсудите в группе следующие вопросы.

1. Why do you find it difficult to make notes?
2. Do you prefer to make notes or rely on your memory?
3. What method of making notes which works well do you use?

## GLOSSARY

branch — здесь: отрасль

branch of law — отрасль права

sub-branch of law — подотрасль права

branches and institutions of law — отрасли и институты права

to classify — классифицировать

to classify into families — классифицировать на отдельные семьи  
an attempt to classify — попытка классифицировать  
law — право, закон  
primitive law — примитивное право  
unwritten law — неписаное право  
indigenous law — туземное право  
folk law — народное право  
customary law — обычное право  
uncodified law — неcodифицированное право  
private law — частное право  
public law — публичное право  
modern law — современное право  
Roman-German law — романо-германское право  
case law — прецедентное право  
Supreme federal law — высшее федеральное право  
Spanish law — испанское право  
Islamic law — исламское право  
pluralistic law — плюралистическое право  
International law — международное право  
collection of laws — собрание законов  
common-law pattern — образец стран общего права  
continental law — континентальное право  
unification of law — унификация права  
Law system — система права  
Civil law system — система гражданского права  
Common law system — система общего права  
Religious law system — система религиозного права  
Theological law system — система религиозного права  
Muslim law system — система мусульманского права  
Hindu law system — система индуистского права  
Customary law system — система обычного права  
Mixed law system — система права смешанного типа  
Nordic Europe law system — система права стран Северной Европы  
Socialist law system — социалистическая система права  
newly built law system — недавно созданная система права  
civil-law system pattern — система, созданная по образцу граждан-  
ского права  
codified law system — кодифицированная правовая система  
Supranational legal system — наднациональная правовая система  
autonomous legal system — автономная правовая система  
secular legal system — система светского права  
modern — современный  
modern welfare state — современное государство с высоким уровнем развития

modern community — современное сообщество  
modern system — современная система  
modern national legislation — современное национальное законодательство  
relations — отношения  
social relations — социальные отношения  
family relations — семейные отношения  
relationship — отношения, взаимоотношения  
rule — норма, правило  
legal rules — правовые нормы  
rule of law — норма права  
rule of court — судебное предписание  
to rule the law — устанавливать нормы права  
to be bound by rules — быть связанным нормами права  
to supplement rules — дополнять нормы права  
to amend the rules — вносить поправки в нормы права  
to provide the rules — создавать нормы права  
to embody a set of rules — воплощать ряд правил (норм)  
to be bound by rules — следовать правилам (нормам)



# PART III

## CHAPTER 5. NATIONAL JUDICIAL SYSTEMS

### UNIT 1. JUDICIAL BRANCH OF RUSSIAN GOVERNMENT

#### TEXT

#### Judiciary of the Russian Federation

#### Vocabulary

1. judiciary — судебная власть, судоустройство, судейский корпус
2. judicial system — судебная система
3. rule of law (syn. supremacy of law) — принцип верховенства права
4. access to justice — свободный доступ к правосудию
5. right to fair trial — право на справедливое судебное разбирательство
6. to enforce justice — обеспечивать осуществление правосудия
7. the qualifying judicial board — квалификационная коллегия судей
8. to suspend from the exercise of duties — временно отстранить от должности
9. government — государственная власть, государственное устройство, форма государственного правления, правительство.

#### 1. Подумайте и ответьте на вопросы, используя следующие выражения.

I really think (that) ...	Я действительно думаю, что ...
I strongly believe (that) ...	Я твердо убежден, что ...
In my opinion ...	По моему мнению ...
What I think is (that) ...	Я думаю, что ...
I feel (that) ...	Я полагаю (считаю), что ...
Hmm, I'm not sure, but ...	Я не уверен, но ...
I'm keeping an open mind for the moment.	Пока у меня нет никакого мнения на этот счет.

1. What is the core of the separation of powers and the system of the checks and balances? What is the role of judiciary?
2. Does the society really need judiciary? Can we live without this branch?
3. What rights do the citizens have in this sphere?
4. Do you feel that courts can protect your rights?

## **2. Прочитайте и переведите текст.**

The existing judicial system of the Russian Federation was formed and is being developed as a result of a judicial reform carried out in Russia from the beginning of the 90s with the purpose to create and maintain the judicial power in the state mechanism as an independent branch of power, free from political and ideological bias, independent in its activities from the executive and legislative branches of power. Independent, competent law court is an important component of a democratic state. In the area of justice, special attention is given to implementation of the principle of rule of law, in particular, independence of judges, access to justice and right to fair trial.

The Constitution of the Russian Federation of 1993 became the main legal basis for the introduction of the judicial reform. For the first time the Constitution contained a Chapter “Judicial Power” according to which the state power in the Russian Federation should be exercised on the basis of its division into legislative, executive and judicial powers, and all these branches of power should be independent. The structure of the judicial system of the Russian Federation and the sphere of activities of its various parts are determined by the Constitution and federal constitutional laws.

According to the Constitution of the Russian Federation only the courts can enforce justice in the Russian Federation. Judicial power enforces justice by means of constitutional, civil, administrative and criminal proceedings. It is forbidden to establish extraordinary courts.

The Federal Constitutional Law on Judicial System of the Russian Federation was adopted in late 1996 and enacted on the 1st of January 1997. Along with the Constitution of Russia, the Law is the basis of legal regulation, organization and activity of all judicial bodies in the country. All other federal constitutional and federal laws in the area of judicial organization comply with this Federal Constitutional Law. Judicial system in Russia is a combination of judicial bodies that exercise functions of the judiciary and share the same tasks and methods of work.

The judicial power in Russia is exercised by the Constitutional Court of the RF, general jurisdiction courts and arbitration courts by means of constitutional, civil, administrative and criminal judicial proceedings. Courts, in turn, are divided into federal courts and courts of the constituent entities of Russia.

Under the constitution all trials in all law courts are open (the hearing of a case can be in camera in cases provided by the federal law) and conducted on an adversarial and equal basis.

The judiciary of the Russian Federation is formed according to the following principles:

- Judges are appointed (federal court judges are appointed by presidential order);
- Candidates for positions of a judge in the Russian Federation’s Constitutional Court, Supreme Court and the Higher Arbitration

Court are approved by the Parliament's upper chamber on the President's recommendation;

- There is a system of reappointment (a federal court judge is appointed for the first time for a three year term, at the end of which he can be reappointed to that position for an unlimited period until he reaches retirement age);
- There is an enforced retirement age for judges (70 years);
- The qualifying judicial board is a key body for preparing and making decisions on appointing, reappointing and ending the terms of judges, as well as for rating their performance. The judicial board mainly consists of representatives of the judiciary; it is also mandatory that a representative of the president of the Russian Federation should be on the board. Apart from the functions of selecting the membership of the community of judges, the qualifying judicial board has to supervise the judges' activities. If a judicial board receives complaints about a judge's activity, the judge could be subject to a disciplinary penalty or suspended from his duties.

### **3. Переведите следующие словосочетания на русский язык.**

- 1) the judicial system
- 2) competent law court
- 3) constitutional/civil/administrative/criminal proceeding
- 4) arbitration courts
- 5) the qualifying judicial board
- 6) to be suspended from the duties
- 7) to maintain the judicial power
- 8) to enforce justice
- 9) to comply with
- 10) courts of the constituent entities of Russia
- 11) mandatory
- 12) to be subject to disciplinary penalty
- 13) access to justice

### **4. Найдите в тексте английские эквиваленты следующим словам и словосочетаниям.**

- 1) проводить реформу
- 2) политические и идеологические предубеждения
- 3) исполнение принципа верховенства права
- 4) осуществлять государственную власть
- 5) посредством чего-либо
- 6) судебные органы
- 7) суды общей юрисдикции
- 8) Конституционный Суд России
- 9) федеральные суды

10) проводить судебное заседание на основе принципа состязательности и равенства

11) оценивать исполнение служебных обязанностей

12) осуществлять надзор над деятельностью судей

13) право на справедливое судебное разбирательство

### 5. Ответьте на вопросы по тексту.

1. What is the purpose of the judicial reform carried out in Russia from the beginning of the 90s?

2. What are the basic legal documents determining the structure of the judicial system and the sphere of its activities?

3. What is the main task of judiciary according to the Constitution?

4. In what way is the judicial power in Russia exercised?

5. How is the judiciary of the Russian Federation formed?

6. What is the qualifying judicial board? Who does it consist of?

7. Can you enumerate the functions of the qualifying judicial board?

8. What happens if a judicial board receives complaints about a judge's activity?

### 6. Соотнесите слова из правой колонки с их определениями из левой колонки.

- |                        |   |
|------------------------|---|
| 1) the judicial system | a) to bar for a period from a privilege, office, or position, usually as a punishment                                       |
| 2) to comply with      | b) required or commanded by authority; obligatory   |
| 3) mandatory           | c) a public official who hears and decides cases brought before a court of law  |
| 4) bias                | d) the quality of being just; fairness; the principle of moral rightness  |
| 5) to supervise        | e) an opinion that prevents a person from impartially evaluating facts that have been presented for determination           |
| 6) performance         | f) to act in accordance with another's command, request, rule, or wish  |
| 7) justice             | g) the fulfillment or accomplishment of a promise, contract, or other obligation according to its terms                     |
| 8) to suspend from     | h) official assembly with judicial authority to hear and determine disputes in particular cases                             |
| 9) a court             | i) the system of courts that interprets and applies the law in the name of the state  |
| 10) a trial            | j) to direct and watch over the work and performance of others  |
| 11) a judge            | k) examination of evidence and applicable law by a competent tribunal to determine the issue of specified charges or claims |

**7. Замените русские слова и выражения в скобках соответствующими английскими эквивалентами.**

1. “The judge was temporarily (отстранен от своих обязанностей) and examined by a psychiatrist”, the prosecutor said.

2. We aim at enforcing *justice* impartially, fairly and *free* from any (*политических и идеологических предубеждений*), in full respect for the rights of defendants and victims.

3. The (право на справедливое судебное разбирательство и доступ к правосудию) are seen as essential *rights* in all countries respecting (верховенство права).

4. The Russian (судебная система) is divided into three branches: (суды общей юрисдикции) (including military courts), subordinated to the Supreme Court; the (арбитражные суды) under the Higher Court of Arbitration; and the (Конституционный суд Российской Федерации).

5. The Constitution of Russia sets forth that any (судебное разбирательство) shall be conducted on the principle of (согласительности и равенства).

6. (Квалификационная комиссия судей) decided to (подвергнуть) the judge (дисциплинарному наказанию).

7. (Правосудие) in the Russian Federation is (осуществляется) only by law courts. Judiciary power is exercised (посредством) constitutional, civil, administrative and criminal process.

**8. Переведите предложения на английский язык, используя слова и словосочетания из текста.**

1. Судебная власть самостоятельна и действует независимо от законодательной и исполнительной властей.

2. В Российской Федерации действуют федеральные суды, конституционные (уставные) суды и мировые суды субъектов Российской Федерации, составляющие судебную систему Российской Федерации.

3. Квалификационная коллегия судей приостанавливает, возобновляет либо прекращает полномочия судей, оценивает исполнение ими служебных обязанностей, подвергает судей дисциплинарным взысканиям, а также осуществляет надзор за их деятельностью.

4. Судебная власть осуществляется посредством конституционного, гражданского, административного и уголовного судопроизводства.

5. В соответствии с принципом разделения властей одной из трех (наряду с законодательной и исполнительной властью) ветвей является судебная.

6. Правосудие в Российской Федерации осуществляется только судом.

7. По действующей Конституции Российской Федерации судебная власть осуществляется федеральными судами, а также судами субъектов Российской Федерации.

8. Каждый гражданин имеет право на справедливое судебное разбирательство независимым судом, лишенным каких-либо предубеждений, созданным на основании закона.

9. Принцип свободного доступа к правосудию является основой современной концепции справедливого правосудия.

**9. Выберите одну из цитат, приведенных ниже, и прокомментируйте ее, используя следующие выражения.**

We (strongly) agree with ...	Мы полностью согласны с ...
We (strongly) disagree with ...	Мы решительно не согласны с ...
We think it's reasonable to believe that ...	Мы думаем, есть все основания полагать, что ...
We don't think it's reasonable to believe that ...	Мы не думаем, что есть основания считать, что ...
We are totally opposed to ...	Категорически не согласны ...
On the one hand, ...	С одной стороны ...
On the other hand, ...	С другой стороны ...
However ...	Однако ...
Furthermore ...	Кроме того ...
In addition ...	К тому же ...
Nevertheless ...	Тем не менее ...

1. "The law condemns and punishes only actions within certain definite and narrow limits; it thereby justifies, in a way, all similar actions that lie outside those limits". — Leo Tolstoy.

2. "There is no liberty, if the power of judging is not separated from the legislative and executive powers". — Alexander Hamilton.

**10. Самостоятельная работа. Прочитайте раздел Конституции, посвященный судебной ветви власти в России, а также Закон РФ «О статусе судей в Российской Федерации» и Федеральный конституционный закон «О судебной системе Российской Федерации». Найдите ответы на вопросы.**

1. In what way has the independence of courts and judges developed?
2. How can citizens take part in the administration of justice?
3. What is the language of proceedings in courts?
4. How is the term "judge" defined?
5. How do you explain the concepts of irremovability and immunity of judges?
6. What are the requirements to a person intending to be a judge?

# UNIT 2. THE SYSTEM OF COURTS OF THE RUSSIAN FEDERATION

## TEXT 1

### The Structure of the RF Courts (Part I)

#### Vocabulary

1. to reflect — отображать, отражать
2. to interpret — интерпретировать, истолковывать, трактовать
3. to be consistent with — согласовываться с чем-либо, не противоречить
4. to adjudicate — судить; решать, выносить решение
5. the court of cassation — кассационный суд
6. the highest court of appeal — высший апелляционный суд
7. the court of supervisory instance — суд надзорной инстанции
8. a tier — ярус
9. a district court — районный суд, окружной суд (в США)
10. the implementation of domestic law — исполнение закона, действующего внутри страны
11. legally binding — юридически обязывающий
12. a provision of the law — положение закона
13. fleet — флот
14. garrison — гарнизон
15. military formation — военное формирование
16. anti-aircraft defence — противовоздушная оборона
17. an integral part — неотъемлемая часть
18. economic dispute — экономический спор

#### 1. Прочитайте текст и ответьте на вопросы.

1. How are judges appointed to all federal courts?
2. What is the jurisdiction of the Constitutional Court?
3. What is the jurisdiction of the Supreme Court?
4. What is the jurisdiction of Military Courts?
5. What is the jurisdiction of the Higher Arbitration Court?
6. What is the extra duty of the Supreme Court and the Higher Arbitration Court?

The judicial system of the Russian Federation consists of courts at the federal level and regional courts:

#### 1. COURTS AT THE FEDERAL LEVEL

##### 1.1. The Constitutional Court.

This is the highest judicial body in the Russian Federation. It is made up of 19 judges, proposed by the President of the Russian Federation and

approved by the Federation Council. Since June 2008 the Constitutional Court has been located in St Petersburg.

The Constitutional Court has jurisdiction to interpret the RF Constitution; to decide whether a federal law is consistent with the country's Constitution; and to adjudicate whether or not laws regulations and normative acts passed by the President of the Russian Federation, the Council of the Federation, the State Duma, the Government of the Russian Federation, constitutions of republics, charters and other normative acts of the subjects of Russian Federation are consistent with the Constitution of the Russian Federation.

### **Courts of General Jurisdiction.**

#### **1.2. The Supreme Court of the Russian Federation.**

This is the supreme judicial body for all courts of general jurisdiction on civil, criminal and administrative matters. As of today the Supreme Court consists of 123 judges. Judges for the Supreme Court are proposed by the President of the Russian Federation and approved by the upper house of the legislature, the Federation Council. The Supreme Court is located in Moscow.

It has jurisdiction as a court of cassation, i.e. it is the highest court of appeal in the land. It is a court of supervisory instance over the courts of the subjects of the Russian Federation and over the tier of district courts below that level. There are three chambers in the structure of the Supreme Court of the Russian Federation: Judicial Chamber on Civil Cases; Judicial Chamber on Criminal Cases; and Military Chamber.

The Plenary Session of the Supreme Court can issue regulations. Regulations are a unique element of the machinery for the implementation of domestic law in the Russian legal system. Enacted by the Plenary Session, they are "explanations on issues of judicial practice", based on the overview and generalization of the jurisprudence of the lower courts and Supreme Courts of subjects of the Federation. Regulations are abstract opinions but legally binding on all lower courts. They summarize the judicial practice of lower courts and explain how a particular provision of the law shall be applied. These regulations are employed to ensure the consistent application of Russian law by explaining how the law shall be interpreted. Regulations have their legal basis in Article 126 of the RF Constitution.

#### **1.3. Military Courts.**

The basic tier of military courts is the military courts of the armed forces, fleets, garrisons and separate military forces. The middle tier of military courts consists of military courts of the branches of the armed forces, the seven Military Districts into which the country is divided, and the districts of anti-aircraft defense, navy and individual armies. They consider disputes involving military personnel. Three-tiered system of the military courts is an integral part of *Courts of General Jurisdiction*.



### **Arbitration Courts.**

Arbitration courts form a system with jurisdiction over economic disputes that, as a rule, arise between companies and individual entrepreneurs, both Russian and foreign.

#### **1.4. The Higher Arbitration Court of the Russian Federation.**

Judges for the Higher Arbitration Court are proposed by the President of the Russian Federation (Article 127 of the Constitution) and approved by the Federation Council.

It exercises original jurisdiction over disputes between the Russian government and commercial parties, the government and subjects of the Russian Federation, or between subjects of the Russian Federation.

The Plenary Session of the Higher Arbitration Court can also issue Regulations.

### **2. Прочитайте утверждения и скажите, соответствуют ли они содержанию текста. Исправьте неверные утверждения.**

1. The present Russian judicial system follows the structure of courts of the USA.

2. The Higher Arbitration Court acts only as a court of original jurisdiction.

3. The Supreme Court is the supreme judicial body for all courts of general jurisdiction on civil, criminal and administrative matters.

4. The Constitutional Court has jurisdiction to interpret the RF Constitution; to decide whether a federal law is consistent with the country's Constitution; and to adjudicate whether or not laws and regulations passed by the Republics and Regions of the Russian Federation are consistent with the RF Constitution.

5. The Plenary Session of the Supreme Court can issue laws.

6. Military Courts consider disputes involving military personnel.

7. There are two chambers in the structure of the Supreme Court of the Russian Federation: Judicial Chamber on Civil Cases and Judicial Chamber on Criminal Cases.

8. Regulations are abstract opinions (not decisions in exact disputes) but legally binding on all lower courts.

9. Judges for all courts are approved by the State Duma.

10. The judicial system of the Russian Federation consists of courts at the federal level and regional courts.

## **TEXT 2**

### **The Structure of the RF Courts (Part II)**

#### **Vocabulary**

1. to constitute — составлять

2. a challenge — претензия, оспаривание, проблема

3. rural — деревенский, сельский
4. overwhelming — непомерный, подавляющий
5. to handle — разрешать, заниматься (каким-либо делом), syn. to try, to consider
6. petty — мелкий, незначительный
7. a review — пересмотр, обзор

### **3. Прочитайте текст и ответьте на вопросы.**

1. What is the jurisdiction of Constitutional Courts (or Charter Courts) of the Subjects of the Russian Federation?
2. What courts does the three-tiered system of courts of general jurisdiction at the regional level consist of?
3. What disputes do courts of the subjects of the Russian Federation consider?
4. What disputes do district courts consider?
5. What disputes do justices of the peace deal with?
6. What courts does the system of arbitration courts at the regional level consist of? What are the jurisdictions of all?

## **2. REGIONAL COURTS**

**2.1. Constitutional Courts (or Charter Courts) of the Subjects of the Russian Federation** with the jurisdiction to interpret Regional Constitutions and Charters and decide whether local statutes are consistent with Regional Constitutions and Charters.

### **Courts of General Jurisdiction.**

#### **2.2. Courts of the subjects of the Russian Federation.**

These include the Supreme Courts of the Republics, the highest Courts of each Region, the Moscow and Saint-Petersburg City Courts, and the courts of autonomous districts. Courts of the subjects of the Russian Federation serve as courts of cassation and extraordinary appeal from their subordinate district courts. Their original jurisdiction constitutes challenges to normative laws and regulations of the regional authorities, and adoption of regulations.

**2.3.** There are **district courts** located in the country's smaller towns and rural administrative areas including groups of villages; cities have several courts of that kind. District courts are the basis of the system of courts of general jurisdiction, with jurisdiction over the overwhelming majority of civil and criminal cases, unless otherwise provided by law. As courts of appeal, district courts decide appeals from justices of the peace.

**2.4. Justices of the peace** form an integral part of the system of courts of general jurisdiction, although they are considered to be regional judges.

They handle minor civil disputes, petty administrative and criminal offences. Appeals against decisions of justices of the peace go to district courts, the decisions of which are final. In each district there may be several justices of the peace.

**Arbitration Courts.**

**2.5.** Ten Federal District Arbitration Courts act as courts of cassation.

**2.6.** The **Appellate Courts** consider appeals as a rehearing with new evidence.

**2.7.** The **Arbitration Courts of the subjects of the Russian Federation** consider the absolute majority of economic disputes.

**4. Объедините предложения так, чтобы получились связанные высказывания.**

- |   |   |
|---|---|
| 1) Courts are divided into  | a) are “explanations on issues of judicial practice”.   |
| 2) The Constitutional Court is  | b) the Higher Arbitration Court of the Russian Federation, ten Federal District Arbitration Courts, Appellate Courts, the Arbitration Courts of the subjects of the Russian Federation. |
| 3) The Supreme Court of the Russian Federation is                       | c) the supreme judicial body of four-tiered system of courts of general jurisdiction.   |
| 4) The Supreme Court of the Russian Federation has jurisdiction         | d) disputes involving military personnel.   |
| 5) Regulations enacted by the Plenary Session                           | e) as the supreme body in the arbitration court system.   |
| 6) Military courts consider   | f) as a court of cassation in the land and as a court of supervisory instance over the courts of lower level.   |
| 7) The system of general jurisdiction courts at regional level includes | g) the highest judicial body in the Russian Federation.   |
| 8) There is a four-tiered system of arbitration courts:                 | h) federal courts and courts subjects of Russia.  |
| 9) The Higher Arbitration Court of the Russian Federation operates      | i) justices of the peace, district courts, the supreme courts of the republics, city courts of Moscow and St. Petersburg, courts of autonomous districts, military courts.              |

**5. Заполните схему и расскажите о системе судов в России.**



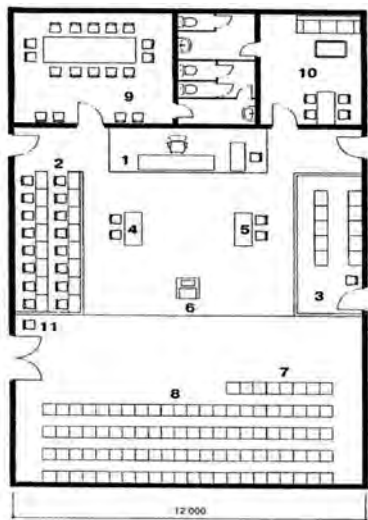
**UNIT 3. TRIAL**

**1. Посмотрите на схему зала судебных заседаний. Определите, где располагаются участники судебного разбирательства.**

- a) a place for a bailiff — место для судебного пристава
- b) a table of defense (an advocate) — стол для представителя стороны присяжных заседателей
- c) a jury box — место для присяжных заседателей
- d) places for public — места для общественности
- e) special place for a defendant and guard — специальное место для подсудимого и конвоя
- f) a witness box — кафедра для дачи свидетельских показаний

- g) places for questioned witnesses — места для допрошенных свидетелей
- h) a room for jury deliberation — присяжных заседателей
- i) a room for a presiding judge — комната для председательствующего судьи
- j) an area of a presiding judge and a clerk — место для председательствующего судьи и секретаря судебного заседания
- k) a table of prosecution (a prosecutor) — стол для представителя стороны обвинения (прокурора)

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_
- 6) \_\_\_\_\_
- 7) \_\_\_\_\_
- 8) \_\_\_\_\_
- 9) \_\_\_\_\_
- 10) \_\_\_\_\_
- 11) \_\_\_\_\_



**2. Прочитайте и определите, о каких участниках судебного разбирательства идет речь.**

1. A lawyer empowered to prosecute cases on behalf of a government and its people.

2. A public officer chosen or elected to preside over and to administer the law in a court of justice; one who controls the proceedings in a courtroom and decides questions of law.

3. Officer of some courts whose duties include keeping order in the courtroom and guarding prisoners or jurors in deliberation.

4. Persons selected according to the law and sworn to consider and declare a verdict.

5. An officer of the court whose responsibilities include maintaining the records of a court. Another duty is to swear in witnesses and jurors.

6. One who gives evidence in a case before a court and who attests or swears to facts or gives or bears testimony under oath.

7. The party against which an action is brought.

8. A lawyer that pleads in another's behalf.

## UNIT 4. JUDICIAL BRANCH OF THE USA

### TEXT 1

#### The Judicial System in the United States

##### Vocabulary

1. to apply and interpret laws — применять и толковать законы
2. express or implicit powers — положительно выраженное или подразумеваемое предоставление полномочий
3. to solve legal disputes — разрешать правовые споры
4. separate sovereignty — отдельный суверенитет

#### 1. Прочитайте текст и ответьте на следующие вопросы.

1. What is the characteristic feature of the court system existing in the USA?
2. What levels of courts does it consist of?
3. What is the jurisdiction of federal courts?
4. What is the jurisdiction of trial courts?

The judicial system in the United States is dual: it consists of the federal court system and the state court systems. The federal courts are concerned with cases arising under federal law, and the state courts with cases arising under state law. While each court system is responsible for hearing certain cases, neither is completely independent of the other, and the systems often interact. Furthermore, solving legal disputes and vindicating legal rights are key goals of both court systems.

The U.S. Constitution created a governmental structure for the United States known as federalism. Federalism refers to a sharing of powers between the national government and the state governments. The Constitution gives certain powers to the federal government and reserves the rest for the states.

Therefore, while the Constitution states that the federal government is supreme with regard to those powers expressly or implicitly delegated to it, the states remain supreme in matters reserved to them. This supremacy of each government in its own sphere is known as separate sovereignty, meaning each government is sovereign in its own right.

Both the federal and state governments need their own court systems to apply and interpret their laws. Furthermore, both the federal and state constitutions attempt to do this by specifically spelling out the jurisdiction of their respective court systems.

For example, since the Constitution gives Congress sole authority to make uniform laws concerning bankruptcies, a state court would lack jurisdiction in this matter. Likewise, since the Constitution does not give the federal government authority in most matters concerning the regulation of the family, a federal court would lack jurisdiction in a divorce case. This is why there are two separate court systems in America. The federal court system deals with issues of law relating to those powers expressly or implicitly granted to it by the U.S. Constitution, while the state court systems deal with issues of law relating to those matters that the U.S. Constitution did not give to the federal government or explicitly deny to the states.

**2. Закончите предложения в соответствии с текстом, выбрав один из вариантов.**

- 1) The judicial system of the US consists of ...
  - a) the federal court system.
  - b) the state court system.
  - c) the federal court system and the state court systems.
  
- 2) Key goals of both court systems are ...
  - a) punishing offenders for committing crimes and resolving civil disputes.
  - b) making laws and introducing them into force.
  - c) solving legal disputes and vindicating legal rights.
  
- 3) The U.S. Constitution created a governmental structure known as ...
  - a) federalism.
  - b) separation of powers.
  - c) separate sovereignty.
  
- 4) This supremacy of each government in its own sphere is known ...
  - a) federalism.
  - b) separation of powers.
  - c) separate sovereignty.
  
- 5) Both federal and state court systems have ...
  - a) a right to resolve the same legal issues.
  - b) a right to transfer any case from any federal court to any state court.

c) a right to resolve legal issues within the jurisdiction of the respective court systems.

## TEXT 2

### Federal Court System

#### Vocabulary

1. to hold office — занимать пост, занимать должность
2. to attach — прикреплять
3. a trial court — суд первой инстанции
4. a circuit — округ, район, участок
5. a panel — коллегия
6. an apex — высшая точка, вершина
7. a justice — судья
8. to petition — обращаться с петицией, подавать прошение, ходатайствовать
9. tax deficiency — недоплата налога (ситуация, при которой начисленная и уплаченная сумма налога меньше реально подлежащей уплате суммы)
10. benefit — пенсия, (страховое) пособие
11. Uniform Code of Military Justice — Унифицированный военный кодекс (собрание законов, регулирующих деятельность, права и обязанности военнослужащих Вооруженных сил США)

#### 3. Прочитайте и переведите текст.

The term “federal court” can actually refer to one of two types of courts. The first type of court is what is known as an Article III court. These courts get their name from the fact that they derive their power from Article III of the Constitution. These courts include the U.S. District Courts, the U.S. Circuit Courts of Appeal, and the U.S. Supreme Court. They also include two special courts: the U.S. Court of Claims and the U.S. Court of International Trade. These courts are special because, unlike the other courts, they are not courts of general jurisdiction. Courts of general jurisdiction can hear almost any case. All judges of Article III courts are appointed by the President of the United States with the advice and consent of the Senate and hold office during good behavior.

The second type of court also is established by Congress. These courts are magistrate courts, bankruptcy courts, the U.S. Court of Military Appeals, the U.S. Tax Court, and the U.S. Court of Veterans’ Appeals. The judges of these courts are appointed by the President with the advice and consent of the Senate. They hold office for a set number of years, usually about 15.



Magistrate and bankruptcy courts are attached to each U.S. District Court. The U.S. Court of Military Appeals, U.S. Tax Court, and U.S. Court of Veterans' Appeals are called Article I or legislative courts.

### **U.S. District Courts**

There are 94 U.S. District Courts in the United States. Every state has at least one district court, and some large states, such as California, have as many as four. Each district court has between 2 and 28 judges. The U.S. District Courts are trial courts, or courts of original jurisdiction. This means that most federal cases begin here. U.S. District Courts hear both civil and criminal cases. In many cases, the judge determines issues of law, while the jury (or judge sitting without a jury) determines findings of fact.

### **U.S. Circuit Courts of Appeal**

There are 13 U.S. Circuit Courts of Appeal in the United States. These courts are divided into 12 regional circuits and sit in various cities throughout the country. The U.S. Court of Appeals for the Federal Circuit (the 13th Court) sits in Washington. These courts will examine the trial record for only mistakes of law; the facts have already been determined by the U.S. District Court. Therefore, the court usually will neither review the facts of the case nor take any additional evidence. When hearing cases, these courts usually sit in panels of three judges.

### **U.S. Supreme Court**

The Supreme Court of the United States is the highest court of the nation and the court of last resort. It consists of a Chief Justice and eight associate justices, all of whom are appointed for life by the President with the advice and consent of the Senate. The main duty of the Supreme Court is to decide whether laws passed by Congress agree with the Constitution. Sitting as a court of first instance it considers cases connected with religion, privacy rights, race and sex discrimination.

### **Special Article III Courts**

1. U.S. Court of Claims: This court sits in Washington, D.C., and considers cases involving suits against the government.

2. U.S. Court of International Trade: This court sits in New York and hears cases involving tariffs and international trade disputes.

### **Special Courts Created by Congress**

1. Magistrate judges: These judges deal with certain criminal and civil matters, often with the consent of the parties.

2. Bankruptcy courts: These courts hear cases arising under the Bankruptcy Code.

3. U.S. Court of Military Appeals: This court is the final appellate court for cases arising under the Uniform Code of Military Justice.

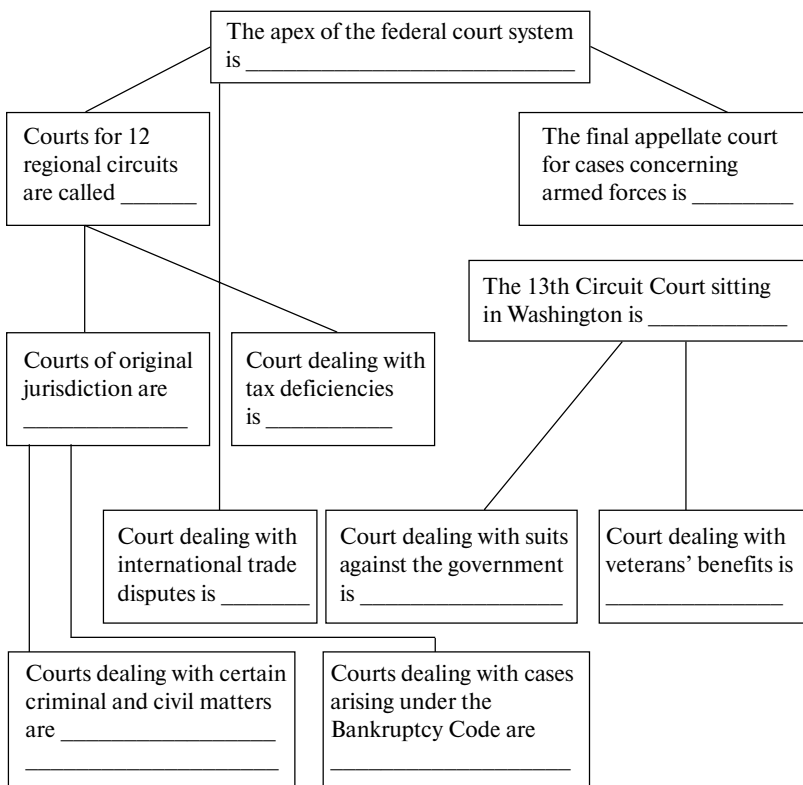
4. U.S. Tax Court: This court considers cases arising over alleged tax deficiencies.

5. U.S. Court of Veterans' Appeals: This court handles certain cases arising from the denial of veterans' benefits.

**4. Ответьте на вопросы по тексту.**

1. What two types of courts can the term “federal court” refer to?
2. What courts does the first type include?
3. What courts does the second type include?
4. What jurisdiction does the U.S. District Court have? What cases does it hear?
5. What cases does the U.S. Circuit Court of Appeal examine?
6. What is the jurisdiction of the U.S. Supreme Court?
7. What cases do the U.S. Court of Claims and the U.S. Court of International Trade consider?
8. What cases do Magistrate judges deal with?
9. What cases do Bankruptcy courts hear?
10. What cases do the U.S. Court of Military Appeals and the U.S. Court of Veterans’ Appeals deal with?
11. What cases does the U.S. Tax Court examine?

**5. На основании текста Federal Court System заполните схему, отражающую систему федеральных судов США.**



## TEXT 3

### State Court Systems

#### Vocabulary

1. a will — завещание
2. to distribute — распределять, рассредоточивать
3. adoption — усыновление, удочерение
4. annulment — аннулирование (зд. судебное решение о признании брака недействительным)
5. divorce — расторжение брака, развод
6. alimony — алименты
7. custody — опека, опекуновство (попечительство)
8. delinquent children — дети, совершившие (или склонные к совершению) правонарушения (делинквенты)
9. ordinance — указ, декрет, закон, постановление, распоряжение
10. to find guilty/not guilty — признать виновным/невиновным
11. discretionary — предоставленный на (собственное) усмотрение
12. government — обвинение как сторона в процессе (амер.)

#### 6. Прочитайте и переведите текст.

No two state court systems are exactly alike. Nevertheless, there are sufficient similarities to provide an example of what a typical state court system looks like. Most state court systems are made up of two sets of trial courts: trial courts of limited jurisdiction (probate, family, traffic, etc.) and trial courts of general jurisdiction; intermediate appellate courts and the highest state courts.

Unlike federal judges, most state court judges are not appointed for life but are either elected or appointed for a certain number of years.

#### **Trial Courts of Limited Jurisdiction**

Trial courts of limited jurisdiction are courts that deal with only specific types of cases. They are usually presided over by a single judge. Some examples of trial courts of limited jurisdiction include:

1. Probate court: This court considers cases concerning administration of estates. It sees to it that the provisions of a will are carried out properly or sees to it that a decedent's property is distributed according to the state law.
2. Family court: This court hears cases concerning adoption, divorce, alimony, child custody etc.
3. Traffic court: This court usually considers minor violations of traffic laws.
4. Juvenile court: This court usually deals with cases involving delinquent, unruly or neglected children and adults who neglect, abuse or contribute to the juvenile delinquency.

5. Small claims court: This court usually resolves suits between private persons of a relatively low dollar amount, for example, less than \$5,000.

6. Municipal court: This court usually considers cases involving offenses against city ordinances.

### **Trial Courts of General Jurisdiction**

Trial courts of general jurisdiction bear the main burden in the administration of justice. They hear cases outside the jurisdiction of the trial courts of limited jurisdiction. These involve both civil and criminal cases. One judge (often sitting with a jury) usually hears them. In such cases, the judge decides issues of law, while the jury decides issues of fact.

### **Intermediate Appellate Courts**

Many, but not all, states have intermediate appellate courts between the trial courts of general jurisdiction and the highest court in the state. Any party, except in a case where a defendant in a criminal trial has been found not guilty, who is not satisfied with the judgment of a state trial court may appeal the matter to an appropriate intermediate appellate court. These courts usually sit in panels of two or three judges and review cases appealed from trial courts to determine if the law was correctly interpreted and applied.

### **Highest State Courts**

All states have some sort of highest court. While they are usually referred to as supreme courts, some, such as the highest court in Maryland, are known as courts of appeal. In states with intermediate appellate courts, the highest state courts usually have discretionary review as to whether to accept a case. In states without intermediate appellate courts, appeals may usually be taken to the highest state court as a matter of right. In addition, many state supreme courts have original jurisdiction in certain matters. For example, the highest courts in several states have original jurisdiction over controversies regarding elections and the reapportionment of legislative districts.

### **7. Ответьте на вопросы по тексту.**

1. What cases do trial courts of limited jurisdiction deal with?
2. What jurisdiction does the Probate court have?
3. What cases does the Family court examine?
4. What is the jurisdiction of the Traffic court?
5. What cases does the Juvenile court consider?
6. What cases does the Small claims court hear?
7. What cases does the Municipal court deal with?
8. What is the jurisdiction of trial courts of general jurisdiction?
9. What is the role of intermediate appellate courts?
10. What is the jurisdiction of highest state courts?

# UNIT 5. JUDICIAL BRANCH OF THE UNITED KINGDOM

## ТЕХТ 1

**1. Прочитайте текст и озаглавьте его. Найдите в тексте английские эквиваленты русским предложениям.**

1. В Соединенном Королевстве нет единого свода законов, который применялся бы во всем государстве.

2. Каждая из отдельных правовых систем в Англии и Уэльсе, Северной Ирландии и Шотландии имеет свою судебную власть.

3. Лорд — главный судья выполняет около 400 функций, учрежденных законом...

4. Лорд — главный судья в настоящее время решает, где судьи заседают и какие дела они рассматривают...

5. Лорд-главный судья организовал Исполнительный комитет судебной власти, чтобы помочь в обеспечении руководства судебной властью...

6. Судьи разных уровней судебной системы могут иметь свои представительские организации...

**2. Ответьте на вопросы по тексту.**

1. What is the distinctive feature of the UK Judiciary?

2. Who has the responsibility over the UK Judiciary? Who had it previously?

3. What issues can the Lord Chief Justice decide? Whose support does he have?

4. What is the role of the Judicial Executive Board and Judges' Council?

5. What is the role of judges' representative organizations?

The United Kingdom does not have a single body of law applicable throughout the realm. Scotland has its own distinctive system and courts; in Northern Ireland, certain spheres of law differ in substance from those operating in England and Wales.

The Judiciary of the United Kingdom is not a single body either. Each of the separate legal systems in England and Wales, Northern Ireland and Scotland have their own judiciary.

There are various levels of judiciary in England and Wales — different types of courts have different styles of judges.

As a part of the constitutional changes of April 2006, the Lord Chief Justice is responsible for some 400 statutory functions, which were previously the responsibility of the Lord Chancellor. For example, the Lord Chief Justice now decides where judges sit, and the type of cases they hear. To do this, the Lord Chief Justice has support from his judicial colleagues, as well as from a small administrative staff.

An outline structure for the organisation of the judiciary has been created. This document provides greater detail about the way in which the changes set out in the Constitutional Reform Act impact on the judiciary.

The Lord Chief Justice has created a Judicial Executive Board to help provide judicial direction and he has also strengthened the existing Judges' Council, which is representative of all levels of the judiciary.

Sometimes different levels of judges have their own representative organisations, for example the Association of Her Majesty's District Judges, or Council of Her Majesty's Circuit Judges. These groups represent the interests of judges from a particular level or jurisdiction.

Finally, judges also have access to administrative support within the court environment, whether this is their own allocated clerk, court staff, or legal advisers for magistrates.

### **3. Прочитайте текст и ответьте на вопросы.**

1. What levels does the court system in England and Wales consist of?
2. What is the task of the Judicial Committee of the Privy Council?
3. What is the jurisdiction of the Supreme Court?
4. What does the High Court consist of?
5. What cases does the Chancery Division deal with?
6. What cases does the Family Division resolve?
7. What cases does the Queen's Bench Division examine?
8. What is the jurisdiction of the Crown Court?
9. What do Magistrates' Courts deal with?
10. How are judges appointed?

## **TEXT 2**

### **Courts in the United Kingdom**

#### **Vocabulary**

1. High Court — Высокий суд
2. Crown Court — Суд Короны, суд по рассмотрению уголовных дел
3. magistrates' court — магистратский суд
4. Chancery Division — канцлерское отделение (Высокого суда)
5. Family Division — отделение по семейным делам (Высокого суда)
6. Queen's Bench Division — отделение королевской скамьи (Высокого суда)
7. indictable offences — преступления, преследуемые по обвинительному акту (тяжкие уголовные преступления)

8. either-way offences (syn. alternative or hybrid offences) — преступления двойной подсудности

9. summary offences (syn. minor offences) — суммарные преступления (преследуемые в порядке суммарного, т. е. упрощенного производства без участия присяжных), незначительные преступления

The court system in England and Wales can be considered as consisting of 5 levels:

- Supreme Court (formerly the House of Lords) and the Judicial Committee of the Privy Council
- Court of Appeal
- High Court
- Crown Court and County Courts
- magistrates' courts and the Tribunals Service

The Judicial Committee of the Privy Council is the court of final appeal for Commonwealth countries that have retained appeals to either Her Majesty in Council or to the Judicial Committee. Some functions of the Judicial Committee were taken over by the new Supreme Court in 2009.

#### **Supreme Court (formerly the House of Lords)**

In 2009 the Supreme Court replaced the House of Lords as the highest court in England, Wales and Northern Ireland. As with the House of Lords, the Supreme Court hears appeals from the Court of Appeal and the High Court (only in exceptional circumstances). Appeals are normally heard by 5 Justices, but there can be as many as 9.

#### **High Court**

The High Court consists of 3 divisions, the Chancery Division, the Family Division, and the Queen's Bench Division. Decisions of the High Court may be appealed to the Civil Division of the Court of Appeal.

#### **Chancery Division**

The Companies Court of the Chancery Division deals with cases concerning commercial fraud, business disputes, insolvency, company management, and disqualification of directors.

The Divisional Court of the Chancery Division deals with cases concerning equity, trusts, contentious probate, tax partnerships, bankruptcy and land.

The Patents Court of the Chancery Division deals with cases concerning intellectual property, copyright, patents and trademarks, including passing off.

#### **Family Division**

The Divisional Court of the Family Division deals with all matrimonial matters, including custody of children, parentage, adoption, family homes, domestic violence, separation, annulment, divorce and medical treatment declarations, and with uncontested probate matters.

## **Queen's Bench Division**

The Administrative Court of the Queen's Bench Division hears judicial reviews, statutory appeals and application, application for habeas corpus, and applications under the Drug Trafficking Act 1984 and the Criminal Justice Act 1988. It also oversees the legality of decisions and actions of inferior courts and tribunals, local authorities, Ministers of the Crown, and other public bodies and officials.

The Admiralty Court of the Queen's Bench Division deals with shipping and maritime disputes, including collisions, salvage, carriage of cargo, limitation, and mortgage disputes. The Court can arrest vessels and cargoes and sell them within the jurisdiction of England and Wales.

The Commercial Court of the Queen's Bench Division deals with cases arising from national and international business disputes, including international trade, banking, commodities, and arbitration disputes.

The Mercantile Court of the Queen's Bench Division deals with national and international business disputes that involve claims of lesser value and complexity than those heard by the Commercial Court.

The Technology and Construction Court of the Queen's Bench Division is a specialist court that deals principally with technology and construction disputes that involve issues or questions which are technically complex, and with cases where a trial by a specialist TCC judge is desirable.

### **Crown Court**

The Crown Court deals with indictable offences, i.e. serious criminal offences (such as murder, rape and robbery) that have been committed from the Magistrates' Court for trial, cases committed for sentencing, and appeals from Magistrates' Courts. Cases are heard by a judge and a jury. Decisions of the Crown Court may be appealed to the Criminal Division of the Court of Appeal.

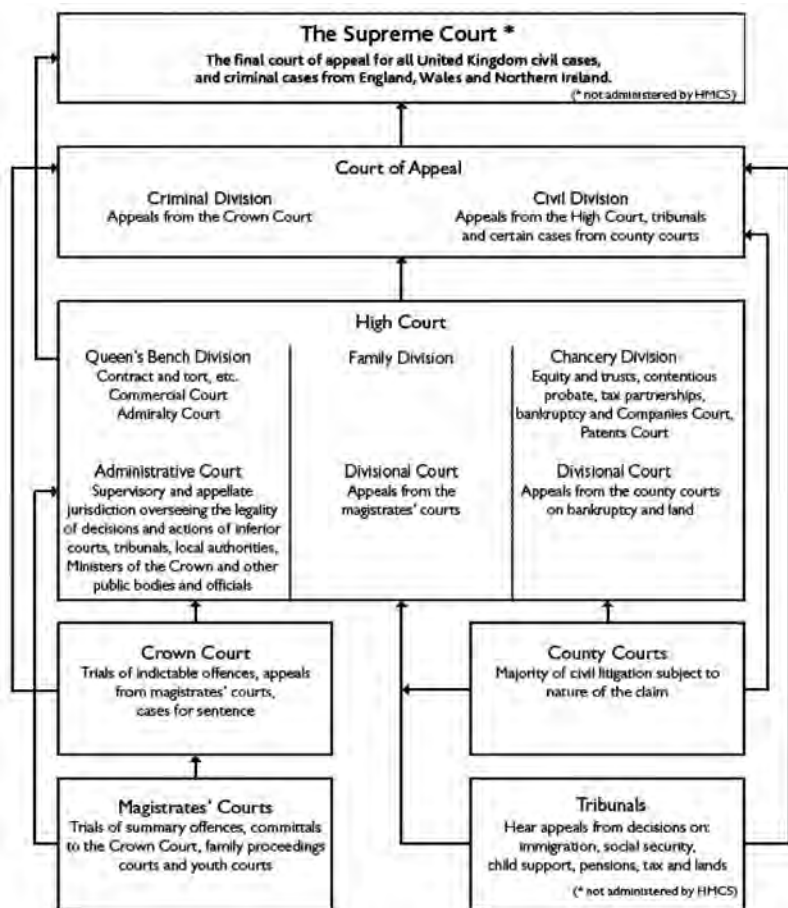
Judges are appointed by the Crown, on the advice of the Prime Minister, Lord Chancellor, or the appropriate cabinet ministries.

### **Magistrates' courts**

The magistrates' courts deal with summary offences and committals to the Crown Court, with simple civil cases including family matters. It can sit as a Juvenile Court to consider offences committed by children or young persons. Cases are heard either by a panel of lay magistrates or by a stipendiary magistrate without a jury. Lay magistrates are chosen from well-respected people in the local community. A clerk guides them on points of law. They consider about 93 per cent of all criminal cases in Great Britain. Criminal decisions of the magistrates' courts may be appealed to the Crown Court. Civil decisions may be appealed to the county courts.



4. Проанализируйте схему судебной системы Великобритании. Сравните ее с содержанием текста и укажите, какие суды не упоминаются в тексте.



5. Скажите, какие суды Великобритании могут рассматривать следующие судебные дела.

1. Mr Johnson and Mrs Johnson are getting divorced. Mrs Johnson demands to have the house, the car, 75% of Mr Johnson's life savings and their pet cat, Tigger. "No way!" says an angry Mr Johnson.

2. Two separate companies, English International Telecommunications and Britphone, both bring out a new mobile phone which they call the 'Smell-O-Phone'. Both companies claim that the name was their own idea.

3. Five workers have been sacked from the computer manufacturing company 'Compucrash' for incompetence. They believe that they have been unfairly dismissed.

4. Mr and Mrs Waugh had a new window installed in their house. The window company now wants the Waughs to pay, but Mr Waugh is refusing because he thinks the quality of workmanship is poor.

5. Newspaper editor Mr Hislop publishes an article describing the Prime Minister as a 'useless, incompetent fool who can barely tie his own shoelaces, let alone run the country'. The PM decides to take immediate legal action against the paper.

**6. Прочитайте статью репортера газеты Daily Mail и ответьте на вопросы.**

1. What is the essential idea of the article?
2. What suggestions are made by Lord Neuberger about televising trials?
3. Is he for or against broadcasting trials?
4. Is it a good idea to televise trials?
5. What are positive and negative points about these shows?

**Showing Court Cases on TV Could Increase Confidence in Legal System, Claims Top Judge**

By Daily Mail Reporter

"Showing key court cases on television could help to increase confidence in the legal system" the top civil judge in England and Wales has claimed.

Master of the Rolls Lord Neuberger said the move would need to be looked at "very carefully" but could increase confidence in the system, transparency and engagement.

The Supreme Court already televises its judgments, he said, 'but from a public interest perspective might there not be an argument now for its hearings, and some hearings of the Court of Appeal, being televised on some equivalent of the Parliament Channel, or via the BBC'.

'If we wish to increase public confidence in the justice system, transparency and engagement, there is undoubtedly something to be said for televising some hearings, provided that there were proper safeguards to ensure that this increased access did not undermine the proper administration of justice'.

'Such an idea would have to be looked at very carefully, and it would not be sensible for me to try and make any firm suggestions'.

'But, if broadcasting of court proceedings does go ahead, I think it would be right to make two points, even at this tentative stage'.

'First, the judge or judges hearing the case concerned would have to have full rights of veto over what could be broadcast; secondly, I would be very chary indeed about the notion of witness actions or criminal trials being broadcast — in each case for obvious reasons'.

Lord Neuberger also backed the Lord Chief Justice Lord Judge's provisional decision to allow the use of Twitter in courts.

'It seems to me that, subject again to proper safeguard, the advent of court tweeting should be accepted, provided of course that the tweeting does not interfere with the hearing', he said.

'Why force a journalist or a member of the public to rush out of court in order to telephone or text the contents of his notes written in court, when he can tweet as unobtrusively as he can write?'

'It seems to me, in principle, that tweeting is an excellent way to inform and engage interested members of the public, as well as the legal profession'.

But he joked: 'Whatever the outcome of the consultation, I doubt however that we will see the development of tweeting from the bench'.

**7. Разделитесь на две группы: те, кто выступает в защиту телевизионных судебных процессов, и те, кто против. В группах напишите аргументы за или против. Назначьте в каждой группе студента, который озвучит ваши доводы. Постарайтесь переубедить своих оппонентов или выработать единую точку зрения по данному вопросу.**

## UNIT 6. BRIEFING A CASE

**1. Подберите для английских слов и словосочетаний русские эквиваленты.**

a plaintiff	уголовное дело
a defendant	подавать иск в суд
a civil suit	ответчик по апелляции
government	гражданский иск
to prosecute	подавать апелляцию
to sue	ответчик
a criminal case	апеллянт
to file an appeal	преследовать в судебном или уголовном порядке
an appellant	истец
an appellee	обвинение как сторона в процессе (амер.)

**2. Заполните пропуски в предложениях, используя слова из упражнения 1.**

1) \_\_\_\_\_ sues \_\_\_\_\_ in civil suits in trial courts.

2) The government \_\_\_\_\_ defendants in a \_\_\_\_\_ in trial courts.

3) The losing party may ask a higher (appellate) court to review the case. If the law gives the loser the right to a higher court review, his or her lawyers will \_\_\_\_\_.

4) A person who files a formal appeal demanding appellate review as a matter of right is known as the \_\_\_\_\_. His or her opponent is the \_\_\_\_\_.

5) In a \_\_\_\_\_, the victim brings a case against the offender or a third party for causing physical or emotional injuries.

6) The judicial process in a \_\_\_\_\_ differs from a civil case in several important ways.

**3. Найдите для английских слов и словосочетаний русские эквиваленты.**

brief	решение
citation	предмет спора или тяжбы
fact	краткое письменное изложение дела
issue	процессуальная история
procedural history	обоснование
holding	факт
reasoning	значимость
significance	выписка

**4. Прочитайте (2 мин.) краткое изложение дела (BRIEF). Соедините части текста (1—7) с их описаниями (a—g).**

**NOTE:**

A student brief is a short summary and analysis of the case prepared for use in classroom discussion. It is a set of notes, presented in a systematic way, in order to sort out the parties, identify the issues, ascertain what was decided, and analyze the reasoning behind decisions made by the courts.

Case briefing helps you acquire the skills of case analysis and legal reasoning. Briefing a case helps you understand it.

a) The chain of argument which led the judges in either a majority or a dissenting opinion to rule as they did.

b) Who are the parties to the lawsuit, what is their dispute, and how did they get to the court?

c) The majority's basic answer to the basic legal question in the case.

d) Name of the case (parties, date published, case-reporting publication, court).

e) The basic legal question regarding what specific provision of law that is to be decided in the case.

f) The disposition of the case in the lower court(s) that explains how the case got to the court whose opinion you are reading.

g) The political, economic or social impacts of the decision.

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_
- 5) \_\_\_\_\_
- 6) \_\_\_\_\_
- 7) \_\_\_\_\_

### **Sample Legal Brief**

1. **Citation:** Goss v. Lopez, No. 73-898, SUPREME COURT OF THE UNITED STATES, 419 U.S. 565; 95 S. Ct. 729; 42 L. Ed. 2d 725; 1975 U.S. LEXIS 23, October 16, 1974, Argued, January 22, 1975

2. **Facts:** Students in the Columbus, Ohio, public schools brought this suit. The students claimed that their constitutional right to due process had been violated when they were suspended temporarily without a hearing prior to their suspensions. The Ohio Code provides for free education for all students between the ages of six and twenty one. Principals may suspend students for misconduct for up to ten days or expel them. In such cases, the school officials must notify parents of the suspension or expulsion within twenty four hours and include a notice of the reasons. Suspended students may appeal to the board of education. The suspensions of the ten students, who brought this action, occurred during a period of widespread unrest in the Columbus public schools.

3. **Issue:** Whether students may be suspended for ten days or less without due process of law.

4. **Procedural History:** The district court held that due process applies when students are suspended from school for ten days or less.

5. **Holding:** Suspensions of ten days or less are not de minimis. Due process is required before school officials can suspend students.

6. **Reasoning:** Under Ohio law, the plaintiffs had a right to public education; therefore, school officials must accord them due process before depriving them of protected interests. Schools have broad authority to establish and enforce standards of conduct; however, such authority is subject to constitutional limitations. Students have a property interest under the Fourteenth Amendment to an education. The court reasoned that “the State is constrained to recognize a student’s legitimate entitlement to a public education as a property interest which is protected by the Due Process Clause and which may not be taken away for misconduct without adherence to the minimum procedures required by that Clause”. The Due Process Clause also protects liberty interests to a good name and reputation from arbitrary action by the state. Short suspensions are less intrusive on students’ rights than are expulsions;

however, exclusion from the educational system for ten days is not de minimis.

In order to protect property and liberty interests, courts cannot permit school systems to impose suspensions in any way they deem appropriate. If due process applies, what process is due? Due process requires notice and a hearing prior to suspension for ten days or less. A hearing consists in giving the student “an opportunity to explain his/her version of the facts”.

The court stopped short of requiring more extensive due process protections — right to counsel, confronting and cross examining witnesses, and compulsory process for witnesses — in suspensions of ten days or less. The court recognized that requiring extensive due process protections in short-term suspensions would overwhelm the resources of the schools. Providing students and their parents with notice and an informal hearing to tell their version of the incident “will provide a meaningful hedge against erroneous action”. The court further noted that more extensive due process requirements are required in long-term suspensions.

7. **Significance:** Goss established that due process is required before students may be suspended for ten days or less. The nature of the due process required will depend upon the severity of the consequences for the students. In general, suspensions, of ten days or less, require notice and an opportunity to be heard. Longer suspensions usually require a formal hearing with the opportunity to present witness, the opportunity to subpoena witness, the opportunity to confront witnesses, and the right to counsel.

**5. Прочитайте разделы 1 и 2 краткого изложения дела. Ответьте на вопросы.**

What is the name of the case?

Who is the defendant?

Who is the plaintiff (claimant)?

What is the defendant alleged to have done?

**6. Прочитайте остальные разделы (3–7). Ответьте на вопросы.**

What was the lower court ruling?

What was the decision of the Supreme Court and the reasoning for it?

**7. Самостоятельная работа. Используя различные источники, найдите примеры дел и составьте краткое письменное изложение дела.**

## SUMMONS

**1. Прочитайте описание уголовного дела и ответьте на вопросы.**

On June 17, 1987, at 10:32 p.m., a call was received at the 911 service of the Metropolitan Police Department in Washington, D.C. The female caller said, “I just shot my husband”, and gave the address as 1799 Lamont

Street, N.W. Detective Sal Palmer responded to the call and reached the house at 10:38 p.m.

Detective Palmer met Martha Monroe at the door. Mrs. Monroe led the Detective to a bedroom upstairs. When Detective Palmer entered the bedroom, he saw a fully clothed man, later identified as George Monroe, Martha Monroe's husband, lying face down on the bed covered with a light blanket. The blanket had three bullet holes in it, and several blood stains.

Detective Palmer ascertained that the man on the bed was dead, and asked Mrs. Monroe who he was and what had happened. She responded "I shot my husband", and pointed to the dresser near the bed on which was a revolver. Detective Palmer read Mrs. Monroe her Miranda rights, and placed her under arrest.

Later, at the station, Mrs. Monroe waived her right to counsel and to remain silent. Detective Palmer questioned her, after which he wrote up a statement. Mrs. Monroe signed it. The prosecution charges Mrs. Monroe with the First Degree Murder of her husband, George Monroe [D.C. Code, Sec. 22-2401].

Martha Monroe admits that she shot her husband, but now, through her attorney, asserts that she acted in self defense. Mrs. Monroe now claims that for the entire time of her marriage to George Monroe she has been the victim of severe and continual physical and emotional abuse from him; she says the last time he beat her he almost killed her. She claims that because of this abuse she is suffering from Battered Woman Syndrome, and that she shot her husband because she had a reasonable belief that even though her husband was asleep, her life was in imminent danger. She claims she had no choice but to kill him.

What happened on June 17, 1987, at 10:32 p.m.?

Who came to the place of the crime? What did he find?

Who is the defendant?

What did Martha Monroe say to Detective?

What did she claim later? How did she explain her action?

## **2. Работа в парах. Заполните повестку в суд для Марты Монро.**

### **Active Vocabulary**

- 1) Indictment — обвинительный акт
- 2) Superseding Indictment — новый обвинительный акт, заменяющий предыдущий в связи с изменением обстоятельств дела
- 3) Probation Violation Petition — заявление о нарушении правил условного освобождения
- 4) Information — жалоба, обвинение
- 5) Superseding Information — новое обвинение, заменяющее предыдущее в связи с изменением обстоятельств дела

- 6) Supervised Release Violation Petition — заявление о нарушении правил освобождения под надзор
- 7) Violation Notice — уведомление о допущенном нарушении
- 8) Order of Court — судебный приказ
- 9) Complaint — официальное обвинение, иск
- 10) perjury — лжесвидетельство

**NOTE:** More serious criminal charges are called indictable offences. Major indictable offences include offences such as murder, rape, arson, perjury, threatening or endangering life and culpable driving causing death.

UNITED STATES SUPERIOR COURT  
for the  
District of Columbia

United States of America  
v.

\_\_\_\_\_ Defendant

Case No.

**SUMMONS IN A CRIMINAL CASE**

**YOU ARE SUMMONED** to appear before the United States district court at the time, date, and place set forth below to answer to one or more offenses or violations based on the following document filed with the court:

- Indictment  Superseding Indictment  Probation Violation Petition
- Information  Superseding Information  Supervised Release Violation Petition
- Violation Notice  Order of Court  Complaint

Place:	Courtroom No.:
	Date and Time:

This offense is briefly described as follows:

Date: \_\_\_\_\_

\_\_\_\_\_  
Issuing officer's signature

\_\_\_\_\_  
Printed name and title



I declare under penalty of perjury that I have:

Executed and returned this summons  Returned this summons unexecuted

Date: \_\_\_\_\_

\_\_\_\_\_  
Issuing officer's signature

\_\_\_\_\_  
Printed name and title

**3. Изучите повестку в суд по гражданскому делу. Сравните ее с повесткой по уголовному делу. На английском языке расскажите о сходствах и различиях.**

UNITED STATES DISTRICT COURT  
for the  
\_\_\_\_\_ District of \_\_\_\_\_

\_\_\_\_\_  
Plaintiff

v.

\_\_\_\_\_  
Defendant  
Civil Action No.

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature of Clerk or Deputy Clerk

**4. Самостоятельная работа. Используя различные источники (Интернет, Гражданский процессуальный кодекс), найдите образцы повесток в суд в России и ответьте на вопросы.**

- 1) Who usually receives summons?
- 2) How are summons delivered to the participants of the trial?
- 3) What information does summons include?
- 4) What happens if somebody refuses to accept a summons?

**Повторение грамматики. I и II причастие в функции определения, обстоятельства, объектный падеж с причастием и самостоятельный причастный оборот (Participle I, Participle II. Functions of the Participle I and Participle II in the Sentence, Nominative Absolute Participle Construction)**

1. Причастие в функции определения (Present Participle Active, Present Participle Passive, Past Participle Passive):

The judge **presiding** over the trial was totally impartial.

The witness **being questioned** by the prosecutor is giving false testimony.

The judgments **made** by the court should always be fair.

2. Причастие в функции обстоятельства (any Participle forms):

**While hearing** the case the judge dealt with different evidence.

**Being interested** in this court trial I follow all news.

**Having given** the evidence the witness left the witness box.

3. Объектный падеж с причастием после глаголов физического восприятия (to hear, to see etc.), глаголов, выражающих приказание, мнение, предположение.

The public watched the trial **being broadcast**.

The defendant heard his sentence **pronounced** by the judge.

The victim saw the defendant **coming** into the courtroom.

Самостоятельным причастным оборотом называется такая конструкция, в которой причастие имеет свое собственное подлежащее, выраженное существительным (в общем падеже) или местоимением (в именительном падеже) и стоящее непосредственно перед причастием. Таким образом, в подобных предложениях существуют два подлежащих: одно — в основном предложении, а второе — в виде одного из компонентов в причастном обороте.

Самостоятельный причастный оборот всегда отделяется запятой. Самостоятельный причастный оборот переводится с помощью придаточных предложений причины, времени и условия, а также с помощью союзов «причем», «при этом», «поскольку», «а», «и», «в то время как», «если».

## Examples

<b>The defendant being ill,</b> the judge had to delay the trial.	Так как обвиняемый был болен, судья был вынужден отложить судебное разбирательство.
<b>The trial being over,</b> everybody left the courtroom.	Поскольку судебное разбирательство закончилось, все вышли из зала суда.

### **1. Переведите предложения с причастием на русский язык.**

- 1) The lawyer received a brief written by his assistant.
- 2) The defendant heard his sentence pronounced by the judge.
- 3) The defendant felt the victim watching him.
- 4) Trying the case this judge was very attentive.
- 5) The Patents Court of the Chancery Division deals with cases concerning intellectual property, copyright, patents and trademarks, including passing off.
- 6) Military courts consider disputes involving military personnel.

### **2. Переведите предложения с самостоятельным причастным оборотом на русский язык.**

- 1) Russia being composed of over eighty subjects, the system of courts is divided into two levels.
- 2) The qualifying judicial board receiving complaint about a judge's activity, the judge could be subject a disciplinary penalty.
- 3) The Constitutional court has jurisdiction to decide whether a federal law is consistent with the country's Constitution, Constitutional Courts of the Subjects of the Russian Federation interpreting Regional Constitutions and Charters.
- 4) Appeals against decisions of justices of the peace are referred to district courts, the decisions of which being final.
- 5) The court being the mechanism of justice, any citizen should have free access to the justice.
- 6) With the judicial reform having been carried out, the RF judicial system changed.
- 7) The system of trial courts has four-tiered structure, with the Supreme Court being on top.
- 8) The Supreme Court has jurisdiction to supervise over the lower courts, courts of the subjects of the Russian Federation supervising over subordinate district courts.
- 9) The Regulation of the Supreme Court being passed, all courts become legally binding to follow it.
- 10) Ten Federal District Arbitration Courts act as court of cassation only, the Appellate Courts considering appeals as a re-hearing with new evidence.

**3. Преобразуйте предложения, используя причастие в нужной форме или самостоятельный причастный оборот.**

**Example:**

1. As the US government is divided into federal and state, the court system consists of federal and state courts.

**The US government being divided into federal and state**, the court system consists of federal and state courts.

2. The crime is under state legislation, it will be considered by the state court.

**Being under state legislation**, the crime will be considered by the state court.

1) The federal government is supreme with regard to those powers expressly or implicitly delegated to it. The states remain supreme in matters reserved to them.

2) Traffic court usually considers minor violations of traffic laws.

3) The judge determines issues of law, while the jury determines findings of fact.

4) If the court has jurisdiction over this case, it will take it for trying.

5) When Senate gives its consent, the President appoints a justice to the federal court.

6) After the President had received the consent of Senate, he appointed a justice to the federal court.

7) The judge, who presided over the hearing, passed the decision.

8) As the defendant had been found guilty, he was sent to prison.

9) The US Supreme Court deals with crimes under statutes enacted by Congress, while Highest State Courts deal with crimes under state legislation.

10) The federal courts have jurisdiction over several types of cases that arise from acts of Congress.

**4. Переведите предложения на английский язык, используя причастие в нужной функции или самостоятельный причастный оборот.**

1) Если граждане будут смотреть судебные разбирательства по телевизору, то они будут более уверены в системе правосудия.

2) Адвокат выступает от имени ответчика, а прокурор выступает от имени государства.

3) Так как свидетель был болен, судье пришлось отложить судебное разбирательство.

4) Если адвокату дадут больше времени, он сможет доказать невиновность подсудимого.

5) Судебный секретарь, ведущий запись судебного заседания, должен быть очень внимательным.

6) Общественность в зале судебного заседания увидела, как судья говорил с приставом.

7) Когда обсуждение вердикта закончилось, присяжные вернулись в зал суда.

8) Если судья позволит, прокурор сможет допросить еще одного свидетеля.

9) Дело, рассмотренное мировым судьей, может быть обжаловано в районном суде.

10) Дело, рассматриваемое сейчас Верховным Судом Российской Федерации, имеет огромное значение.

### **5. Переведите предложения на английский язык, используя причастие в нужной форме или самостоятельный причастный оборот.**

Дело, о котором идет речь, должно рассматриваться Верховным Судом.

В Великобритании споры, касающиеся расторжения брака, опеки над детьми, рассматриваются отделением по семейным делам Высокого суда.

Так как была проведена судебная реформа, Лорд — главный судья получил больше полномочий.

Мы слышали, как его имя упоминали в суде.

Если истец недоволен решением по делу, его адвокат может подать апелляцию.

Отделение по уголовным делам апелляционного суда рассматривает апелляции на решения Суда Короны, в то время как отделение по гражданским делам апелляционного суда рассматривает апелляции на решения Высокого суда.

Так как Соединенное Королевство не имеет единой судебной системы, структура судов в Ирландии, Шотландии отличается от той, которая существует в Англии и Уэльсе.

Будучи студентом юридического вуза, я должен знать, как функционирует национальная судебная система.

Поскольку обвиняемый был признан невиновным, дело было закрыто.

## **GLOSSARY**

brief — краткое письменное изложение дела с привлечением фактов и документов, с которым сторона выступает в суде

case — дело (в суде)

to try a ~ — рассматривать дело в судебном порядке

to consider ~ рассматривать дело в суде

to hear a ~ — слушать дело, рассматривать дело

court — суд

competent court ~ — суд надлежащей юрисдикции

to implement — выполнять, приводить в исполнение

implementation — исполнение  
~ of rule of law — исполнение принципа верховенства права  
~ of domestic law — исполнение закона, действующего внутри страны

justice — справедливость, правосудие, судья  
access to ~ — доступ к правосудию  
to administer justice ~ отправлять правосудие  
to enforce ~ — обеспечивать осуществление правосудия  
a justice of the peace — мировой судья

judge — судья

judicial — судебный, судейский  
~ system — судебная система  
~ board — судебная коллегия  
~ power — судебная власть  
~ body — судебный орган

judiciary — судебная власть, судоустройство, судейский корпус

proceeding — рассмотрение дела в суде, судебное разбирательство;  
судопроизводство  
constitutional ~ — конституционное судопроизводство  
civil ~ — гражданское судопроизводство  
administrative ~ — административное судопроизводство  
criminal ~ — уголовное судопроизводство

summons — судебная повестка

trial — судебное разбирательство, судебный процесс  
fair ~ — справедливое судебное разбирательство  
to conduct a ~ — проводить судебное разбирательство  
~ court — суд общей юрисдикции

# CHAPTER 6. THE UNITED NATIONS ORGANIZATION HUMAN RIGHTS DECLARATION

## UNIT 1. HISTORY OF THE UN

### 1. Ответьте на вопросы, используя следующие выражения.

In my view (in my opinion)	По-моему
Personally, I think	Я считаю
As far as I'm concerned	Что касается меня ...
According to smb.	Как считает ...
I agree (with you)	Я с вами согласен
I doubt	Я сомневаюсь
I have my doubts about	Я не уверен (в ч.-либо)
Yes, you could be right but I'm not sure (that)	Возможно, вы правы, но я не уверен (что) ...
I partly agree	Я согласен (в какой-то мере) ...
I agree to some extent but I'm afraid I totally disagree	В некотором плане я согласен, но ... Боюсь, что я совсем не согласен ...

1. What do you know about the United Nations?
2. Do you think the UN is a governmental organization?
3. What city is associated with the United Nations?
4. Do you believe the UN should protect human rights?
5. Does the UN fight against terrorism?

### TEXT

#### History of the UN

#### Vocabulary

1. to facilitate cooperation — содействовать сотрудничеству
2. syn. to promote
3. to maintain peace — сохранить мир
4. syn. to preserve
5. to provide a platform for dialogue — создать платформу для диалога
6. human rights — права человека
7. to promote respect for human rights — содействовать уважению прав человека
8. international security — международная безопасность
9. to achieve world peace — добиться глобального мира
10. UN member-states — страны — члены ООН

11. UN headquarters — штаб-квартира ООН
12. The UN Charter — Устав ООН
13. The UN General Assembly — Генеральная Ассамблея ООН
14. The UN Secretary General — Генеральный секретарь ООН
15. The UN Security Council — Совет Безопасности ООН
16. Economic and Social Council — Экономический и Социальный Совет
17. International Court of Justice — Международный Суд
18. public figure — общественный деятель
19. to attain a post — занять пост
20. successor — преемник
21. aim — цель
22. syn. purpose, target, objective, goal
23. to fight against — бороться с...
24. to settle disputes by peaceful means (peacefully) — решать спорные вопросы мирным путем
25. to settle disputes through negotiations — решать спорные вопросы путем переговоров
26. non-interference in the internal affairs — невмешательство во внутренние дела
27. the use of force — использование силы (применение силы)
28. to espouse the idea — вдохновиться идеей

## **2. Прочитайте и переведите текст.**

The United Nations (UN) is an international organization whose stated aims are to facilitate cooperation in international law, international security, economic development, social progress, human rights, and achieving world peace. The UN was founded in 1945 after World War II to replace the League of Nations, to stop wars between countries, and to provide a platform for dialogue.

There are currently nearly 200 member states, including nearly every recognized independent state in the world. From its headquarters on international territory in New York City, the UN and its specialized agencies decide on substantive and administrative issues in regular meetings held throughout the year. The organization is divided into administrative bodies, primarily:

- The General Assembly (the main deliberative assembly);
- The Security Council (decides certain resolutions for peace and security);
- The Economic and Social Council (assists in promoting international economic and social cooperation and development);
- The Secretariat (provides studies, information, and facilities needed by the UN);
- The International Court of Justice (the primary judicial organ).



Additional bodies deal with the governance of all other UN System agencies, such as the World Health Organization (WHO) and United Nations Children's Fund (UNICEF). The UN's most visible public figure is the Secretary-General, currently Ban Ki-moon of South Korea, who attained the post in 2007. The organization is financed from assessed and voluntary contributions from its member states, and has six official languages: Arabic, Chinese, English, French, Russian and Spanish.

The UN was founded as a successor to the League of Nations, which was widely considered to have been ineffective in its role as an international governing body, as it had been unable to prevent World War II. The term "United Nations" was first used by Winston Churchill and Franklin D. Roosevelt, in the 1942 Declaration by United Nations, which united the Allied countries of WWII under the Atlantic Charter, and soon became a term widely used to refer to them. Declarations signed at wartime Allied conferences in 1943 espoused the idea of the UN. Those and later talks outlined the organization's proposed purposes, membership, organs, and ideals in regard to peace, security, and cooperation.

On 25 April 1945, the UN Conference on International Organization began in San-Francisco, attended by 50 governments and a number of non-governmental organizations involved in drafting the Charter of the UN. The UN officially came into existence on 24 October 1945 upon ratification of the Charter by the five permanent members of the Security Council — France, the Republic of China, the Soviet Union, the United Kingdom and the United States — and by a majority of the other 46 signatories. The first meetings of the General Assembly, with 51 nations represented, and the Security Council, took place in Westminster Central Hall in London in January 1946. According to the Charter, the UN is to maintain international peace and security, to develop friendly relations among nations, to cooperate in solving international problems and in promoting respect for human rights.

### **3. Переведите следующие слова и словосочетания из текста.**

To facilitate cooperation, member states, to achieve world peace, to provide a platform for a dialogue, the UN headquarters, successor, to prevent World War II, international security, to hold meetings, substantive issues, ineffective, to draft the Charter of the UN, to come into existence.

### **4. Найдите в тексте английские эквиваленты.**

Международная безопасность, содействовать сотрудничеству, уважать права человека, обеспечить платформу для диалога, важные вопросы, сохранять мир во всем мире, согласно Уставу, Генеральный секретарь ООН, вступить в должность, предотвратить войну, преемник Лиги Наций, прекратить войны, штаб-квартира, Генеральная Ассамблея ООН, Совет Безопасности.

**5. Соотнесите русские словосочетания в левой колонке с их английскими эквивалентами в правой.**

Генеральный секретарь ООН Генеральная Ассамблея ООН Совет Безопасности Штаб-квартира ООН Международный суд по правам человека Совет по экономическим и социальным вопросам Государства — члены ООН Устав ООН	The Security Council UN Charter UN General Assembly The UN Secretary-General UN member states The UN Headquarters The Economic and Social Council The International Court of Justice
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**6. Закончите предложения в соответствии с содержанием текста, употребляя активную лексику урока.**

1. The United Nations is an international organization whose stated aims are ... .
2. The UN was founded in ... to ... .
3. The UN's most visible public figure is ... .
4. The UN was founded as a successor to ... .
5. The organization is divided into administrative bodies, primarily ... .
6. The UN officially came into existence ... .
7. According to the Charter, the UN is ... .

**7. Ответьте на вопросы по тексту.**

1. When was the UN founded and for what purpose?
2. When was the term "United Nations" first used and by whom?
3. What countries ratified the UN Charter?
4. What did the UN Charter set out?
5. What are the main organs of the UN?
6. When did the UN officially come into existence?
7. When and where did the first meetings of the General Assembly and the Security Council take place?

**8. Переведите предложения на русский язык.**

1. When states become members of the UN, they agree to accept the obligations of the UN Charter, an international treaty, which sets out basic principles of international relations.
2. According to the Charter, the UN has four purposes: to maintain international peace and security, to develop friendly relations among nations, to cooperate in solving international problems and promoting respect for human rights, and to be a centre for harmonizing the actions of nations.

3. The UN is not a world government, and it does not make laws. It does, however, provide the means to help resolve international conflicts and formulate policies on matters affecting all of us.

4. The United Nations is much more than a peacekeeper and forum for conflict resolution. Often without attracting attention, the UN is engaged in a vast array of work that touches on every aspect of people's lives around the world.

5. The UN recognizes the sovereign equality of all its members who will refrain from use or threat of force in inter-state relations. It does not interfere in matters that are within the domestic jurisdiction of any state.

### **9. Переведите предложения на английский язык, используя слова и словосочетания из текста.**

1. Целью ООН является поддержание международного мира между народами и безопасности, разрешение всех спорных вопросов путем переговоров.

2. Основными органами ООН являются: Генеральная Ассамблея, Совет Безопасности, Экономический и Социальный Совет, Международный Суд, Секретариат, каждый из которых включает в себя большое количество комитетов и подкомитетов

3. Устав ООН был подписан 50 странами в 1945 году в Сан-Франциско, Калифорния.

4. ООН всегда руководствовалась принципом невмешательства во внутренние дела независимых государств и пыталась удержать конфликтующие стороны при разрешении спорных вопросов.

5. ООН выступает за осуществление международного сотрудничества в экономической, социальной, культурной и гуманитарной областях.

## **UNIT 2. THE UN GENERAL ASSEMBLY, THE UN SECURITY COUNCIL**

### **TEXT 1**

#### **The UN General Assembly**

#### **Vocabulary**

1. to be composed of — состоять из
2. syn. to consist of, to comprise smth., smb.
3. member nations — страны — члены ООН
4. to be entitled to one vote — иметь право на один голос
5. at the request of the Security Council — по просьбе Совета Безопасности

6. at the request of a majority of the UN members — по просьбе большинства стран-членов ООН
7. any matter within the scope of the charter — любой вопрос, не противоречащий уставу ООН
8. to be brought before the General Assembly — быть представленным на рассмотрение сессии Генеральной Ассамблеи ООН
9. on the agenda — на повестке дня
10. to put on the agenda — включить в повестку дня
11. lack of unanimity — отсутствие единодушия (единства)
12. permanent members — постоянные члены
13. to fail to exercise its primary responsibility — оказаться не в состоянии выполнять свою первостепенную (главную) задачу
14. to be a threat to peace — быть угрозой миру
15. a breach of peace — нарушение мира
16. to recommend collective measures — рекомендовать коллективные меры
17. to restore peace — восстановить мир
18. to be convened within 24 hours — быть созванным в течение 24 часов
19. an emergency special session — чрезвычайная, внеочередная сессия
20. two-thirds majority — большинство в  $\frac{2}{3}$
21. subjects of particular concern — вопросы, вызывающие особую озабоченность
22. to refrain from using force — воздержаться от применения силы
23. most pressing problems — насущные проблемы

### **1. Прочитайте и переведите текст на русский язык.**

The General Assembly is composed of representatives of all member nations. Each nation may send not more than five representatives to each session. Each nation is entitled to one vote.

The General Assembly meets in regular annual sessions and in special sessions when necessary. Special sessions are convoked by the Secretary General at the request of the Security Council or of a majority of the members of the UN.

Important matters, such as international peace and security, admitting new members, the UN budget are decided by two-thirds majority. In recent years, a special effort has been made to reach decisions through consensus, rather than by formal vote.

Any matter within the scope of the charter may be brought before the General Assembly, which may make recommendations on all except issues on the agenda of the Security Council. However, the General Assembly in November, 1950, decided that if the Security Council, because of lack of

unanimity among its permanent members, fails to exercise its primary responsibility for maintenance of international peace and security, in any case where there appears to be a threat to peace, breach of peace or act of aggression, the Assembly may consider it and recommend collective measures including the use of armed forces to maintain or restore peace. In such cases, the General Assembly may be convened within 24 hours in an emergency special session.

## **2. Переведите следующие слова и словосочетания из текста.**

Member nations, to be entitled to, to meet in regular annual sessions, to be convoked, at the request of, a majority of members, within the scope of the Charter, to be brought before the General Assembly, except issues on the agenda of the Security Council, lack of unanimity, to fail to exercise its primary responsibility, maintenance of international peace and security, a breach of peace.

## **3. Найдите в тексте английские эквиваленты русским словам и словосочетаниям.**

Состоять из представителей, каждая страна, на повестке дня, постоянные члены Совета Безопасности ООН, в любом случае, угроза миру, рекомендовать коллективные меры, использование вооруженных сил, сохранить или восстановить мир, в подобных случаях, чрезвычайная сессия ООН, поддержание международного мира и безопасности.

## **4. Определите, справедливы данные высказывания или нет. Исправьте неверные утверждения.**

1. The UN was established in 1946 by 50 countries.
2. There are currently 150 member states to the UN.
3. According to the Charter the UN has one purpose.
4. The UN is a sort of world government, which makes laws.
5. The UN has four main organs.
6. The General Assembly is a kind of Parliament of nations.
7. Decisions on important matters in the UN General Assembly are taken by one-half majority.
8. There are 5 official languages of the United Nations.

## **5. Ответьте на вопросы по тексту.**

1. What is the composition of the General Assembly?
2. How many votes is each nation entitled to?
3. Who are special sessions convoked by?
4. At whose request are special sessions convened?
5. What matters may be brought before the General Assembly?

6. What was the decision of the General Assembly in November of 1950?

7. In what cases may the General Assembly be convened within 24 hours in an emergency special session?

**6. Переведите предложения на русский язык.**

1. The main organ of the United Nations and the one in which all member states are represented is the General Assembly.

2. The General Assembly meets in regular annual sessions from September to December.

3. Special (emergency) sessions can be convened at the request of the Security Council or a majority of members of the United Nations on subjects of particular concern.

4. The Assembly has the right to discuss and make recommendations on all the matters within the scope of the UN Charter.

5. The UN General Assembly can make recommendations to member states and to other UN organs with the aim of promoting international cooperation in the political, economic and social fields.

6. In case the Security Council fails to exercise its primary responsibility for maintenance of peace and security the General Assembly may recommend collective measures.

7. The General Assembly may recommend the use of armed forces in the case of a breach of peace or act of aggression.

8. All UN member states are represented in the General Assembly — a kind of parliament of nations which meets to consider the world's most pressing problems.

**7. Переведите предложения на английский язык.**

1. Каждая страна может послать на заседание сессии Генеральной Ассамблеи не более пяти представителей.

2. Чрезвычайные сессии ООН могут быть созваны Генеральным секретарем ООН по просьбе Совета Безопасности или по решению большинства членов Генеральной Ассамблеи.

3. Любой вопрос может быть вынесен (включен) на повестку дня сессии Генеральной Ассамблеи ООН.

4. В том случае, если Совет Безопасности ООН не может выполнить свою прямую обязанность по поддержанию мира и безопасности в том или ином регионе, Генеральная Ассамблея ООН может рассмотреть этот вопрос на внеочередной сессии и рекомендовать коллективные меры.

5. Внеочередные или чрезвычайные сессии ООН могут быть созваны в течение 24 часов от начала конфликта.

## TEXT 2

### The Security Council

#### Vocabulary

1. permanent members of the Security Council — постоянные члены Совета Безопасности
2. to be eligible for re-election — иметь право на переизбрание
3. 2-year term — 2-летний срок
4. to carry out decisions — выполнять решения
5. to investigate — расследовать
6. dispute — спор
7. disputable question — спорный вопрос
8. a party to a dispute — сторона — участник конфликта
9. to settle a dispute — урегулировать спор
10. to handle a dispute — заниматься разбором спора (спорного вопроса)
11. syn. to deal with, to address.
12. to threaten peace and security — угрожать миру и безопасности
13. to enforce decisions — проводить в жизнь решения
14. interruption of economic relations — прекращение (разрыв) экономических отношений
15. to call on smb. to do smth. — призывать кого-либо к чему-либо
16. to sever diplomatic relations — разорвать дипломатические отношения
17. severance of diplomatic relations — разрыв дипломатических отношений
18. to furnish armed forces — сформировать вооруженные силы
19. to encourage — поддерживать, содействовать
20. protection of refugees — защита беженцев

#### 8. Прочитайте и переведите текст.

The Security Council consists of 15 members, 5 with permanent seats. The remaining 10 are elected for 2-year terms by the General Assembly, they are not eligible for immediate re-election.

Permanent members of the Council are: China, France, Russia, the United Kingdom and the United States.

10 non-permanent members are currently Austria, Burkina Faso, Costa Rica, Croatia, Japan, Libya, Mexico, Turkey, Uganda and Vietnam.

The Security Council has the primary responsibility for maintaining international peace and security and members agree to carry out its decisions. The Council may investigate any dispute that threatens international peace and security. When the Security Council is handling a

dispute or situation the General Assembly makes no recommendation unless the Council requests it.

The Security Council functions continuously, each member being represented at all times. It may change its place of meeting.

Any member of the UN may participate in its discussions and a nation not a member of the UN may appear if it is a party to a dispute.

The Security Council may decide to enforce its decisions without the use of arms. Such measures include interruption of economic relations, break in transportation and communications, and severance of diplomatic relations. If such measures fail the Council may call on UN members to furnish armed forces and assistance. The right of individual or collective self-defense is not prohibited by membership in the UN, and if a member nation is attacked it may do what is necessary, reporting this to the Security Council, which may take independent action. However, the Council encourages regional arrangements or agencies by means of which local disputes can be settled without getting as far as the Council, after the Council has approved this method.

### **The Economic and Social Council**

Economic and Social Council consists of twenty-seven members. The Council is concerned with financial and technical assistance to the less developed countries, the international protection of refugees and aid to the world's children.

### **The International Court of Justice**

The principal judicial organ of the United Nations is the International Court of Justice which sits at the Hague in the Netherlands. It is composed of fifteen judges who are elected by the Security Council and the General Assembly.

### **The Secretariat**

The administrative functions of the United Nations are carried out by the Secretariat. The secretariat consists of some 6,000 members, 3,600 of whom are at the United Nations Headquarters in New York.

The Secretary General who is appointed by the General Assembly on the recommendation of the Security Council is at the head of the Secretariat.

### **9. Переведите следующие слова и словосочетания на русский язык.**

To be eligible for re-election, primary responsibility, to investigate a dispute, a party to a dispute, to enforce a decision, to call on UN members, to furnish armed forces, to encourage arrangements, self-defence, regional arrangements, severance of diplomatic relations, to threaten international peace and security.



**10. Найдите в тексте английские эквиваленты русским словам и словосочетаниям.**

Состоять из, быть выбранным на 2-летний срок, важнейшая обязанность, угрожать миру и безопасности, разрыв дипломатических отношений, индивидуальная и коллективная самозащита, подвергнуться нападению, предпринять действия, основной судебный орган, поддерживать международные меры, защита беженцев, помощь детям во всем мире, быть назначенным, по рекомендации.

**11. Определите, справедливы данные высказывания или нет. Исправьте неверные утверждения.**

1. There are 10 Security Council members.
2. The Security Council may convene from September to December.
3. The Security Council has the power to make binding decisions that member governments have agreed to carry out.
4. The Secretary General is appointed by the Secretariat.
5. The International Court of Justice sits in New York.
6. A nation not a UN member may not appear at the Security Council discussions if it is a party to a dispute.
7. When the Security Council is handling a dispute or situation the General Assembly makes recommendations.

**12. Ответьте на вопросы по тексту.**

1. What countries are permanent members of the Security Council?
2. What is the primary responsibility of the Security Council?
3. How does the Security Council function?
4. In what way can the Security Council enforce its decisions?
5. In what cases do the UN members apply to the Security Council for help?
6. What are the functions of the Economic and Social Council?
7. What is the principle judicial organ of the UN? Who are its members elected by?
8. Who are the administrative functions of the UN carried out by?
9. Who is at the head of the Secretariat?
10. What body is the UN Secretary General appointed by?

**13. Translate into Russian.**

1. The UN Charter gives the Security Council primary responsibility for maintaining international peace and security. The Council may convene at any time, day or night, whenever peace is threatened.
2. There are 15 Security Council members. Five of these — China, France, the Russian Federation, the UK and the USA — are permanent members. The other 10 are elected by the General Assembly for a two-year term. Decisions of the Council require nine yes votes.

3. When the Security Council is handling a dispute or situation the General Assembly makes no recommendations unless the Council requests it.

4. There is a big number of organizations and agencies working in partnership with the UN in various economic, scientific and technical fields.

#### 14. Translate into English.

1. Основной задачей Совета Безопасности является сохранение международного мира и безопасности.

2. Любая страна, являющаяся членом ООН и представленная в штаб-квартире ООН, может принимать участие в заседаниях и обсуждениях в Совете Безопасности ООН.

3. Право индивидуальной или коллективной самозащиты не запрещается для стран — членов ООН. В том случае, если страна — член ООН подверглась нападению, она может предпринимать необходимые действия, уведомив об этом Совет Безопасности.

4. Экономический и Социальный Совет осуществляет финансовую и техническую помощь развивающимся странам, занимается вопросами защиты беженцев и помощи детям во всем мире.

5. Международный Суд состоит из 15 судей, которые избираются Советом Безопасности и Генеральной Ассамблеей ООН.

#### 15. Образуйте соответствующие однокоренные слова и запишите их в таблицу.

Verb	Noun	Adjective or Participle
		reliable
to resume		
	cooperation	
to promote		
	development	
		resolving
	government	
to protect		
	security	
		concerning

#### 16. Дайте отрицательную форму прилагательных.

Regular, effective, friendly, reliable, ambitious, honest, pleasant.

#### 17. Образуйте существительные от прилагательных.

Confident, optimistic, strong, reliable, ambitious, anxious, enthusiastic.

## **18. Прочитайте информацию о Специализированных учреждениях ООН.**

### **Agencies related to the UN (Специализированные учреждения ООН)**

Working in partnership with the UN in various economic, social, scientific and technical fields is a group of organizations related to the UN by special agreements. The agencies are:

International Atomic Energy Agency — IAEA — МАГАТЭ

International Labor Org. — ILO — Международная организация труда (МОТ)

Food and Agricultural Org. — FAO — Организация по вопросам продовольствия и сельского хозяйства (ФАО)

United Nations Educational, Scientific and Cultural Org. — UNESCO — Организация по вопросам просвещения, науки и культуры (ЮНЕСКО)

World Health Org. — WHO — Всемирная организация ООН по вопросам здравоохранения (ВОЗ)

International Bank for Reconstruction and Development (or World Bank) — Bank/IBRD — Международный банк реконструкции и развития

International Development Assn. — IDA — Международная ассоциация развития

International Finance Corp. — IFC — Международная финансовая корпорация

International Monetary Fund — IMF — Международный валютный фонд (МВФ)

International Civil Aviation Org. — ICAO — Международная организация гражданской авиации

Universal Postal Union — UPU — Всемирный почтовый союз

International Telecommunication Union — ITU — Международный телекоммуникационный союз

World Meteorological Org. — WMO — Международная метеорологическая организация

International Maritime Consultative Org. — IMCO — Международная морская организация

Nations Industrial Development Org. — UNIDO — Организация ООН по промышленному развитию

General Agreement on Tariffs and Trade (an international commercial treaty) — GATT — Генеральное соглашение по таможенным тарифам и торговле

## UNIT 3. WHAT THE UN DOES FOR PEACE

### TEXT 1

**1. Прочитайте текст и найдите в тексте английские эквиваленты русским предложениям. Придумайте заголовок к тексту.**

1. Генерального секретаря ООН назначает Генеральная Ассамблея по рекомендации Совета Безопасности.

2. Генеральный секретарь ООН может привлечь внимание Совета Безопасности к любому вопросу, который, по его мнению, может угрожать международному миру и безопасности.

3. Человек, занимающий пост Генерального секретаря ООН, не может быть гражданином ни одной из 5 стран — членов Совета Безопасности.

The Secretariat is headed by the Secretary-General, who acts as the de facto spokesman and leader of the UN. The current Secretary-General is Ban Ki-moon, who took over from Kofi Annan in 2007.

Envisioned by Franklin D. Roosevelt as a “world moderator”, the Secretary-General can bring to the Security Council’s attention “any matter which in his opinion may threaten the maintenance of international peace and security”, giving the position greater scope for action on the world stage. The position has evolved into a dual role of an administrator of the UN organization, a diplomat addressing disputes between member states and finding consensus to global issues.

The Secretary General is appointed by the General Assembly, after being recommended by the Security Council. The selection can be vetoed by any member of the Security Council, and the General Assembly can theoretically override the Security Council’s recommendation if a majority vote is not achieved, although this has not happened so far. There are no specific criteria for the post, but over the years it has become accepted that the post shall be held for one or two terms of five years, that the post shall be appointed based on geographical rotation, and that the Secretary-General shall not originate from one of the five permanent Security Council member states.

### TEXT 2

#### What the UN does for Peace

#### Vocabulary

1. to refrain from — воздержаться от
2. to produce dramatic results — добиться поразительных результатов
3. to defuse crisis — разрядить кризис
4. to be instrumental — быть полезным

5. hostile parties — враждующие стороны
6. to undertake mediation — предпринять посреднические меры
7. to recourse to — прибегнуть
8. ceasefire — прекращение огня
9. truce — перемирие
10. fight against terrorism — борьба с терроризмом
11. instigation — подстрекательство
12. to challenge — бросить вызов

## 2. Прочитайте и переведите текст.

Preserving world peace is a central purpose of the United Nations. Under the Charter, member states agree to settle disputes by peaceful means and refrain from threatening or using force against other states.

UN efforts have produced dramatic results. The UN helped defuse the Cuban missile crisis in 1962 and the Middle East crisis in 1973. In 1988 a UN-sponsored peace settlement ended the Iran-Iraq war. In the 1990s, the UN was instrumental in restoring sovereignty to Kuwait and played a major role in ending civil wars in Cambodia, El Salvador, Guatemala and Mozambique.

UN peacemaking brings hostile parties to agreement through diplomatic means. The Security Council may to avoid conflict or restore or security peace — through negotiation, for example, or undertake mediation, or recourse to the International Court of Justice. In the event of fighting the UN tries to secure a ceasefire. It may send a peacekeeping mission to help the parties maintain the truce and to keep opposing forces apart. Peacekeeping operations may last for few months or continue for many years.

## 3. Подберите к английским словосочетаниям из текста русские эквиваленты.

1) to produce dramatic results	a) обеспечить прекращение огня
2) to defuse missile crisis	b) быть полезным
3) to be instrumental	c) сохранять перемирие
4) to restore sovereignty	d) избегать конфликтов
5) to end wars	e) прекратить войны
6) to bring hostile parties to agreement	f) воздержаться от угрозы или применения силы против других государств
7) through diplomatic means	g) добиться поразительных результатов
8) to avoid conflict	h) разрядить кризис
9) to undertake mediation	i) восстановить суверенитет
10) to recourse to the International Court of Justice	j) дипломатическими средствами
11) to secure a ceasefire	k) привести враждующие стороны к соглашению
12) to maintain the truce	l) осуществить посредничество
13) to refrain from threatening or using force against other states	m) обратиться в Международный Суд

**4. Закончите предложения в соответствии с содержанием текста, употребляя активную лексику.**

1. Under the Charter, member states agree ... .
2. The UN helped defuse ... .
3. In the 1990's the UN was instrumental in ... .
4. The UN played a major role in ... .
5. UN peacemaking brings ... .
6. The Security Council may recommend ... .
7. In the event of fighting the UN ... .

**5. Ответьте на вопросы.**

1. What do the UN member states agree to under the Charter?
2. What dramatic results have UN efforts produced?
3. What ways may the Security Council recommend?
4. What does the UN do in the event of fighting?
5. What may the UN do to help the parties maintain the truce?
6. How long may peacekeeping operations last?

### **TEXT 3**

#### **Reform**

**6. Прочитайте текст и ответьте на вопросы.**

1. What calls to reform the UN have been made?
2. What has the UN been accused of?
3. Who was an official reform programme begun by?
4. What event brought together the heads of most UN member states?
5. What was the aim of the World Summit?
6. What reform of the UN did Kofi Annan propose?
7. What was the result of the Summit?

Since its founding, there have been many calls for reform of the United Nations. Some want the UN to play a greater or more effective role in world affairs, while others want its role reduced to humanitarian work. There have also been calls for the UN Security Council's membership to be increased, for different ways of electing the UN Secretary General.

The UN has also been accused of bureaucratic inefficiency and waste. An official reform programme was begun by Kofi Annan in 1997. Reforms mentioned include changing the permanent membership of the Security Council, making the bureaucracy more transparent, accountable and efficient, making the UN more democratic.

In September 2005, the UN convened a World Summit that brought together the heads of most member states, calling the summit "a once-in-a-

generation opportunity” to take bold decisions in the areas of development, security, human rights and reform of the United Nations. Kofi Annan proposed that the summit agree to reform the UN, renewing the organisation’s focus on peace, security, human rights and development, and to make it better equipped at facing 21<sup>st</sup> century issues. The result of the summit was a compromise text agreed on by world leaders, which included the creation of a Peace building Commission to help countries emerging from conflict, a Human Rights Council, and agreements to devote more resources on achieving the Millennium Development Goals.

**7. Используя следующий план, передайте содержание текстов.**

1. History of the UN
2. The UN General Assembly
3. The Security Council
4. The UN Secretary General
5. What the UN does for peace

**8. Передайте краткое содержание текстов на английском языке.**

**ТЕХТ 1**

За прошедшие десятилетия ООН внесла огромный вклад в обеспечение стабильности и безопасности на планете, экономическое и социальное развитие, защиту прав и свобод личности, превратилась в уникальную площадку для прямого открытого диалога по важнейшим вопросам международной жизни. И в наши дни базовые принципы и задачи, провозглашенные ООН в 1945 г., остаются актуальными и востребованными, а реализуемые под ее эгидой программы работают в интересах и на благо всего человечества.

В новом, XXI в. предстоит еще многое сделать для укрепления центральной координирующей роли ООН, выработки в ее рамках механизмов адекватного реагирования на возникающие риски и угрозы. Среди них — борьба с терроризмом и экстремизмом, урегулирование локальных конфликтов, ликвидация нищеты и голода, преодоление экологических кризисов. Совместными усилиями международное сообщество сумеет создать благоприятные условия для адаптации ООН к меняющимся условиям современного мира.

(Из Приветствия В. Путина участникам Торжественного собрания, посвященного 60-летию ООН. 22 октября 2005 г.)

**ТЕХТ 2**

После 1945 г. многое в мире изменилось. Мир не стал более безопасным. На первый план вышли глобальные вызовы и угрозы

безопасности и устойчивому развитию, такие как международный терроризм, распространение оружия массового уничтожения, нарко-трафик, бедность, экологическая деградация.

На «Саммите-2005» в Нью Йорке все без исключения государства подтвердили свою приверженность Уставу ООН. Были приняты про-рывные решения по совершенствованию под эгидой ООН единой международной стратегии в преодолении террористической угрозы.

Резолюция 1624 Совета Безопасности ООН классифицирует под-стрекательство к терроризму как преступное деяние. До сих пор кри-минальными признавались сами теракты, действия по их организа-ции, подготовке и финансированию, а подстрекательство к терроризму впервые классифицировано в качестве уголовного правонарушения.

Применение силы в международных отношениях возможно толь-ко на основе Устава ООН. Государства — члены ООН не будут ми-риться с проявлениями геноцида, массовых нарушений прав челове-ка. В резолюции Совета Безопасности заложены положения о том, что террористические атаки на государства являются вооруженным нападением, для отражения которого страны имеют право на само-оборону согласно Уставу ООН.

Адаптация ООН к новым историческим реалиям необходима. Только опираясь на широкое согласие, мы сможем выйти на даль-нейшее укрепление ООН, ее авторитета.

(С.В. Лавров — министр иностранных дел РФ)

### **9. Вопросы для обсуждения. Работа в парах.**

1. Do you think the United Nations fulfils its mission today?
2. What recent actions or peacekeeping operations of the UN can you remember? Which of them were successful?
3. Do you think that the role of the UN is really very important in the modern world?
4. Ambassador extraordinary and plenipotentiary of the Russian Federa-tion Anatoly Torkunov said that if the UN didn't exist, we would have to invent it. Comment on it.
5. Do you think that the UN peacekeeping forces could substitute for NATO or EU forces in the future?

<p style="text-align: center;"><b>Повторение грамматики:</b> <b>Герундий. Герундиальные обороты. (Gerund)</b></p>
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Герундий относится к неличным формам глагола, которые не мо-гут быть сказуемым в предложении. Герундий сочетает в себе свой-ства глагола и существительного. Герундий, как и глагол, имеет фор-мы времени и залога.



	Active	Passive
Indefinite	writing	being written
Perfect	having written	having been written

Indefinite Gerund выражает процесс в наиболее общем виде и действии, которое является одновременным действием, обозначенному глаголом в личной форме.

Perfect Gerund выражает действие, которое предшествует действию, выраженному глаголом в личной форме.

Наиболее употребительная форма герундия — Indefinite Gerund Active.

**Examples:**

The treaty cannot be signed without solving all disputable problems.	Договор не может быть подписан без решения всех спорных вопросов.
Both leaders oppose war as a means of settling political disputes.	Оба лидера выступают против войны как средства решения политических споров.
You should congratulate them on having signed the treaty.	Вам следует поздравить их с подписанием Договора.

Герундиальный оборот — (ГО) образуется при помощи существительного или притяжательного местоимения + герундий.

ГО переводится на русский язык придаточным предложением, союзы подбираются по смыслу, герундий переводится сказуемым. На письме ГО не выделяется запятой.

**Examples:**

The judge insisted on Jurors giving the verdict on time.	Судья настаивал на том, чтобы присяжные вовремя предоставили вердикт.
These happy events occurred without any recommendations having been made by the UN Secretary General	Эти радостные события произошли без каких-либо рекомендаций, высказанных Генеральным Секретарем.

**1. Переведите на русский язык.**

1. The United Kingdom played a major role in drafting the Human Rights Convention.

2. The Universal Declaration of Human Rights (UDHR) denies applying cruel, inhuman punishment to people.

3. The Charter of the United Nations was signed in San Francisco on June 25, 1945 after having been ratified by the great powers — the USSR, the USA, the United Kingdom, France and China.

4. The investigator was sure of his having committed the crime.

5. The lawyer was surprised at the Court passing such a harsh sentence.

6. The General Assembly approved amendment to the Charter coming into force after having been ratified by a 2/3 majority.

7. History knows a lot of examples of the achievements of the human brain being used against mankind.

8. To achieve consistency in decisions the courts developed the practice of decisions of higher courts binding to lower courts.

## **2. Раскройте скобки и употребите герундий.**

1. (To maintain) world peace and security and (to develop) friendly relation with other nations is the main focus of the UN.

2. The task of (to preserve) peace and (to ensure) universal security is so pressing that it concerns everyone.

3. The UN formed a special committee with a definite purpose of parties (to come) at an agreed settlement.

4. Russia and the US have become the symbol of the people's desire of (to change) their relations for the better.

5. The UN Security Council has done a great deal for (to make) specific decisions on the world arena.

6. Last night's (to close) the UN General Assembly session took place in a solemn atmosphere.

## **3. Переведите на английский язык, употребляя герундий.**

1. Деятельность ООН направлена на поддержание мира и безопасности и развитие дружественных отношений между народами.

2. Генеральный секретарь ООН настаивал на том, чтобы участники Ассамблеи приняли решение по этим важным вопросам незамедлительно.

3. Постоянные члены Совета Безопасности ООН воздержались от включения доклада в повестку дня.

4. В 1947 г. Генеральная Ассамблея ООН приняла решение о задержании военных преступников и депортации их в страны, где они совершили преступления.

5. После того как поправки к статьям 20 и 23 были одобрены Генеральной Ассамблеей, они вступили в силу.

6. Созданная после корейской войны комиссия обвинила США в том, что они разместили ядерное оружие в Южной Корее.

7. Страны — члены ООН заявили, что необходимо как можно быстрее продвигаться к тому, чтобы стороны подписали Соглашение о сокращении ядерного оружия.

8. Все инициативы России направлены на расширение и углубление процесса ослабления напряженности.

9. Полное уничтожение ядерного оружия возможно наряду с тем, что обе стороны примут решения по другим вопросам.

10. Совет Безопасности ООН приветствует мирный путь решения всеми странами спорных вопросов на Ближнем Востоке.

## UNIT 4. THE DECLARATION OF HUMAN RIGHTS

### TEXT 1

#### Human Rights and Humanitarian Assistance

##### Vocabulary

1. the pursuit of human rights — соблюдение прав человека
2. atrocities — злодеяния, зверства
3. human rights violations — нарушение прав человека
4. to that end — для достижения этой цели
5. to take up human rights issues — рассматривать вопросы прав человека
6. high-profile positions — высокие посты
7. indigenous peoples — коренное население
8. populace — население
9. to be afflicted by — пострадать от

##### 1. Прочитайте текст и ответьте на вопросы.

1. What was the central reason for creating the UN?
2. When was the Universal Declaration of Human rights adopted?
3. What principles enshrined in the Declaration are being implemented by the UN and its agencies?
4. What is the purpose of the United Nations Human Rights Council?
5. What does the Declaration on the Rights of Indigenous Peoples outline?
6. What does the Declaration on the Rights of Indigenous Peoples prohibit?

The pursuit of human rights was the central reason for creating the UN, World War II atrocities and genocide led to a ready consensus that the new organization must work to prevent any similar tragedies in the future. An early objective was creating a legal framework for considering and acting on complaints about human rights violations. The UN Charter obliges all

member nations to promote “universal respect for, and observance of “human rights” and to take “joint and separate action” to that end. The Universal Declaration of Human Rights, though not legally binding, was adopted by the General Assembly in 1948. The Assembly regularly takes up human rights issues.

The UN and its agencies are implementing the principles enshrined in the Universal Declaration of Human Rights. A case in point is support by the UN for countries in transition to democracy, technical assistance in providing free and fair elections, improving judicial structures, drafting constitutions, training human rights officials. The UN has helped run elections in countries with little democratic history, including recently in Afghanistan and East Timor. The UN is also a forum to support the right of women to participate fully in the political, economic, and social life of their countries. The UN contributes to raising consciousness of the concept of human rights through its covenants and its attention to specific abuses through its General Assembly, Security Council resolutions, or International Court of Justice rulings.

The purpose of the United Nations Human Rights Council, established in 2006, is to address human rights violations. The Council is the successor to the United Nations Commission on Human Rights, which was often criticised for the high-profile positions it gave to member states that did not guarantee the human rights of their own citizens. The council has 47 members distributed by region, each serve a three year term, and may not serve three consecutive terms. A candidate to the body must be approved by a majority of the General Assembly.

The rights of some 370 million indigenous peoples around the world is also a focus for the UN, with the Declaration on the Rights of Indigenous Peoples being approved by the General Assembly in 2007. The declaration outlines the individual and collective rights to culture, language, education, identity, employment and health, thereby addressing post-colonial issues which have confronted indigenous peoples for centuries. The declaration aims to maintain, strengthen and encourage the growth of indigenous institutions, cultures and traditions. It also prohibits discrimination against indigenous peoples and promotes their active participation in matters which concern their past, present and future.

In conjunction with other organizations such as the Red Cross, the UN provides food, drinking water, shelter and other humanitarian services to populaces suffering from famine, displaced by war, or afflicted by other disasters. Major humanitarian branches of the UN are World Food Programme (which helps feed more than 100 million people a year in 80 countries), the office of the High Commissioner for Refugees with projects in over 116 countries, as well as peacekeeping projects in over 24 countries.

## 2. Соотнесите русские словосочетания с их английскими эквивалентами.

1) The United Nations Human Rights Council	a) господство права
2) The United Nations Commission on Human Rights	b) Декларация о правах коренного населения
3) The Universal Declaration of Human Rights	c) Совет ООН по правам человека
4) The Declaration on the Rights of Indigenous Peoples	d) Красный Крест
5) The Red Cross	e) Всемирная Продовольственная Программа
6) World Food Programme	f) Комиссар ООН по вопросам беженцев
7) The High Commissioner for Refugees	g) Комиссия ООН по правам человека
8) Rule of law	h) Декларация прав человека

## 3. Определите, справедливы данные высказывания или нет. Исправьте неверные утверждения.

1. The Universal Declaration of Human Rights was adopted by the Security Council in 1945.

2. The UN Charter obliges all member nations to promote respect for and observance of human rights.

3. The UN does not support the rights of women.

4. The UN Human Rights Council was established in 2000.

5. The UN Commission on Human Rights was criticized for not taking up human rights issues regularly.

6. The Declaration of Human Rights of Indigenous Peoples does not promote the active participation in matters which concern their life

## 4. Прочитайте первые 10 статей Декларации прав человека. Вставьте в предложения пропущенные слова из рамки.

### The Declaration of Human Rights

charge, detention, discrimination, exile, freedoms, law, liberty, punishment, race, remedy, rights, slavery, tribunal, free

#### Article 1

All human beings are born free and equal in dignity and rights.

#### Article 2

Everyone is entitled to all the rights and \_\_\_\_\_ set forth in this Declaration, without distinction of any kind, such as \_\_\_\_\_,

colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

**Article 3**

Everyone has the right to life, \_\_\_\_\_ and security of person.

**Article 4**

No one shall be held in \_\_\_\_\_ or servitude; slavery and the slave and the slave trade shall be prohibited in all their forms.

**Article 5**

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or \_\_\_\_\_ .

**Article 6**

Everyone has the right to recognition everywhere as a person before the \_\_\_\_\_ .

**Article 7**

All are equal before the law and are entitled without any \_\_\_\_\_ to equal protection of the law.

**Article 8**

Everyone has the right to an effective \_\_\_\_\_ by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

**Article 9**

No one shall be subjected to arbitrary arrest, \_\_\_\_\_ or \_\_\_\_\_ .

**Article 10**

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial \_\_\_\_\_, in the determination of his \_\_\_\_\_ and obligations and of any criminal \_\_\_\_\_ against him.

**5. Найдите в правой колонке определения к словам из левой колонки.**

1) race	a) the same (adjective)
2) political	b) the things that you should be allowed to have (noun)
3) slavery	c) a feeling you have that you have done right or wrong (noun)
4) constitution	d) to have the right to do or have something (verb)
5) detention	
6) tribunals	

7) violation	e) difference (noun)
8) liberty	f) a group of people with distinct physical characteristics or culture (noun)
9) fundamental	g) referring to government or party politics (adjective)
10) equal	h) having the legal power over someone or something (adjective)
11) rights	i) the act of limiting something (noun)
12) conscience	j) the situation of being free (noun)
13) entitled	k) the situation of being a person who belongs to someone and works for them without payment (noun)
14) obligations	l) the situation of having to work very hard for someone, usually in poor conditions and with very little or no pay (noun)
15) degrading	m) the buying and selling of people against their will (noun: 2 words)
16) impartial	n) to say that something must not happen (verb)
17) jurisdictional	o) hurting someone badly so that they are forced to give information (noun)
18) servitude	p) causing fear, anguish and inferiority (adjective)
19) distinction	q) the unfair treatment of someone because of their colour, class, religion, language, etc (noun)
20) limitation	r) the act of breaking a rule (noun)
21) exile	s) the act of encouraging, persuading or advising someone to do something morally or legally wrong (noun)
22) torture	t) a court, often one which specialises in a particular area of law (noun)
23) prohibited	u) basic, essential (adjective)
24) slave trade	v) laws and principles under which a country is governed (noun)
25) discrimination	w) done at random, without reason (adjective)
26) incitement	x) the act of keeping someone so that he/she cannot escape or enjoy freedom (noun)
27) arbitrary	y) the punishment of being made to live in another country, or another part of a country (noun)
	z) not biased or prejudiced (adjective)
	aa) duty to do something (noun)

**6. Ниже приведены статьи 11—20 Декларации прав человека. Прочитайте и в каждой статье выделите ключевую фразу, отражающую содержание статьи.**

#### **Article 11**

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he/she has had all the guarantees necessary for his/her defence.

No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

**Article 12**

No one shall be subjected to arbitrary interference with his/her privacy, family home or correspondence, nor to attacks upon his/her honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

**Article 13**

Everyone has the right to freedom of movement and residence within the borders of each state.

Everyone has the right to leave any country, including his/her own, and to return to his/her country.

**Article 14**

Everyone has the right to seek and to enjoy in other countries asylum from persecution.

This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

**Article 15**

Everyone has the right to a nationality.

No one shall be arbitrary deprived of his/her nationality nor denied the right to change his/her nationality.

**Article 16**

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, and at its dissolution.

Marriage shall be entered into only with the free and full consent of the intending spouses.

The family is the natural and fundamental group unit of society and is entitled to protection by society and state.

**Article 17**

Everyone has the right to own property alone, as well as in association with others.

No one shall be arbitrarily deprived of his/her property.



### Article 18

Everyone has the right to freedom of thought, conscience and religion: this right includes freedom to change his/her religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his/her religion or belief in teaching, practice, worship and observance.

### Article 19

Everyone has the right to freedom of opinion and expression, this right includes freedom to hold opinions interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

### Article 20

Everyone has the right to freedom of peaceful assembly and association. No one shall be compelled to belong to an association.

**7. Ниже приведены статьи 21–30 Декларации прав человека. В правой колонке дается краткое содержание статей. Найдите их полную версию в левой колонке.**

<p><b>Article 21</b> Everyone has the right to take part in their country's political affairs either by belonging to the government themselves or by choosing politicians who have the same ideas as them. Elections should take place regularly and voting should be a secret. Every adult should have the right to vote and all votes should be equal.</p>	Freedom from interference in all of the above rights.
<p><b>Article 22</b> The society in which you live should help you to develop and to make the most of all the advantages (culture, work, social welfare) which are offered to you.</p>	Right to desirable work and to join trade unions.
<p><b>Article 23</b> Every adult has the right to a job, and to receive a salary that can support him/her and his/her family. Men and women should get paid the same amount of money for doing the same job. Anyone can join a trade union.</p>	Right to rest and leisure.
<p><b>Article 24</b> Everyone should have the right to rest from work and to take regular paid holidays.</p>	Right to adequate living standards.
<p><b>Article 25</b> Everyone has the right to a good life, with enough food, clothing, housing and healthcare. You should be helped if you are out of work, if you are ill, if you are old or if your husband or wife is dead. Women who are going to have a baby should receive special help. All children should have the same rights, whether their mother is married or unmarried.</p>	Right to social security.

<p><b>Article 26</b> Everyone has the right to go to school and should go to school. Primary schooling should be free. Everyone should be able to learn a profession or continue their studies as far as people. Every-one others from different races and backgrounds. Parents should have the right to choose how and what their children lean.</p>	<p>Duty to preserve other people's rights and freedoms.</p>
<p><b>Article 27</b> Everyone should have the right to share in their community's arts and sciences. Works by artists, writers or scientists, should be protected benefit from them.</p>	<p>Right to education.</p>
<p><b>Article 28</b> There should be an order to protect your rights. It should be both local and worldwide</p>	<p>Free elections and the right to participate in government</p>
<p><b>Article 29</b> Everyone should have duties to other people. Human rights should be observed and protected by everyone in a spirit of mutual respect</p>	<p>Right to participate in the cultural life of the community.</p>
<p><b>Article 30</b> Nobody should take away these rights and freedoms from us.</p>	<p>Right to peace and other.</p>

**8. Назовите, какие статьи Декларации прав человека нарушены в приведенных ниже ситуациях.**

1. Children between the age of 5 and 11 have to go to school, but their parents must pay for it.

2. A man has his house broken into and his television stolen. He goes to the police but they tell him to go away because they have more important things to do.

3. Archie White, a magistrate, has his car stolen. The police arrest and charge the man they think is responsible. The next day the man is taken to court for an initial hearing. The chairman of the justices (the head magistrate) in the courtroom is Archie White. He tells the members of the public that they have to leave the courtroom.

4. Staff employed by Kaput Computers have to start work at 7 in the morning and work until 7 in the evening, with only a half hour break for lunch. They work from Monday to Saturday, and do not get paid leave.

5. A couple wants to have a baby. The government says that the country is overpopulated and tells them that they cannot have a baby yet.

6. A new government tells all public servants that they have to become a member of their political party. Anyone who refuse will lose their job.

7. John Doe is arrested because the police think he has killed someone. Before his trial has begun, a popular newspaper publishes an

article about him (complete with photographs of his arrest) with the headline “Vicious murderer John Doe caught!”

8. Two friends, one white and one black, have been threatened with violence. They go to the police to ask for protection. The police agree to help the white man, but not the black man.

9. A journalist writes a newspaper article explaining why he opposes his country’s foreign policy. He is told by the government that he has become persona non-grata, he must leave the country immediately and never return.

10. A woman who lives in a capital city wants to visit her sick father, who lives 200 km away. She is told that she cannot leave the city to visit him.

11. A poor man murders someone and is sent to prison. A rich man commits a murder in similar circumstances but is allowed to go free.

12. A robber is sent to prison for 5 years. While he is in prison, the government confiscates all his belongings, and then destroys his house.

13. A man travels to another country where he asks to stay because he is frightened of remaining in his home country. He is immediately sent back to the country he came from.

14. The Republic of Istanata has never given women the right to vote.

15. At a party, a woman tells a group of friends that she thinks the government of her country is corrupt and incompetent. The next day she is arrested and never seen again.

16. A newspaper editor dislikes a famous popular actress, he publishes an article about her. The article describes the actress as ‘ugly, stupid and unable to act’.

17. A group of about 200 people hold a meeting in a public building to discuss their government’s policies. The police arrive and arrest them all.

18. The government intercepts, opens and reads one of their key opponent’s letters and other mail.

19. A famous political author writes a book criticizing the police. She then leaves her home to go on a tour to promote her book. While she is away, the police start harassing her husband and children.

20. A husband and wife get divorced. The law in their country says that in any divorce case the man automatically gets custody of the children.

21. A woman joins a trade union. The company she works for discovers this and immediately dismisses her.

22. A man loses his job and cannot find work. His country does not offer financial support for people who are out of work.

23. A 17-year-old boy murders someone a few days before his 18<sup>th</sup> birthday. He is arrested, and six months later the case goes to court. His country has the death penalty for murder if the murderer is 18 or over. The judge sentences him to death and he is executed.

24. A policeman does not like the look of a young man sitting on a park bench, so arrests him, takes him to the police station and puts him in a police cell.

25. The police suspect that a man is a member of a terrorist organization. They hit him, deprive him of food, water and sleep, and burn him with cigarettes until he confesses.

26. A poor man borrows money from a wealthy factory owner. He is unable to pay the money back. The factory owner takes the man's 12 year-old son and makes him work in the factory to pay off the debt.

27. A new government closes all the churches, temples, mosques and synagogues in its country, and forbids anyone from attending services there.

28. A family want to take a holiday abroad, and apply for passports. They are told that they cannot have passports and cannot go abroad.

29. Mr. Smith and Ms Jones do exactly the same job for the same company. They have the same qualifications and the same experience. Mr. Smith receives \$35 000 a year, and Ms. Jones receives \$28 000 a year.

### **9. Прочитайте текст и передайте его содержание на английском языке.**

В центре деятельности ООН находится человек, его права, свободы, интересы, поэтому основная задача организации — обеспечение и защита фундаментальных прав и свобод человека.

В настоящее время все главные органы ООН занимаются вопросами, относящимися к правам человека. Особая роль в этом принадлежит Совету Безопасности и Генеральной Ассамблее, которые уделяют специальное внимание рассмотрению грубых нарушений основных прав и свобод, угрожающих международному миру и безопасности.

В настоящее время центральным органом, на сессиях которого обсуждаются базовые вопросы, относящиеся к правам человека, является Совет ООН по правам человека.

Особое внимание Совет уделяет новым вызовам, стоящим перед человечеством: воздействие глобализации на обеспечение прав человека, бедность и права человека, терроризм и права человека, в ходе внутренних вооруженных конфликтов в отдельных странах.

Международный терроризм наносит удар по ценностям, лежащим в основе Устава ООН: уважение прав человека, верховенство права, мирное урегулирование конфликтов и споров.

## **TEXT 2**

### **International Court of Justice**

#### **10. Прочитайте текст и передайте его краткое содержание на английском языке.**

The International Court of Justice (ICJ), located in the Hague, Netherlands, is the primary judicial organ of the United Nations. Established in 1945 by the United Nations Charter, the Court began work in 1946 as the

successor to the Permanent Court of International Justice. The Statute of the International Court of Justice, similar to that of its predecessor, is the main constitutional document constituting and regulating the Court.

It is based in the Peace Palace in the Hague, Netherlands, sharing the building with the Hague Academy of International Law, a private centre for the study of international law. Several of the Court's current judges are either alumni or former faculty members of the Academy. Its purpose is to adjudicate disputes among states. The court has cases related to war crimes, illegal state interference and ethnic cleansing, among others, and continues to hear cases.

A related court, the International Criminal Court (ICC), began operating in 2002 through international discussions initiated by the General Assembly. It is the first permanent international court charged with trying those who commit the most serious crimes under international law, including war crimes and genocide. The ICC is functionally independent of the UN in terms of personnel and financing, but some meetings of the ICC governing body, the Assembly of States Parties to the Rome Statute, are held at the UN. There is a "relationship agreement" between the ICC and the UN that governs how the two institutions regard each other legally.

### **11. Переведите предложения на английский язык.**

1. ООН проводит целенаправленную политику по повышению роли Международного Суда и обеспечению правосудия и верховенства права в международных отношениях.

2. Международный Суд — это главный судебный орган ООН и его задача в параметрах (через установление) господства права состоит в разрешении всех (потенциальных) споров между государствами.

3. Господство права — это уровень взаимодействия государств на мировой арене, когда все возникающие споры регулируются Международным Судом.

4. Международный Суд как главный судебный орган ООН содействует мирному разрешению международных споров, помогая снять напряженность между государствами и развивать их взаимоотношения на основе права и всестороннего сотрудничества.

## **UNIT 5. CONTRACTS**

### **1. Ответьте на вопросы.**

1. What is a contract?

2. Have you ever entered into a contract?

3. Decide on items that you think should be included in a contract.

Don't worry about the exact terminology yet.

4. Do you think contracts should be written in plain language so that everybody could get the point or should be comprehended only by legal professionals?

Contract is a legally enforceable agreement between two (or more) parties.

### **How is a Contract Formed?**

Before a contract can be formed, there must be both an offer and an acceptance of that offer. Sounds simple? It's not; lawyers everywhere have earned millions of dollars in fees arguing just whether or not a valid contract existed.

In common law, contracts are formed in the following manner.

1. an offer is made by a person or corporation normally referred to as an offeror;
2. the offer is then accepted (acceptance) by a person or corporation normally referred to as an offeree.

Let's reduce what we've learned about contracts to a formula:

Offer + acceptance = bona fide (valid) contract

If the parties are (a) competent, (b) mutually agree and obligate themselves regarding a specific subject, and (c) there is legal consideration

The contract is binding (legally enforceable) if only there are these four elements:

1. competent parties;
2. legal subject matter;
3. legal consideration;
4. mutuality of agreement; and
5. mutuality of obligation.

The absence of any of these elements may **render** (make) a contract unenforced

### **2. Просмотрите следующий контракт.**

#### **BILL OF SALE**

Dated:

\_\_\_\_\_, referred to as "SELLER", sells, bargains and conveys all of SELLER'S rights, title and interest in:

Make: \_\_\_\_\_  
Model: \_\_\_\_\_  
Style of the vehicle: \_\_\_\_\_  
Year of vehicle: \_\_\_\_\_  
Vehicle Identification Number (VIN) \_\_\_\_\_

to \_\_\_\_\_, referred to as "BUYER", his heirs and assigns.

\_\_\_\_\_ acknowledges receipt of a total of \$ \_\_\_\_\_  
(\_\_\_\_\_ &  
no/100 Dollars) from \_\_\_\_\_  
BUYER, in partial payment of the agreed total sales price of \$ \_\_\_\_\_  
\_\_\_\_\_,  
(\_\_\_\_\_ & no/100 Dollars).

\_\_\_\_\_, SELLER, shall remain fully liable for any undisclosed liens or encumbrances. SELLER, \_\_\_\_\_, warrants that there are no liens or encumbrances on the goods sold, and that \_\_\_\_\_'s title to the goods is clear and merchantable. \_\_\_\_\_ SELLER, shall defend \_\_\_\_\_ from any advance claims to SELLER's title to the goods sold.

The goods sold herein are not sold by a merchant in the field. THESE GOODS ARE SOLD WITHOUT U.C.C. WARRANTY OF ANY KIND, including MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE. The BUYER, \_\_\_\_\_, acknowledges examining the goods sold herein. The provision may be applicable, and legal rights may vary between states.

The parties agree to the terms and conditions stated herein:

\_\_\_\_\_, SELLER (signature)  
\_\_\_\_\_ (typed name)

\_\_\_\_\_, BUYER (signature)  
\_\_\_\_\_ (typed name)

**3. Прочитайте контракт еще раз и решите, является ли он обязательным для обеих договаривающихся сторон. Назовите четыре элемента контракта.**

competent parties \_\_\_\_\_  
subject matter \_\_\_\_\_  
legal consideration \_\_\_\_\_  
mutuality of agreement and obligation \_\_\_\_\_

Составление контракта — сложная и ответственная часть предпринимательской деятельности. На практике используются различные виды контрактов, что определяется товаром, но большинство контрактов содержит вступительную часть (*recitals or exordium*) и базовые статьи.

предмет контракта

цена (*consideration*)

оплата (*remuneration or payment*)

обязанности сторон

санкции

освобождение от ответственности (*legal relief*)

порядок урегулирования споров (*arbitration*)

дата вступления контракта в силу (*effective date*)

прочие условия (*miscellaneous terms*)

изменения и дополнения к контракту (*amendments*)

#### 4. Образец контракта на переводческие услуги.

##### CONTRACT

IT Company

represented by

Mr. TED Verner

Deputy Director

hereinafter called "The Company"

on the one hand

Translation/Consulting

Company represented by

Ms Elis White

Deputy Director

hereinafter called "The Consultant"

on the other hand

have agreed as follows:

##### 1. Work to be taken

The Consultant undertakes, on the conditions, within the limits and in the manner laid down by common agreement hereafter excluding any accessory verbal agreement:

— the translation from English into Russian of the present magazine *Business English* (issues No to be specified in his paragraph in each contract);

— the reading and correction necessary for the "final corrected proof" version of *Business English* to be available for the printer.

##### 2. Technical specifications

The text shall be translated into Russian and delivered on paper and on diskette, software Word.

##### 3. Planning

The Consultant undertakes to translate the text and submit it to the Company within one month from the date of receipt of the first text.

The agreed timetable must be respected (Attachment 1).



#### **4. Practical points**

The English manuscript must serve as a model; it is important that the presentation be the same in the Russian version: bold type for titles, same paragraphs and page break at the end of the article, etc.

The checking of the proofs must be done with great care: punctuation, word separations at line ends, capital letters accents, printer's errors, coherence of rules and typographical choices.

The Consultant will take the necessary measures to ensure the above timetable will be followed during any absences.

#### **5. Remuneration**

In return for fulfillment by the consultant of all his obligations under this contract the Company undertakes to pay a lump sum of \$XXX for each issue.

The Company accepts no liability in case of a Consultant's sickness or accident under this contract. Where appropriate the Consultant should insure himself against such risks.

The sum will be transferred in favour of the Consultant to:

(title and address of the Consultant)

Beneficiary account;

Beneficiary bank:

#### **6. Rights**

The Consultant cedes to the Company the exclusive right to publish, or to have reproduced and published, in whatever country, texts translated by him and submitted to the Company under the contract.

#### **7. Responsibility**

The Consultant is responsible for the translation in Russian.

#### **8. Breach of contract**

The Company is entitled to regard as breach of contract failure by the Consultant to perform his duties under the contract.

#### **9. Amendments**

The provisions of this contract may be amended only by written agreement between the parties.

#### **10. Arbitration of disputes**

Any disputes between the Company and the Consultant regarding the terms of execution of this contract shall — failing a friendly settlement between parties — be submitted to arbitration in accordance with international laws.

Done in two copies in English at London this day of 2<sup>nd</sup> April, 2004

On behalf of.....

Signatures

**Прочитайте контракт и назовите:**

- услуги, которые обязан предоставить переводчик;
- сроки исполнения договора;
- условия оплаты
- прочие условия.

## GLOSSARY

- agenda — повестка дня  
on the agenda — на повестке дня  
to put on the agenda — включить в повестку дня  
to call on smb. to do smth. — призывать кого-либо к чему-либо  
to call on UN members to furnish armed forces — призывать страны-члены ООН сформировать вооруженные силы  
to convene a Summit — созывать саммит  
diplomatic relations — дипломатические отношения  
to establish diplomatic relations — установить дипломатические отношения  
to sever diplomatic relations — разорвать дипломатические отношения  
severance of diplomatic relations — разрыв дипломатических отношений  
human rights — права человека  
pursuit (observance) of human rights — соблюдение прав человека  
human rights violations — нарушения прав человека  
to promote respect for human rights — содействовать уважению прав человека  
to take up human rights issues — рассматривать вопросы о нарушениях прав человека  
to maintain — сохранять  
to maintain peace — сохранить мир  
to maintain the truce — сохранять перемирие  
mediation — посредничество  
to undertake mediation — предпринять посреднические меры  
peace — мир  
international (world) peace — глобальный мир  
to achieve world peace — добиться глобального мира  
to preserve world peace — сохранить мир во всем мире  
to be a threat to peace — быть угрозой миру  
to threaten peace — угрожать миру  
to restore peace — восстановить мир  
a breach of peace — нарушение мира  
to secure — обеспечить

to secure ceasefire — обеспечить прекращение огня

security — безопасность

international security — международная безопасность

to settle — решать

to settle disputes by peaceful means — решать споры мирным путем

to settle disputes through negotiations — решать спорные вопросы  
путем переговоров

## PART IV

### CHAPTER 7. THE SYSTEM OF LAW CLASSIFICATIONS AND BRANCHES OF LAW

#### UNIT 1. BRANCHES OF LAW

**1. Какие отрасли права вы знаете? В ответе используйте следующие выражения.**

I think — я думаю

I suppose — я полагаю

I believe — я считаю

If you ask me I'll say that — если вы спросите меня, то я скажу, что

To my mind — по моему мнению

In my opinion — по моему мнению

I'm not sure but it seems to me that — я не уверен, но мне кажется, что

**2. а) Подберите русские эквиваленты к названиям следующих отраслей права:**

International law

Financial law

Criminal law

Banking law

Employment law

Land law

**б) Подберите английские эквиваленты к названиям следующих отраслей права:**

Конституционное право

Семейное право

Административное право

Экологическое право

Гражданское право

Военное право

**в) Соотнесите русские названия отраслей права из левой колонки с английскими словосочетаниями из правой.**

Налоговое право

Tax law

Договорное право

Copyright law

Предпринимательское право

Commercial law

Коммерческое (торговое) право

Intellectual property law

Таможенное право

Tort law

Корпоративное право

Corporate law

Деликтное право

Criminal Procedural law

Уголовно-процессуальное право

Business law

Авторское право

Customs law

Право интеллектуальной собственности

Contract law

### **3. Ответьте на вопросы.**

1. What do you think the basic branches of law are?
2. Which branches of law do you consider the most useful for potential lawyers?
3. Which branch would you choose as your major<sup>1</sup>? Why? Comment on it.

## **TEXT**

### **Vocabulary**

1. core subjects — основные, профилирующие предметы
2. optional courses — курсы по выбору
3. sole practitioner — индивидуальный предприниматель; юрист, работающий сам на себя
4. litigation and arbitration — судебные и арбитражные разбирательства

### **4. Прочитайте текст и найдите ответы на следующие вопросы:**

1. Which courses do law students in the UK have to take?
2. Which optional courses can students take? What does their choice depend on?
3. What is a law clinic? How can a law clinic be useful for a future lawyer? Do you like the idea of law clinics?
4. How do law firms choose their employees?

It usually takes three years to complete law degree programmes in the UK. These programmes typically include core subjects such as criminal law, constitutional law, administrative law, contract law, tort law, land law, etc. In addition, students are often required to take courses covering skills such as legal writing and legal research.

There are also optional (elective) courses available. Since many law students are going to become lawyers, they often choose courses that will be useful in their future career. Some students who want to run a small partnership or to work alone as a sole practitioner in a small town may decide to take family law or employment law as their major. Those who are planning to work in a large law firm will consider subjects such as company law, commercial law and litigation and arbitration.

Many universities also offer courses on legal practice. Courses like these give students opportunity to experience the work of a lawyer before deciding on career in law. Another way of finding out more about law in practice is to get involved with a voluntary advice centre or a law clinic. These clinics

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<sup>1</sup> Major — дисциплина, выбранная в качестве специализации

offer free legal assistance to the local community and provide a useful introduction to the day-to-day work of a lawyer.

For students who wish to work in a commercial practice, knowledge of foreign languages is essential. When law firms hire recruits, they generally look at four things: education, personality, work experience and language ability. Since English is the language of the international legal community, law firms increasingly expect graduates to have a good command of English.

**5. Определите, справедливы данные высказывания или нет. Исправьте неверные утверждения.**

1. A course in company law is usually included in the core subjects at law schools in the UK.

2. Some law degree programmes offer courses in some of the important skills that lawyers need in order to do their work, such as legal writing and legal English.

3. Students don't have a right to choose the field they want to practise in.

4. Students don't get practical experience while they are studying at law schools.

5. Nowadays law firms expect students to be completely fluent in English.

**6. Прочитайте описание правовых дисциплин одного из высших учебных заведений. Как вы думаете, в какой стране находится данное учебное заведение? Почему вы так считаете? Сопоставьте описание с названием курса.**

- Introduction to law
- Criminal procedure
- Civil procedure
- Contract law
- Constitutional law
- Criminal law
- Legal research

1. \_\_\_\_\_ The course describes the nature of legal research. Students will analyse judicial opinions, apply legal concepts and rules and learn legal precedents. Special attention is given to writing memoranda and briefs.

2. \_\_\_\_\_ The course describes general principles of the study of law. Students will develop certain basic skills such as reading, analysis and interpretation of statutes. They will discuss fundamental aspects of the legal process, e.g. how courts "apply laws" or main functions of law enforcement bodies.

3. \_\_\_\_\_ Topics covered in this course include crimes against persons and property with special emphasis placed upon the law of homicide.

4. \_\_\_\_\_ This course covers regulation of law enforcement conduct during the investigation of crimes. Topics include search and seizure, types of surveillance, identification procedure, etc.

5. \_\_\_\_\_ This course covers the general principles of federal constitutional law, including distribution of authority between the national government and the state government; the judicial functions in constitutional cases; intergovernmental relations; the federal constitution and its amendments.

6. \_\_\_\_\_ This course covers the process of litigation at the level of district courts and appeal at the level of the Supreme Court. Students will study and analyse different procedural documents on state and federal levels.

7. \_\_\_\_\_ The course covers the fundamental principles of formation, interpretation, performance and enforcement of legally binding agreements.

#### **7. Ответьте на вопросы.**

1. Which courses enumerated in exercise 6 cover basic skills that students will need in their future career?

2. Do you have the same courses at your University?

3. What is the difference between these courses and the courses at your University?

4. Which course are you mostly interested in? Why?

**8. Самостоятельная работа. Используя информацию из текста 1, упражнения 6, а также дополнительную информацию (интернет-ресурсы), подготовьте короткое сообщение (2—3 минуты) по одной из предложенных ниже тем.**

- Law degree programmes in the UK and Russia: differences and similarities.
- Law degree programmes in the USA and Russia: differences and similarities.
- Law degree programmes in the UK and the USA: differences and similarities.

<p><b>Повторение грамматики. Инфинитив и его функции в предложении (Infinitive and its Functions)</b></p>
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Инфинитив — неличная форма глагола, которая называет действие. Инфинитив сочетает в себе признаки существительного и гла-

гола. Благодаря подобному сочетанию инфинитив в предложении может выступать в качестве подлежащего (**To vote** is a right of every adult person) или дополнения (He wants **to investigate** this crime himself) — признаки существительного.

Инфинитив также обладает определенными признаками глагола. Так, в предложении инфинитив может являться частью сказуемого (He is going **to vote** when he is of age) и сочетаться с частицей *not*, которая употребляется перед инфинитивом и служит для образования отрицательной формы (She tried **not to think** about it). Так же как и у глагола, у инфинитива существует пассивная форма (He wants **to be promoted**).

<b>Повторение грамматики. Инфинитив цели (Infinitive of Purpose)</b>
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Инфинитив в английском языке часто используется для указания цели или предназначения действия. На русский язык подобные конструкции переводятся сложным предложением с союзом *чтобы, для того чтобы*:

**Examples:**

I entered the University **to study** law. — Я поступил в университет, чтобы изучать право.

**To understand** different aspects of system of law it's necessary to look at various classifications of law. — Чтобы понять различные аспекты системы права, необходимо рассмотреть разнообразные классификации права.

**9. Ответьте на вопросы, используя инфинитив.**

1. Why have you decided to become a lawyer?
2. Why is it important for students to have a legal practice during their course of study?
3. Why do students have to choose the major subject?
4. Why is it important for a future lawyer to have a good command of English?
5. Why is it so important to write a good CV and a covering letter when you are looking for a job?
6. Why is it important to be on time for the interview?
7. Why do you have to study constitutional law?
8. Why is it necessary to understand the system of law in your country?



**10. Переведите предложения на английский язык, используя инфинитив.**

1. Мы собираемся рассмотреть проблему классификации отраслей права в деталях.

2. Ему потребовалось много времени, чтобы доказать, что его права были нарушены.

3. Наказать его — самое последнее, что мы можем сделать в подобной ситуации.

4. В соответствии с поправками к Конституции РФ президент должен избираться на шесть лет.

5. Мы обязаны заключить с ними новый договор, так как старый уже недействителен (not valid).

6. Мы хотим подать апелляцию, так как не согласны с судебным решением.

7. Чтобы решить эту проблему, необходимо принять новый закон.

8. Ввести подобные меры означает потерять доверие народа.

9. Он не хочет, чтобы его назначили на эту должность. Он ожидал, что ему предложат более интересную работу.

10. Необходимо заново начать расследование, так как в деле появились новые обстоятельства.

**Повторение лексики. Types of Laws**

The word “*law*” often refers to legal documents which describe rules governing a particular kind of activity. There are also other words which may be used to speak about types of laws: *bill, statute, legislation, act, by-law, etc.*

**11. а) Прочитайте и переведите следующие определения и примеры. Заполните пропуски словами из рамки.**

law(2), bill, statute, legislation, act, by-law, rule

1. the whole system of rules that citizens of a country or any other place must obey. It’s against the \_\_\_\_\_ for children to work before they are fifteen.

2. a law that has been officially accepted by Parliament or Congress. In legal usage this word is often capitalized and often used in the titles of law. The Copyright \_\_\_\_\_ of 1976 is a United States copyright law that states the primary basis of copyright law in the United States and the basic rights of copyright holders.

3. a written proposal for a new law, which is brought to Parliament so that it can be discussed. In her speech the Queen usually outlines the new \_\_\_\_\_s which the government will put before Parliament in the coming session.

4. an official instruction that says how things must be done or what is allowed, especially in a game, an organization, or a job. If you stick to the \_\_\_\_\_s the accident won't happen.

5. a law passed by Parliament and formally written down. The term codified law refers to \_\_\_\_\_s that have been organized ("codified") by subject matter; such organized laws are often called "codes".

6. a law made by local government or an organization. Corporate and organizational \_\_\_\_\_s are generally concerned with the work of the organization, setting out the form, manner or procedure in which the company or organization should be run.

7. a law which has been enacted by a legislature or another governing body, or the process of making it. \_\_\_\_\_ is regarded as one of the three main functions of government, which are often distinguished under the doctrine of separation of powers.

8. the principles and regulations established in a community by some authority and applicable to its people, usually in the form of legislation. Under the new \_\_\_\_\_ children must be at home after 10 p.m.

**б) Составьте свои собственные предложения со словами из упражнения 11а).**

**Повторение грамматики. Использование артиклей  
с исчисляемыми и неисчисляемыми существительными  
(The Use of Articles with Countable and Uncountable Nouns)**

**12. Вспомните все возможные варианты перевода английского слова *law* на русский язык. Изучите объяснения и примеры, приведенные ниже. Переведите примеры на русский язык. В каких примерах слово *law* используется как исчисляемое существительное, а в каких как неисчисляемое? Сформулируйте на русском языке правило употребления артиклей с исчисляемыми и неисчисляемыми существительными.**

- **a law/the law** — a rule that people in a particular country or city must obey. There ought to be a law against smoking in public places.
- **law/the law** (no plural form)— the whole system of rules that citizens of a country must obey. Discrimination in any form must be against the law.
- **law** (no plural form) — a particular type of law, usually used in the names of branches of law, e.g. criminal law, land law etc. I'm going to choose business law as my major.

1. All citizens of one country must be equal before the law.
2. Those people who break the law must be punished.
3. We should pass a new law to solve this problem.
4. According to law every citizen has to pay taxes.
5. Some bills proposed by the government will never become laws.
6. In some countries there is a law which allows citizens to carry guns.
7. Criminal law deals with types of crimes and punishment for them.
8. The law on compulsory seat belts has been approved.
9. Respect for law is the foundation of every civilized society.
10. The soldiers will be charged under military law.

**13. Прочитайте и переведите слова. Какие из них являются исчисляемыми, а какие — неисчисляемыми? Составьте собственные предложения, используя данные слова.**

branch	work	lawsuit	legislation	statute
news	litigation	labour	witness	advice
case	rule	claim	job	subject
state	money	punishment	system	principle
information	employment	paper	testimony	evidence

**14. Заполните пропуски артиклями там, где это необходимо. Объясните свой выбор.**

1. There are ... special agencies which can provide you with ... legal advice if you need it.
2. ...corporal punishment can't be used at schools or any other educational institutions.
3. There is ... evidence that proves his guilt.
4. If you need ... further information call our centre.
5. As ... rule ... claimant starts ... litigation against ... defendant.
6. ... constitutional law is ... important subject in every law school.
7. The process of making ... laws is called ... legislation.
8. ... family law prohibits ... child labour in any forms.
9. Presumption of innocence is ... important principle of ... criminal law.
10. ... law is ... system of ... rules that citizens of a country must obey.

**Повторение грамматики.**  
**Использование количественных наречий**  
**с исчисляемыми и неисчисляемыми существительными**  
**(The Use of Quantifiers with Countable and Uncountable Nouns)**

**15. Прочитайте и переведите предложения. Найдите в них наречия. Сформулируйте правило употребления количественных наречий с исчисляемыми и неисчисляемыми существительными.**

1. I have a lot of work.
2. There are a lot of branches of law.
3. I don't have much work at the weekend.
4. There are not many employees in this company.
5. You can afford it even if you have a little money; it's not expensive.
6. There is a little evidence in the case.
7. There are a few difficult subjects in the first year.
8. There is little evidence in the case.
9. There are few witnesses in this case.

**16. Переведите словосочетания, обращая внимание на употребление количественных наречий.**

Несколько полезных советов, множество претензий, мало свидетельских показаний, несколько принципов, мало юристов, мало информации, недостаточно денег, много работы, несколько бумаг, множество отраслей права, несколько судебных процессов, мало новостей, несколько правил, мало доказательств, множество государств.

**17. Переведите предложения, обращая внимание на употребление артиклей и количественных наречий с исчисляемыми и неисчисляемыми существительными.**

1. Какие отрасли права вы знаете? — Я знаю много отраслей права, но думаю, что самыми основными являются конституционное, уголовное и гражданское право.

2. К сожалению, в деле очень мало доказательств. Их недостаточно, чтобы доказать его вину.

3. Эти судебные процессы (тяжбы) продолжаются уже несколько лет.

4. Раньше смертная казнь считалась высшей мерой наказания. Позже она была отменена и заменена пожизненным сроком.

5. У него немного информации, так как очень мало свидетелей, которые видели это преступление и могут дать показания по этому делу.

## UNIT 2. THE SYSTEM AND CLASSIFICATIONS OF LAW

### TEXT

#### Vocabulary

1. public law — публичное право
2. private law — частное право
3. substantive law — материальное право
4. procedural law — процессуальное право
5. an administrative unit — административная единица
6. to impose punishment — назначить наказание
7. an offence against the public — преступление против общества
8. parties to a contract — стороны договора
9. a binding agreement — соглашение, имеющее обязательную силу
10. tort law — деликтное право
11. defamation — клевета; syn: slander, libel
12. product liability — ответственность производителя за качество товара
13. employment law/labour law — трудовое право
14. trade union — профсоюз
15. to file an appeal — подавать апелляцию
16. to breach a contract — нарушить договор
17. to be entitled to damages — иметь право на возмещение ущерба
18. enforceable agreement — соглашение, имеющее исковую силу (может быть принудительно исполнено в судебном порядке)

#### **1. Прочитайте и переведите текст.**

Every country has its own historically developing system of norms, legal institutions and branches of law, which regulates different types of social relations. In order to understand different aspects of a system of law it is necessary to look at various classifications of law, as branches of law are traditionally considered to be the most important elements of this system. Numerous classifications that vary from country to country usually reflect the peculiarities of different systems of law. Nevertheless there are the most common divisions singled out by contemporary jurists. Thus law is frequently classified into public and private and substantive and procedural.

The distinction is often made between public and private law. Public law governs the relationship between the state and an individual, who is either a company or a citizen. Public law covers three subdivisions: constitutional, administrative and criminal law.

Constitutional law deals with the structure of the government and the relations between private citizens and the government.

Administrative law deals with the decision-making of administrative units of government (for example, tribunals, boards or commissions) in such areas as police law, international trade, manufacturing, the environment, taxation, immigration and transport.

Criminal law, or penal law, is the body of law that relates to crime, i.e. illegal conduct that is prohibited by the state and sets out the punishment to be imposed on those who break these laws. A crime is considered to be an offence against the public, although the actual victim may be an individual. This is because the state considers anti-social behaviour not simply as a matter between two individuals but as a danger to the well-being and order of society as a whole.

Private law is also known as civil law. It involves relationships between individuals, or private relationships between citizens and companies. The main branches of private law are contract, tort, family, employment and land law.

Contract law deals with legally binding agreements between people or companies that are called parties to a contract.

Tort law deals with civil wrongs which result in physical, emotional or financial harm to a person or property. Tort cases comprise road accidents, defamation, product liability (for defective consumer products), copyright infringement, environmental pollution (toxic torts), etc.

Family law is an area of the law that deals with family-related issues such as marriage and divorce, adoption, custody of children, child abuse and alimony.

Employment law is law relating to the employment of workers, their contracts, conditions of work, trade unions and legal aspects of industrial relations. Employment law is also called labour law.

Land law is the law which deals with rights and interests related to owning and using land. Land is the most important form of property, so the name land law is often used for the law of property.

The next classification which is widely used is subdivision of law into substantive and procedural. There are many laws and legal rules found in statutes, cases decided by courts (legal precedents) and other sources that are applied by courts in order to decide lawsuits. These rules and principles of law are classified as substantive law. On the other hand, the legal procedures that provide how lawsuit is begun, how the trial is conducted, how appeals are filed, and how a judgment is enforced are called procedural law. In other words, substantive law is the part of the law that defines rights, and procedural law establishes the procedures which enforce and protect these rights. For example, two parties entered into a contract, but then one of the parties breached this contract. The rules of bringing the breaching party into court and the conduct of the trial are rather mechanical and constitute procedural law. Whether the agreement was enforceable and whether the other party is entitled to damages are matters

of substance and will be determined on the basis of the substantive law of contract.

**2. Подберите русские эквиваленты к следующим словам и выражениям из текста.**

- 1) reflect the peculiarities of different systems of law
- 2) common division
- 3) subdivision of public law
- 4) contemporary jurists
- 5) legally binding agreement
- 6) product liability
- 7) child abuse
- 8) custody of children
- 9) to enforce a judgment
- 10) to enter into a contract

**3. Найдите в тексте английские эквиваленты. Вспомните, в каких предложениях эти слова и выражения употреблялись в тексте.**

- 1) международная торговля
- 2) налогообложение
- 3) запрещать противоправное поведение
- 4) нарушить закон
- 5) стороны договора
- 6) алименты
- 7) трудовое право
- 8) условия труда
- 9) форма собственности
- 10) источники права
- 11) решать судебные споры
- 12) вести судебный процесс
- 13) подавать апелляцию
- 14) обеспечивать соблюдение прав
- 15) иметь право на возмещение ущерба

**4. Найдите в тексте синонимы к следующим словам и выражениям.**

A contract, a person, a tort, labour law, modern, land law, a financial compensation, relations, breach of law, a classification.

**5. Ответьте на вопросы по тексту.**

1. What does a system of law include?
2. How is law usually classified? Why are classifications of law so important?
3. What is the difference between public and private law?

4. What does public law include?
5. A victim of a crime is usually an individual. Why is criminal law considered to be a branch of public law?
6. Why do you think private law is sometimes called civil law?
7. What are the main branches of private law? What do they deal with?
8. What examples of tort cases can you give?
9. How do you understand the term “substantive law”?
10. What does procedural law determine?

**6. Назовите отрасли права, которым соответствуют следующие определения.**

1. An area of law which concerns disputes between citizens within one country.
2. A branch of law which regulates relations between private citizens and the government, describes the structure of the government and rights and duties of the citizens.
3. An area of law which describes legal rights, obligations, rules and precedents used by courts in order to give judgement.
4. An area of law which concerns disputes between private citizens and the state.
5. A branch of law which deals with functions and powers of governmental organisations, their relations with one another and the citizens.
6. An area of law which determines how the case must be presented, in which court it shall be heard and when it must be tried.
7. A branch of law which deals with civil wrongs committed by one individual against another person, his property or reputation.

**7. Пользуясь текстом, толковым словарем или интернет-ресурсами, дайте определения следующим отраслям права:**

Criminal law	Business law
Contract law	Trust law
Family law	Probate law
Employment law	Tax law
Land law	Copyright law

**8. Заполните пропуски словами из рамки и переведите предложения на русский язык.**

penal, employment, custody, illegal, damages, trials, civil, divorce,  
public, unions, criminal



Family law relates to family matters and domestic relations. It deals with areas such as marriage and \_\_\_\_\_ (1), child \_\_\_\_\_ (2), child/spousal abuse, adoption and alimony.

Tort law deals with \_\_\_\_\_ (3) wrongs, such as negligence, defective products and libel. It deals with liability (i.e. who has committed the wrong) and the \_\_\_\_\_ (4) that are paid to the person or people who have suffered as a result.

Criminal law is a branch of law also known as \_\_\_\_\_ (5) law; this branch is distinguished from civil law. It relates to \_\_\_\_\_ (6) acts committed against individuals and punishable by the state.

This branch of law is distinguished from \_\_\_\_\_ (7) law. It refers to the area of law that deals with relations between private individuals (for example wills, contractual disputes and torts such as negligence and libel).

Labour law is the area of law which relates to the \_\_\_\_\_ (8) of workers. It encompasses issues such as contracts, conditions of work, trade \_\_\_\_\_ (9), discrimination, redundancy and wrongful dismissal.

Criminal procedure is the area of law which regulates the way in which legal proceedings are conducted in \_\_\_\_\_ (10) cases. It deals with issues such as police powers (interrogation of suspects, decision to prosecute, etc), confessions, criminal rights, criminal \_\_\_\_\_ (11), the functions of judges and jury, witnesses, verdicts and appeals.

## **9. Переведите предложения на английский язык, используя слова и выражения из текста.**

1. Система права представляет собой систему норм, правовых институтов и отраслей права, регулирующих общественные отношения.

2. Особенности различных систем права отражены в многочисленных классификациях отраслей права.

3. Согласно наиболее общим классификациям, которые предлагаются современными юристами, право часто делится на публичное и частное, а также на материальное и процессуальное.

4. В соответствии с законом запрещено любое противоправное поведение, нарушающее права и свободы отдельных граждан.

5. Мы считаем, что за подобные преступления необходимо назначать самое суровое наказание.

6. Уголовное преступление часто рассматривается как правонарушение против общества, а не против личности, несмотря на то, что потерпевшим может быть всего лишь один человек.

7. Перед подписанием договора стороны должны убедиться, что данное соглашение будет иметь юридическую силу в будущем. Если

одна из сторон нарушит договор, вторая сторона будет иметь право требовать возмещения ущерба.

8. В настоящее время возросло количество случаев нарушения авторского права.

9. После развода родители не смогли решить вопрос об опеке над ребенком, поэтому были вынуждены обратиться в суд.

10. Каждый юрист обязан знать основы процессуального права, а именно (patently), как начинается судебное разбирательство, как проводятся слушания, как подаются апелляции, как исполняются судебные решения и т. д.

#### **10. Прочитайте текст и передайте его содержание на английском языке.**

Система права включает в себя отрасли публичного и частного права. Это деление сложилось в юридической науке и практике давно — оно было предложено еще римскими юристами. Сейчас оно в той или иной форме существует во всех развитых правовых системах. Суть указанного разделения состоит в том, что в любом праве есть нормы, призванные обеспечивать прежде всего общезначимые (публичные) интересы, т. е. интересы общества, государства в целом (конституционное право, уголовное, процессуальное, административное, финансовое, военное), и нормы, защищающие интересы частных лиц (гражданское право, трудовое, семейное, торговое, предпринимательское и т. д.).

В системе права выделяют также отрасли материального и процессуального права. Отрасли материального права оказывают непосредственное воздействие на общественные отношения. Большинство отраслей относится к категории материального права (уголовное, государственное, предпринимательское, семейное и др.). Объектом материального права выступают имущественные, трудовые, семейные и иные материальные отношения. Процессуальное право регулирует порядок, процедуру осуществления прав и обязанностей сторон. Оно регулирует отношения, возникающие в таких процессах, как расследования преступлений, рассмотрения и разрешения уголовных, гражданских, арбитражных дел. В настоящее время выделяют уголовно-процессуальное, гражданское процессуальное право, арбитражный процесс. Процессуальные нормы существуют практически в любой отрасли, но не все из них выделяются в самостоятельную отрасль. Обе отрасли тесно связаны друг с другом, особенно когда дело касается их практического применения.

#### **11. Используя план, приведенный ниже, расскажите о системе права и основных классификациях права на английском языке.**

- What a system of law is
- The common divisions of a system of law

- The difference between public and private law
- The main categories of public law
- The main categories of private law
- The difference between substantive and procedural law

**Повторение грамматики. Формы инфинитива.  
(Forms of Infinitive)**

	Active	Passive
<b>Simple</b>	to apply	to be applied
<b>Continuous</b>	to be applying	
<b>Perfect</b>	to have applied	to have been applied
<b>Perfect Continuous</b>	to have been applying	

**Examples:**

I'm glad **to work** with these people. — Я рад, что работаю с этими людьми (постоянное действие).

I'm glad **to be working** on this case. — Я рад, что работаю над этим делом (временное действие).

We are glad **to have caught** the criminals. — Мы рады, что поймали преступников (завершенное действие).

I'm happy **to have been working** for this company for many years. — Я счастлив, что работаю в этой компании уже много лет (незавершенное действие).

He wants **to be given** more interesting cases. — Он хочет, чтобы ему давали более интересные дела (пассивная конструкция, обозначающая постоянное действие).

He is happy **to have been given** a more interesting case. — Он счастлив, что ему дали более интересное дело (пассивная конструкция, обозначающая завершенное действие).

**12. Измените предложения, используя глаголы в скобках и необходимую форму инфинитива. Переведите предложения на русский язык.**

**Example:** *It's necessary to pass a new law. (must) — A new law must be passed.*

1. It's impossible that the court imposed such punishment. (*can't*)
2. It's necessary to apply this law. (*must*)
3. They say that they have entered into a contract with this company. (*claim*)
4. My English is getting better. (*tend*)
5. I'm sure that the contract was breached. (*must*)

6. I think investigators have been working on this case for half a year already. (*must*)
7. It's possible that he committed this crime. (*could*)
8. They say that they have filed an appeal. (*claim*)
9. I'm almost sure that he is entitled to damages. (*must*)
10. I don't believe he committed this crime. (*can't*)
11. Unfortunately a lot of men who left their families don't pay alimony. (*tend*)
12. We are sure that this very law was applied in the case. (*must*)
13. It's possible that this issue is regulated by employment law. (*could*)
14. They say that they are working on this problem. (*claim*)

### UNIT 3. THE SYSTEM OF LAW IN RUSSIA

#### TEXT

#### Vocabulary

1. to reflect social relations — отражать социальные отношения
2. a unit of the system of law — единица системы права
3. peculiarity — особенность
4. to make attempts — предпринимать попытки
5. fundamental branches of law — основные отрасли права
6. specialised branches of law — специальные отрасли права
7. composite (complex) branches of law — комплексные отрасли права

#### 1. Прочитайте текст и ответьте на вопросы.

How are branches of law classified in Russia?

Which branches of law belong to the category of fundamental law?

What do specialised branches deal with?

How do composite branches differ from fundamental and specialised ones?

The system of law in the Russian Federation is presented by norms, institutions and branches of law which together make a single unity. The system reflects social relations regulated by specific norms and institutions of law. For example the problems of marriage and divorce, child custody and adoption are connected with the sphere of family relations and consequently regulated by the norms of family law.

Branches of law are supposed to be one of the basic units in the whole system of law. Each branch has its own peculiarities, which differentiate this very branch from the others, its subject and method and its own place in the system. For years Russian jurists have made attempts to classify branches of law. Nowadays there are different subdivisions that are used by contemporary Russian scholars. Thus as well as in most other countries law in Russia is divided into public and private, substantive and procedural, domestic and international. But there is one more classification which is based on certain characteristics of Russian law. Traditionally Russian lawyers single out fundamental, specialised and composite or complex branches of law.

Fundamental branches regulate the most general and important relations in different spheres of social life. This category involves branches of substantive law such as civil law, criminal law, administrative law, as well as procedural law including civil, criminal and administrative procedural law. Constitutional law doesn't belong to the group of fundamental branches. It is traditionally considered to have the leading position among other branches, as the norms of constitutional law serve the basis for the norms of other branches. Constitutional law in Russia concerns the structure of legislative, executive and judicial power and principles of their work; the political system of the country; its federative structure; forms of property; electoral system; legal status of citizens including their rights, duties and liberties. The main source of constitutional law is the Constitution of the Russian Federation.

Specialised branches of law deal with special areas of social relations such as family relations, financial relations, labour relations, etc. These branches are rather independent and their norms are presented in special codes, for example the Family Code which is the primary source of family law; the Labour Code which is known to be the source of employment law, the Land Code which is the source of land law, etc.

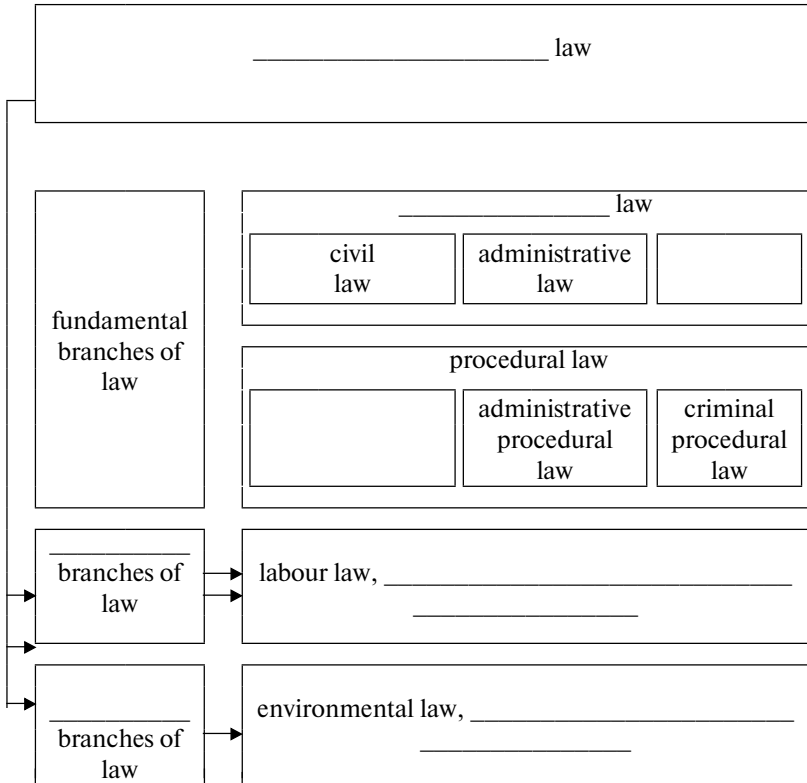
Together with fundamental and specialised branches there are so-called composite branches. Usually these branches don't have their own codes. The relations arising in these spheres of law are usually regulated either by the norms of fundamental law i.e. administrative, civil or criminal law or by norms of specialised law for example financial law. This group includes such branches as business law, environmental law, maritime law, agricultural law, etc.

**2. Используя текст, заполните схему. Определите, к какой категории относятся следующие отрасли права. Подберите русские эквиваленты к данным отраслям права. При необходимости воспользуйтесь словарем.**

## Классификация отраслей российского права

financial law  
social security law  
penitentiary law  
national economy law

agricultural law  
commercial law  
law of prosecutor's supervision  
business law



**3. Решите, справедливы или нет данные высказывания. Исправьте неверные утверждения.**

1. The system of Russian law reflects social relations which are regulated by specific norms and institutions of law.
2. The classification of law into public and private isn't used by Russian lawyers.
3. All fundamental branches of law are codified.
4. The category of fundamental branches includes only substantive law.
5. Constitutional law refers to fundamental branches.

6. Constitutional law regulates the work and structure of all branches of power, as well as the federative structure of the country, rights and obligations of the citizens.

7. Specialised branches are completely dependent on fundamental ones.

8. Specialised branches don't have their own codes.

9. Business law belongs to the category of specialised branches.

**4. Используя текст и схему из упражнения 2, расскажите о системе российского права.**

**Повторение грамматики. Конструкция «Сложное подлежащее»  
(Complex Subject)**

Конструкция Complex Subject состоит из имени существительного в общем падеже или местоимения в именительном падеже и инфинитива в нужной форме. Конструкция «Сложное подлежащее» употребляется с определенными глаголами, которые условно можно разделить на несколько групп.

1. К первой группе относятся глаголы, которые в предложениях с конструкцией Complex Subject всегда употребляются в пассивном залоге и выражают:

- осведомленность, знание, утверждение: to know (знать), to think (думать), to state (заявлять, утверждать), to report (сообщать), to say (говорить), to announce (сообщать, объявлять).

**Example:** He is known to have won this case. — Известно, что он выиграл это дело.

- предположение: to expect (ожидать), to suppose (предполагать), to believe (верить), to consider (считать, полагать), to ask (просить).

**Example:** He is expected to become the Prime Minister. — Ожидают, что он станет премьер-министром.

- восприятие: to see (видеть), to hear (слышать), to notice (отмечать).

**Example:** He was seen to steal a wallet. — Видели, как он украл кошелек.

2. Ко второй группе относятся глаголы, которые в предложениях с Complex Subject всегда употребляются в активном залоге: to appear (появляться, оказываться), to seem (казаться), to happen (случаться), to prove/to turn out (оказаться).

**Example:** He seems to be losing his popularity. — Кажется, он теряет свою популярность.

3. Также Complex Subject в английском языке используется после таких словосочетаний, как to be likely (вероятно), to be unlikely (маловероятно), to be certain (несомненно), to be sure (обязательно).

*Example:* She is unlikely to sue them. — Маловероятно, что она предъявит им иск.

Предложения с конструкцией Complex Subject обычно переводятся на русский язык с помощью таких оборотов, как «говорят, сообщают, думают, видели, слышали, оказалось, случилось, известно, маловероятно, вероятно» и т. п.

Конструкция Complex Subject редко используется в разговорной речи. Гораздо чаще подобную конструкцию можно встретить в газетах, журналах, научных статьях, репортажах.

**5. Просмотрите текст еще раз и найдите в нем английские эквиваленты русским предложениям. Выделите в них конструкцию Complex Subject.**

- Предполагается, что отрасли права являются основным элементом в системе права.
- Традиционно считается, что оно (право) занимает ведущее место среди других отраслей права.
- Трудовой кодекс, как известно, является источником трудового права...

**6. Переведите предложения на русский язык, обращая внимание на конструкцию Complex Subject.**

1. This classification appears to be similar to that used by foreign jurists.
2. The “Theory of State and Law” is considered to be a difficult subject.
3. He is said to be a good lawyer.
4. The new laboratory is known to have modern equipment.
5. She seems to be preparing a report about the classification of law in Russia.
6. The new system is intended to be applied this month.
7. He seems to have understood the principles of this classification.
8. The phenomenon has been found to have a wide occurrence.
9. The policeman is reported to have used very unusual methods of catching criminals.
10. This law is unlikely to be passed.
11. The results presented here appear to support the views described above.
12. Death penalty is likely to be abolished in all civilised countries.

**7. Измените предложения, используя конструкцию Complex Subject.**

1. It’s expected that the company will employ 100 people next year.
2. It is proved that the crash was the result of a pilot error.
3. It’s reported that the damage was extensive.
4. It’s said that the president broke the law.



5. It's presumed that this law will be amended.
6. It's believed that the terrorists are operating on the outskirts.
7. It's unlikely that he is a spy.
8. It's claimed that the crime rate will decline.
9. It seems that Labour party is losing its popularity.
10. It appeared that this case had already been closed.

**8. Переведите предложения на английский язык, используя конструкцию Complex Subject.**

1. Считается, что существующие классификации отраслей права отражают особенности правовой системы страны.

2. Как оказалось, эта классификация была разработана современными юристами.

3. Традиционно считается, что уголовное право принадлежит к категории публичного права, хотя потерпевшими зачастую являются обычные граждане.

4. Гражданское право оказалось одним из самых сложных предметов.

5. Вероятно, этот законопроект очень долго обсуждался в Парламенте.

6. Маловероятно, что стороны будут подавать апелляцию.

7. Говорят, у них есть право добиваться возмещения ущерба.

8. Обнаружили, что сам владелец магазина украл эти деньги.

9. Оказывается, он известный ученый. Он написал множество статей по системе российского права.

10. Как известно, подобные судебные процессы проводятся с участием присяжных.

## UNIT 4. BRANCHES OF RUSSIAN LAW

### TEXT

#### Vocabulary

1. possession and disposal of property — владение и распоряжение собственностью

2. legal entity — юридическое лицо

3. shipment of goods — перевозка, поставка товара

4. insurance of goods — страхование товара

5. succession law — наследственное право

6. natural person — физическое лицо

7. elements of corpus delicti — элементы состава преступления

8. exemption from criminal responsibility — освобождение от уголовной ответственности

9. informal inquest — дознание
10. adjudicate lawsuits — вынести судебное решение по делу
11. motion — ходатайство
12. available remedies — доступные средства правовой защиты

**1. Прочитайте и переведите текст. Определите, каким отраслям права соответствуют приведенные ниже описания.**

There are different branches in the system of Russian law.

1. \_\_\_\_\_

This is the major branch in the system of Russian law which deals with property and non-property relations. Property relations include possession and disposal of property, purchase and sale of property, its leasing and succession. Non-property relations include name, honour, dignity, authorship, etc. The norms of this branch of law also regulate relations between legal entities, arising from sales of goods, their shipment and insurance. Equality of the parties is the basic principle of this law. The relations built on the principle of subordination are usually regulated by different branches of law, for example administrative or financial law. Being very large and complex, this branch of law has numerous subdivisions such as succession law, copyright law, patent law, housing law, invention law, etc.

2. \_\_\_\_\_

This law governs the activity of different administrative agencies, such as state executive bodies or public organisations and the work of public officers including members of government, departments and local councils. This law is applied in the sphere of economics, science, culture, education, health care, defence, law and order, etc. The basic principles of this law are subordination, authority and hierarchy.

3. \_\_\_\_\_

The subject of this branch of law is financial relations such as forming of the state budget, money circulation, different banking activities, loans and taxes. This law concerns both legal entities and natural persons. The norms of this law are closely connected with the norms of constitutional and administrative law.

4. \_\_\_\_\_

This branch of law deals with crime commission and imposition of punishment. It defines the elements of *corpus delicti*, the form and degree of guilt, the grounds for criminal responsibility and exemption from it, types of punishment, etc.

5. \_\_\_\_\_

This branch of law regulates the work of courts, the Prosecutor's Office, organs of preliminary investigation and informal inquest. It also defines

rights and duties of participants of the trial including defendants, victims, witnesses, experts, prosecutors and defence counsels.

6. \_\_\_\_\_

This branch of law involves a set of procedural norms which regulate public relations arising between court and participants of civil litigation. The rules of procedure in all courts of general jurisdiction are determined by a special code. This code sets out the rules and standards that courts follow when they adjudicate lawsuits. These rules govern how a lawsuit must be started, the types of motions and applications, the conduct of trials, the process for judgment, various available remedies, etc.

**2. Подберите русские эквиваленты к следующим словам и выражениям из текста.**

- 1) property relations
- 2) non-property relations
- 3) purchase and sale of property
- 4) leasing
- 5) shipment of goods
- 6) patent law
- 7) housing law
- 8) invention law
- 9) public officer
- 10) health care
- 11) subordination
- 12) money circulation
- 13) natural person
- 14) crime commission
- 15) imposition of punishment
- 16) the grounds for criminal responsibility
- 17) a set of procedural norms

**3. Найдите в тексте английские эквиваленты.**

- 1) владение и распоряжение собственностью
- 2) честь и достоинство
- 3) юридическое лицо
- 4) равенство сторон
- 5) наследственное право
- 6) заем
- 7) налоги
- 8) элементы состава преступления
- 9) форма и степень вины
- 10) освобождение от уголовной ответственности
- 11) предварительное следствие

- 12) прокуратура
- 13) дознание
- 14) участники процесса
- 15) подсудимый
- 16) пострадавший
- 17) сторона защиты
- 18) выносить решение по делу
- 19) ходатайства и заявления
- 20) средства судебной защиты

**4. Закончите предложения согласно содержанию текста.**

1. Property relations include \_\_\_\_\_
2. Non-property relations include \_\_\_\_\_
3. The basic principle of civil law is \_\_\_\_\_
4. The basic principles of administrative law are \_\_\_\_\_
5. Succession law, patent law, copyright law are subdivisions of \_\_\_\_\_
6. Financial law concerns \_\_\_\_\_
7. Criminal law defines \_\_\_\_\_
8. Criminal procedural law regulates \_\_\_\_\_
9. The rules of the Code of Civil Procedure govern \_\_\_\_\_

**5. Ответьте на вопросы по тексту.**

1. What does civil law deal with?
2. What are the subdivisions of civil law?
3. What does administrative law regulate?
4. What is the subject of financial law?
5. What does criminal law deal with?
6. What does criminal procedural law regulate?
7. What norms can be found in the Code of Civil Procedure?

**6. Согласитесь или опровергните утверждения, используя речевые модели.**

- Model:**
- a) I fully agree with the statement.
  - b) I am afraid, I can't agree with it.
  - c) I can't but agree with it.
  - d) I completely disagree with the statement.

**Исправьте неверные утверждения.**

1. Civil law regulates the relations only between natural persons.
2. The basic principle of administrative law is equality of the parties.
3. The branch of administrative law has several subdivisions.
4. Money circulation, loans and taxation are regulated by the norms of financial law.
5. Financial law deals both with natural persons and legal entities.

6. Criminal law deals only with crime commission and doesn't define the punishment.

7. Prosecutors and defence counsels are not considered to be participants of the trial.

8. The norms of civil procedure are determined by the Civil Code.

### **7. Переведите предложения на английский язык.**

Система российского права включает в себя следующие основные отрасли права: государственное, административное, уголовное, финансовое, гражданское, семейное, трудовое, гражданское процессуальное, уголовно-процессуальное и т. д.

1. Ведущее место в системе права занимает государственное право (конституционное), нормы которого содержатся в Конституции Российской Федерации. Нормы государственного права определяют основы конституционного строя, структуру органов государственной власти, основные права, свободы и обязанности граждан.

2. Административное право — это отрасль, которая регулирует отношения, возникающие в процессе государственного управления. Обычно такие отношения возникают между органами государственного управления и общественными организациями или гражданами. При этом одной из сторон в таких отношениях всегда выступает государственный орган или его должностное лицо.

3. Финансовое право представляет собой совокупность норм, которые регулируют финансовые отношения, такие как формирование государственного бюджета, денежное обращение, различные банковские операции, займы, налоги и т. д.

4. Гражданское право представляет собой систему норм, которые регулируют имущественные и неимущественные отношения. Имущественные отношения включают в себя вопросы, связанные с владением и распоряжением собственностью, с наследованием, куплей и продажей, с поставками продукции. Неимущественные отношения включают в себя имя, честь и достоинство, авторство и т. д.

5. Семейное право тесно связано с гражданским правом, хотя и является независимой отраслью. Эта отрасль регулирует порядок заключения и расторжения брака, отношения между супругами, родителями и детьми, вопросы усыновления и опеки, права и обязанности членов семьи.

6. Предметом Трудового права является сфера трудовых отношений. Нормы данного права определяют порядок приема на работу и увольнения, порядок заключения трудовых договоров, условия и оплату труда, рабочее время и время отпуска.

7. Уголовное право — это отрасль права, регулирующая общественные отношения, связанные с совершением преступных деяний и назначением наказания. Нормы права определяют степень и форму

вины, элементы состава преступления и устанавливают основания для привлечения к уголовной ответственности либо освобождения от нее.

8. Уголовно-процессуальное право — это отрасль, которая регулирует деятельность суда, прокуратуры, органов предварительного следствия и дознания при раскрытии уголовных дел, определяет процессуальные формы этой деятельности, права и обязанности участвующих в ней субъектов, а именно подсудимых, потерпевших, свидетелей, экспертов, прокурора и представителей защиты.

**Повторение грамматики.**  
**Конструкция «Сложное дополнение».**  
**(Complex Object)**

Конструкция Complex Object состоит из существительного в общем падеже или местоимения в объектном падеже (me, you, him, her, it, us, their) и инфинитива. На русский язык данная конструкция чаще всего переводится придаточным предложением с союзами *как, что, чтобы* и т. п.

Сложное дополнение обычно используется после определенных глаголов, которые условно можно разделить на 2 основные группы.

К первой группе относятся глаголы, после которых инфинитив употребляется с частицей *to*: want, ask, expect, would like, tell, order, remind, warn, force, persuade, allow, etc.

Ко второй группе относятся глаголы, после которых инфинитив употребляется без частицы *to*. Это глаголы физического восприятия: see, watch, notice, observe, feel, hear, etc., и глаголы, выражающие побуждение: let, make, have (распорядиться).

**Examples:**

We wanted **them to sign** the contract. — Мы хотели, чтобы они подписали договор.

I saw **him enter** the room. — Я увидел, как он вошел в комнату.

I think something serious made **him commit** this crime. — Я думаю, что-то серьезное заставило его совершить это преступление.

**8. Измените предложения, используя глаголы в скобках и конструкцию Complex Object.**

1. “Could you explain the difference between constitutional law and administrative law?” he asked me. (*want*)

2. We heard that something heavy fell on the floor. (*hear*)

3. My lawyer said that I shouldn’t say anything to the police. (*advise*)

4. The judge said that the defence counsel could start the cross-examination. (*let*)

5. We thought they would deliver the goods on time. (*expect*)
6. The child noticed that the man had stolen his father's wallet. (*notice*)
7. I don't know who can force him to testify against his friend. (*make*)
8. "Don't forget to file an application", the lawyer told me. (*remind*)
9. "Could you tell me what the insurance of goods involves?" she asked me. (*want*)

**9. Переведите предложения на английский язык, используя конструкцию Complex Object.**

1. Преподаватель попросил студента перечислить все элементы состава преступления.
2. Никто не ожидал, что Государственная Дума примет этот закон.
3. Адвокат убедил присяжных принять во внимание (take into account) все обстоятельства этого дела.
4. Мы не хотим, чтобы эти люди строили свои отношения на принципе подчинения сильнейшему.
5. Сторона защиты ожидала, что суд согласится освободить подозреваемого под залог (release on bail).
6. Она услышала, как кто-то постучал в дверь. Ей принесли повестку в суд.
7. Необходимо изучить все обстоятельства, которые могли заставить их совершить подобные преступления.
8. Правительство хотело, чтобы обычные граждане изучили этот законопроект и внесли свои предложения, прежде чем Государственная Дума примет его.
9. Никто не видел, как он покинул здание суда. Возможно, он воспользовался другим выходом.

## UNIT 5. LAW IN PRACTICE

### TEXT 1

#### Vocabulary

1. national law/ domestic law/ municipal law — внутреннее /внутригосударственное право
2. enforcement of law — принудительное применение закона
3. a binding agreement — соглашение, имеющее обязательную юридическую силу
4. to enforce obligations — обеспечить исполнение обязательств
5. to admit priority — признавать приоритет
6. to constitute an integral part — являться неотъемлемой частью
7. rules stipulated by the law — правила, предусмотренные законом

8. incompatible with treaty provisions — несовместимый с положениями международного договора

**1. Прочитайте текст. Озаглавьте его. Сформулируйте основную мысль текста в одном-двух предложениях.**

The jurists of all countries admit that it is necessary to differentiate between international law and national law. The latter is also called domestic law or municipal law. Domestic law is the law which is applicable within the boundaries of one state. International law is the body of legal rules that regulate relations between sovereign states. It is a special system which is not a part of the national law of the state.

There are some important differences between international law and domestic law. Domestic laws are passed by legislative bodies, most of which have popular political support. International laws, on the other hand, are created by agreements between governments of different states. As a result, they don't have the support from individual citizens. Enforcement of international laws is also different. Many international agreements or treaties are not binding; even when nations agree to be bound, it is unclear how obligations are to be enforced. Sometimes, especially at the time of conflicts, the enforcement is provided by great powers.

Countries differ greatly with regard to the importance attached to international obligations. Some states consider international obligations superior to their domestic laws, but in most cases international obligations are considered as a part of national law.

The Russian Federation has admitted the priority of international law over national law especially when it comes to human rights and individual freedoms. The 1993 Constitution has confirmed the trend in Russian practice of giving a prominent place to international legal standards in the domestic legal setting. One of the principal aims of the Constitution is to clarify the status of international law in the Russian domestic system of law.

The Constitution contains a special clause on the relationship between international law and the Russian domestic law. Article 15 provides that the generally recognised principles and norms of international law and the international treaties of the Russian Federation shall constitute an integral part of its system of law. It also states that if an international treaty of the Russian Federation establishes other rules than those stipulated by the law, the rules of the international treaty shall apply. Two principal features of this article must be pointed out. Firstly, it states that international law is part of the Russian domestic system of law. Secondly, it establishes a higher normative status for treaties than for domestic laws. Consequently, legal regulations within Russia do not apply if their application is incompatible with treaty provisions.

The Constitution also includes Article 17 which provides that human rights in Russia are recognised and ensured according to the generally



recognised principles and norms of international law. Thus every citizen of the Russian Federation in case of violation of their basic rights and freedoms has a right to apply to one of the international organizations, for example to the European Court of Human Rights.

**2. Ответьте на вопросы по тексту.**

1. Domestic law is another name for national law, isn't it?
2. What are the differences between domestic law and international law?
3. How do countries consider international obligations?
4. What is the attitude of the Russian Federation to international law?
5. Which articles of the Constitution of the Russian Federation mention international law? What exactly do they say?

**3. Определите, справедливы данные высказывания или нет. Исправьте неверные утверждения.**

1. National law is the body of legal rules that regulate relations between citizens of sovereign states.
2. Domestic laws are passed by legislative bodies or created by agreements between governments.
3. Most international agreements are not binding.
4. Most states consider their domestic laws to be superior to international obligations.
5. The Constitution of the Russian Federation contains a special clause on the relationship between international law and the Russian domestic law.
6. If legal regulations within Russia contradict the provisions of international treaties the regulations of national law must be applied.
7. Human rights in Russia are ensured according to the generally recognised principles and norms of international law.

**4. Прочитайте и переведите примеры судебных дел. Как вы думаете, нормы какой отрасли права (согласно российской системе права) будут применены в каждом случае?**

1. A driver has been stopped by the police for driving a car at the excess of speed limit.
2. Citizen N. of the Russian Federation says that the new law violates his basic human rights and freedoms.
3. The divorced father has a court order allowing him to see his son once a week, but the mother, who has remarried, doesn't let him contact with the child.
4. The employee was made redundant. The company didn't pay him the money he had earned and refused to pay compensation.
5. The relatives of the deceased person don't agree with the will. They think it is invalid.

6. A new housing estate has been built on a territory of the national park. The local authorities say that they haven't given permission for the construction.

7. A company promised to deliver new equipment by the end of April. It's the end of May already, but the equipment hasn't arrived yet.

8. Your neighbours make an excessive noise every night. You can't endure it any more.

9. One hundred unlicensed copies of discs have been sold.

10. During the fierce argument one man snatched a knife and stabbed it into the other man. Four hours later the injured man died in hospital.

## TEXT 2

**5. Навыки составления презентации являются неотъемлемой частью работы будущего юриста. Прочитайте и переведите текст. Работая в парах или небольших группах, составьте список рекомендаций для подготовки успешной презентации (Dos and Don'ts list).**

### Making a Successful Presentation

If you are a career-minded person, your future career is inseparable from learning the art of presentation. Presentation skills are the most important ones for showing you to the best advantage. To make your presentation effective you should concentrate on three major components: *presenter-audience-presentation*.

Before you give a presentation, think of your image: how you will look and how you will behave in front of the audience. Remember, that people are more impressed with what they see than with what they hear. You will never have the second chance to make the first impression. Think of your audience and carefully assess it; their background, motives, interests. If you give the right thing to the right people you are likely to be successful in public speaking. Your primary goal is to impress the audience, to make them remember your talk.

It goes without saying that your presentation must be prepared beforehand. First of all you have to decide on the structure of your presentation. Making a presentation you should realize that a written text is very different from a spoken word, in other words "essay" or "summary" are not the synonyms to "presentation". Before you structure the presentation, single out the main points of your talk, it must be clear for you what you are going to speak about, what is the main purpose of your presentation. All effective presentations always consist of three major parts: *introduction, the main part or the body of the presentation and conclusion*. The presence of these parts in your presentation makes it logically structured and easy to follow.

You should start the presentation with the greeting of the audience, then it's necessary to introduce yourself and the subject of the talk. After that outline what you are going to talk about: describe the main sections of your presentation. It's useful to remember that your plan mustn't contain more than 3 points otherwise your audience may easily lose a track of your talk. It would be better if you set the rules in advance: state clearly if your listeners can interrupt you during the talk or you would prefer to answer their questions in the end.

After the introduction you come to the main part. While delivering the presentation remember to follow the plan you have outlined in the introduction. Tell your audience when you are ready to come to the next point of your presentation. Clarify the most difficult points and try to explain, don't forget that your audience hears this information for the first time. When you use visuals or give a demonstration, you need to tell the listeners what they are going to see. If you use slides make them easy to follow. Put the title at the top of the slide where your audience expects to find it. Include only important and interesting information. Keeping the number of slides to a minimum ensures that the presentation will not become too long. It also avoids the problem of continually changing slides during the presentation that can be a distraction to your audience. On average, one slide per minute is about right. Combining photos, charts and graphs with the text will add variety and keep your audience interested in the presentation. Avoid having only text on your slides.

The first key to a successful presentation is to speak in front of your audience. If you stick to your written script or for example speak to a board you'll obviously lose your audience. On the contrary eye contact and smiling at proper time will help you to keep your listeners interested and motivated.

It's very important to let your audience know that you've finished your talk. The conclusion is the last but not the least part of any presentation. When you prepare your presentation think what you'll say in the conclusion. There are some possible options: you may either summarize the most important points of your presentation or outline your personal opinion on the problem. Thank the audience for attention and invite questions and opinions from them. But you must always bear in mind the time limit which is usually no more than ten or fifteen minutes. However, if you structure your presentation effectively, you would not believe how much you can say in these ten minutes.

**6. Прочитайте презентацию на английском языке. Выделите три основные части. Прокомментируйте структуру данной презентации.**

### **Presentation**

Good morning, and thanks for coming along. It's great that so many of you have managed to make it this morning. I know that winter examination period is coming and time is precious for you. With that in mind, I'll try to keep my talk brief.

Let me just start by introducing myself. I'm Vanessa Brown and I'm going to speak about the Graduate Recruitment Programme. The programme I'm sure will be of particular interest to you as fourth-year students. It's right now that you have to start planning the life after the university, no matter how far ahead it may seem at the moment. I remember sitting in this very lecture hall and listening to a talk similar to one I'm going to give. I applied for a place on the Recruitment Programme shortly afterwards and was made a partner last summer. Perhaps this law firm is more demanding than others, but I know from my own experience that the rewards are worth it.

So, there are three main points I'd like to cover today. First, I'll give you a little information about our law firm, Somerville LLP. Then I'll go on to outline what we have to offer to new employees. And finally, I'll tell you what we expect from our potential recruits. There will be a few minutes for questions at the end of my talk, but do feel free to interrupt me at any time.

Well, let me start with the first point. Who is Somerville LLP? We are an independent commercial practice that provides the highest quality legal service to our clients. To accomplish this goal we are to recruit and retain the associates who are able to help us meet these demands. But I'd like to say that a new associate lawyer has an opportunity compatible with his or her own interests in the sphere of legal practice.

This brings me to my next point: what benefits can successful applicants expect? First, our law firm will pay you full course fees for both the Graduate Diploma in Law and the Legal Practice Course. This leads directly to what I'm sure is an important question for you: what can you expect to earn. We offer competitive starting salaries for new associates. Associates also receive a year-end bonus which depends on the firm's profitability. In addition to the salary and bonus we also provide medical insurance.

Now let's move on to what we expect in return. As I mentioned at the beginning of my talk, we are committed to providing the highest quality service to our clients. As you understand we can provide it only by hiring lawyers with the same level of commitment. You may have to work long hours and you may not have all your weekends free and the work is really demanding. However for the graduate student ready to take this challenge the rewards are great indeed.

In conclusion, I'd like to say that Somerville LLP is growing, independent, commercial practice. Our Graduate Recruitment Programme includes excellent benefits for students prepared to commit themselves fully. And we offer you the opportunity to work in those areas of law that interest you most.

Ok, that's all I wanted to say today. I'd be very happy to answer any questions you have.

### 7. Ответьте на вопросы.

1. Is the style of the presentation formal or informal? Why do you think so? Prove your point of view.
2. How does the speaker maintain the contact with the audience?

8. Заполните таблицу предложениями из презентации так, как это показано в примере.

Part of the presentation	Phrases
Greet the audience	1. Good morning and thanks for coming along.
Introduce yourself	2. _____
Introduce the topic	3. _____
Tell a short personal story	4. _____
Give a plan of the presentation	5. _____ 6. _____ 7. _____
Set the rules	8. _____
Come from one point to another	9. _____ 10. _____ 11. _____
Finish the presentation	12. _____ 13. _____

9. Прочитайте и переведите фразы, которые наиболее часто используются в презентациях. Дополните этими фразами таблицу из упражнения 8.

1. As you probably know, my name is ...
2. Before I finish, let me go through the main points once again.
3. First of all let me thank you for being here today.
4. You know I was reading a newspaper the other day when I came across a very interesting fact.
5. Now, I'll be happy to answer any questions you may have.
6. As you can see on the screen, our topic today is ...
7. I've mentioned the basic facts about the system of law and now it's time to turn to the sources which as you may remember is the next point of my presentation.

8. As you know, I've been asked to tell you about ...
9. I appreciate you've found the time to come here.
10. So, let me start by asking you a question.
11. Are there any more questions?
12. Thank you for your attention and you are welcome to ask questions.
13. I'll answer all your questions at the end of my presentation.
14. If you look at the next slide you'll see ...
15. Well, this brings me to the end of my presentation.
16. That's all about the sources and now let's have a look at the next slide which presents ...
17. This leads me to my next point ...
18. So, to sum everything up, I'd like to remind you that ...
19. Please, feel free to interrupt me with your questions.
20. It gives me a great pleasure to speak about this problem today.

**10. Самостоятельная работа. Выберите одну из наиболее интересных для вас отраслей российского права и подготовьте презентацию. Ниже приводится примерный план презентации.**

- Plan
- The sphere of application
- The main sources
- The most interesting facts or examples of interesting cases.

## UNIT 6. THE SYSTEM OF LAW IN THE UK

### TEXT

#### Vocabulary

1. claim for injunction — требование судебного запрета
2. a defendant — обвиняемый, подсудимый, ответчик
3. a prosecutor — обвинитель, прокурор
4. a claimant — истец
5. to find smb. guilty — признать кого-либо виновным
6. to find smb. not guilty — признать кого-либо невиновным
7. to find smb. liable — признать кого-либо подлежащим ответственности (в гражданском процессе)
8. to convict — осудить
9. to acquit — оправдать
10. to have a criminal record — иметь судимость
11. to charge smb. with a criminal offence — предъявить обвинение в совершении преступления
12. judgement for the claimant — решение в пользу истца

13. burden of proof — бремя доказывания

14. standard of proof — критерий/степень доказанности

15. to prove guilt 'beyond reasonable doubt' — доказать вину «вне всякого разумного сомнения»

16. to prove a case 'on a balance of probabilities' — доказать дело, основываясь «на соотношении вероятностей»

### **1. Прочитайте и переведите текст.**

The study of law distinguishes between public law and private law, but in legal practice in the UK the distinction between civil law and criminal law is more important to practising lawyers. Public law relates to the state and is concerned with laws which govern processes in local and national government conflicts between an individual and the state. Private law is concerned with the relationships between individuals and corporations, and includes family law, contract law, property law, etc.

Criminal law deals with certain forms of conduct for which the state reserves punishment, for example murder or theft. The state prosecutes the offender. Civil law concerns relationships between private persons, their rights and duties. It also deals with the conduct which may give rise to a claim by a legal person for compensation or injunction. When it comes to prosecution under the laws of the country it's common to speak about criminal offence but civil wrongs.

Criminal and civil proceedings are usually very different. In a criminal proceeding a prosecutor prosecutes a defendant. If the verdict is "guilty", the defendant is convicted. He will have a criminal record for the crime and will be punished by one of a variety of punishments ranging from life imprisonment to a fine, which is paid to a court. If the defendant is found "not guilty", he is acquitted and allowed to leave court without punishment.

In civil cases a claimant sues a defendant or brings a claim against him. The proceeding may result in judgement for the claimant, which means that the defendant is found liable and the judge may order the defendant to pay damages.

The duty to prove a case is called the burden of proof. In criminal cases the burden of proof falls on the prosecution. In other words it's the duty of the prosecution to prove guilt, the defendant doesn't have to prove his innocence. This principle is called the presumption of innocence, which means that every person charged with a criminal offence is considered to be innocent until proved guilty.

The degree of proof which makes the court sure that the person is guilty is called the standard of proof. The standard of proof is higher in a criminal action than in a civil one since the penalties are stricter. In a criminal case a prosecution must prove the guilt of a criminal "beyond reasonable doubt", which means that the prosecution must make the court sure that the defendant committed the crime. If the court is not sure or has a reason for the doubt, it must acquit the defendant.

In a civil action the burden of proof is on the claimant. He is required to prove his case “on a balance of probabilities”, i.e. to show that his case is more probable than not. But he doesn’t have to make the court sure about it; it’s enough to show that the defendant was probably guilty.

One and the same offence may sometimes result in both kinds of prosecution, civil and criminal. For example, the driver who injured a passer-by will not only face criminal penalties imposed by a criminal court but may have to pay compensation for injuries ordered by a civil court.

**2. Подберите русские эквиваленты к следующим словам и выражениям из текста.**

- 1) criminal offence
- 2) civil wrong
- 3) criminal proceeding
- 4) civil proceeding
- 5) prosecution
- 6) defendant
- 7) claimant
- 8) criminal record
- 9) to pay damages
- 10) burden of proof
- 11) standard of proof
- 12) presumption of innocence
- 13) to charge smb. with a criminal offence
- 14) to prove the guilt “beyond reasonable doubt”
- 15) to prove a case “on a balance of probabilities”

**3. Найдите в тексте английские эквиваленты.**

- 1) судебный запрет
- 2) осудить
- 3) оправдать
- 4) признать виновным
- 5) пожизненное заключение
- 6) штраф
- 7) подавать в суд, предъявлять иск
- 8) решение в пользу истца
- 9) доказывать вину
- 10) доказывать невиновность

**4. Ответьте на вопросы по тексту.**

1. Why do you think the distinction between civil law and criminal law is more important to practising lawyers than the distinction between public and private law?

2. What is the difference between criminal law and civil law?



3. What happens to a defendant if he or she is found guilty?
4. What happens to a defendant if he or she is found not guilty?
5. What happens if the proceeding in a civil case results in judgement for the claimant?
6. What does the presumption of innocence mean?
7. What is the difference between “the burden of proof” and “the standard of proof”?
8. Why is the standard of proof higher in a criminal action than in a civil one?
9. What does the principle “beyond reasonable doubt” mean?
10. What does the principle “on a balance of probabilities” mean?

**5. Определите, справедливы данные высказывания или нет. Исправьте неверные утверждения.**

1. Civil law concerns relationships between private persons and the state.
2. A fine for a criminal offence is paid to a victim.
3. If the defendant is convicted he’ll have a criminal record.
4. The most severe punishment for criminal offences is life imprisonment.
5. In civil cases a claimant prosecutes a defendant.
6. It is the duty of the defence to prove that the defendant is innocent.
7. In a civil case a claimant must prove the guilt of a defendant “beyond reasonable doubt”.
8. A person can’t be sued and prosecuted for one and the same offence.

**6. Дайте определения следующим понятиям из текста. Используйте выражения из рамки.**

a person who, the duty, a legal principle when, the standard of proof, the degree of proof, a branch of law

Criminal law	Burden of proof
Civil law	Standard of proof
Claimant	Presumption of innocence
Defendant	Proof beyond reasonable doubt
Prosecution	Proof on a balance of probabilities

**7. Заполните таблицу, используя информацию из текста.**

	Civil procedure	Criminal procedure
the name of the offence		criminal offence
the defendant is	sued	
parties of the proceeding		

the burden of proof is on		
the standard of proof is		
if the guilt is proved the defendant is found		
the court decision is called		
possible punishment		

**8. Используя информацию из текста и таблицу из упражнения 7, сравните**

- публичное и частное право
- уголовное и гражданское право Великобритании

**Используйте союзы *while, whereas, but, and, both ... and, neither ... nor, etc.***

**Example:**

In criminal cases the burden of proof falls on the prosecution **while** in civil actions the burden of proof is on the claimant.

**Повторение лексики: *damage vs. damages***

В английском языке существует принципиальная разница между словами *damage* и *damages*. Слово *damage* переводится на русский язык как «вред, повреждение, ущерб», обычно наносимый лицу, собственности или репутации. Английское слово *damages* принято переводить на русский как «возмещение убытков». В данном случае подразумевается денежная компенсация, которая выплачивается потерпевшему лицу (обычно ответчиком по решению суда). NB: английским эквивалентом русскому словосочетанию «моральный ущерб» является *mental distress* или *emotional distress*.

**9. Заполните пропуски словами *damage* или *damages*.**

1. The factory in the area is doing irreparable \_\_\_\_\_ to the environment.
2. The hurricane caused great \_\_\_\_\_ to the plants.
3. The defendant got \$2000 in \_\_\_\_\_.
4. The victims of the crash were paid \$1000 each in \_\_\_\_\_.
5. Although the driver was found not guilty of the criminal offence, the victim of the road accident decided to claim \_\_\_\_\_.

6. This incident caused great \_\_\_\_\_ to her career and reputation.

7. He brought an action for breach of contract against the insurance company, seeking \_\_\_\_\_.

8. Different strikes usually do serious \_\_\_\_\_ to the economy.

9. The court awarded the victim \$1500 in \_\_\_\_\_.

10. He was ordered to pay \_\_\_\_\_ of \$300.

**10. Выпишите словосочетания со словами damage и damages и составьте свои собственные предложения.**

### **11. Ролевая игра. Legal Expert.**

Вас приглашают принять участие в телевизионной программе Legal Expert. Организация игры:

1. Выберите двух студентов, которые будут исполнять роль экспертов в области российского права и права Великобритании. Их задача — отвечать на вопросы аудитории.

2. Выберите ведущего программы. Задача ведущего — объявить тему и представить гостей программы (экспертов), руководить ходом обсуждения, приглашая гостей задавать интересующие их вопросы.

3. Остальные студенты исполняют роль гостей программы. Их задача — задавать экспертам вопросы, касающиеся системы права России и Великобритании. Каждый из гостей должен приготовить по 2—3 вопроса эксперту.

4. После того как эксперты ответят на несколько вопросов, на роль экспертов и ведущего приглашаются другие студенты, и игра продолжается.

**Some important tips to the experts:** Don't forget to thank the guest for the question. If you don't know how to answer the question you may pass it to your colleague. If you see that your colleague needs help, don't hesitate to interfere. If you have already answered this question or mentioned it in your previous answer politely explain it to the guest. If you don't understand the question ask for clarification. You may need the following phrases:

1. This is a very interesting question. I'm happy you've asked it.

2. This is a very complicated question. I'm afraid I'm not an expert in this field.

3. This is a very good question. Let me pass it to my colleague who is an expert in this sphere.

4. May I come in here and explain/clarify some points?

5. If I could interrupt you for a moment ... I'd like to add that ...

6. I think I have already mentioned this point in my previous answer.

7. If I understand you correctly you mean ...?

**Some important tips to the guests:** Try to be polite. Always thank the expert for his/her answer. If you don't understand the answer ask for clarification. You may need the following phrases:

1. May I address a question to N?
2. Could you please explain the difference between ... ?
3. I wonder if you could explain to me ...
4. There is one question I'd like to ask ...
5. I'm afraid I didn't get the last point. Could you go over it once again, please?
6. I'm afraid it's not clear enough. Could you explain it once again?

## UNIT 7. BRANCHES OF LAW IN THE UK

### TEXT 1

#### Labour Law

#### Vocabulary

1. legal rights — законные права
2. trade union — профсоюз
3. branches of law — отрасли права
4. conditions of work — условия труда
5. social security — социальная защита, обеспечение
6. disability insurance — страховка на случай нетрудоспособности
7. welfare — благосостояние
8. provisions — положения, условия
9. to negotiate an agreement — договариваться об условиях
10. favourable — благоприятный
11. restrictions — ограничение
12. grievance — жалоба, трудовой конфликт
13. dismissal — увольнение, отставка

#### 1. Прочитайте и переведите текст, ответьте на вопросы.

1. How can you define the term "labour law"?
2. What does labour law deal with?
3. What does labour law govern?
4. Why is this branch of law so important?
5. What are the main elements of labour law?
6. How do you understand the expression "custom and practice agreement"?
7. What is the main function of trade unions?
8. What does the written statement from the employer describe?

Labour Law is the body of laws, administrative rulings, and precedents which address the legal rights of, and restrictions on, working people and their organizations. As such it mediates many aspects of the relationship between trade unions and employers. Out of all different branches of law, this one deals with the terms and conditions of work, and disputes regarding employment of labour. This is a set of rulings and regulations that govern the relationship and terms between employers and employees.

In its most comprehensive sense the term includes social security and disability insurance as well. In addition to the individual contractual relationships growing out of the traditional employment situation, labour law deals with the statutory requirements and collective relationships that are increasingly important in mass-production societies, the legal relationships between organized economic interests and the state, and the various rights and obligations related to some types of social services.

The basic subject matter of labour law can be considered under nine broad heads: employment; individual employment relationships; wages and remuneration; conditions of work; health, safety, and welfare; social security; trade unions and industrial relations; the administration of labour law; and special provisions for particular occupational or other groups. There are special rules about the employment of children and young people.

Your rights at work will depend on:

- your statutory rights and
- your contract of employment.

Statutory rights are legal rights based on laws passed by Parliament.

Nearly all workers, regardless of the number of hours per week they work, have certain legal rights.

The contract of employment is the agreement made between the employer and the employee. This could be in the form of a written agreement or what has been agreed verbally between them. In addition, the contract of employment will also include “custom and practice” agreements. These are how things are usually done in the workplace, for example, if the employer always gives the employees a day’s holiday in August. Even though this is not mentioned in the written contract this will form part of the contract of employment as it is usual practice. If the written contract says one thing, but in practice all the employees have been doing something else with the employer’s knowledge and agreement, the “custom and practice” would form the contract rather than the written statement.

A trade union may have negotiated an agreement with an employer about conditions at work. The negotiated agreement will often form part of a contract of employment, particularly if the conditions are more favourable than the previous ones. One of the main functions of trade unions is to protect the rights of workers.

All workers, regardless of the number of hours they work per week, are entitled to receive a written statement from their employer, within two

months of starting work. The statement describes the main terms of the contract of employment. The statement must give details about: job title, wages and hours of work, sick pay, pension schemes, holiday entitlement, grievance, dismissal and disciplinary procedure and so on.

**2. Переведите на русский язык слова и словосочетания из текста.**

1. to mediate many aspects
2. to be entitled to
3. disciplinary procedure
4. statutory rights
5. administration of labour law
6. usual practice
7. social security
8. body of laws
9. legal rights
10. regulations
11. a set of rulings
12. to negotiate an agreement
13. to describe terms

**3. Найдите в тексте английские эквиваленты русским словам и словосочетаниям.**

1. страхование на случай нетрудоспособности
2. зарплата и вознаграждение
3. условия труда
4. трудовые отношения
5. безопасность и благосостояние
6. профсоюзы
7. предусмотренный законом
8. договор о найме (трудовой договор)
9. занятость
10. место работы
11. увольнение
12. больничный лист
13. часы работы
14. положение

**4. Согласитесь или опровергните утверждения, используя речевые модели, выражающие согласие или несогласие, изученные ранее.**

1. Labour law does not deal with employment of labour.
2. Labour law also deals with family relations.
3. The contract of employment is the agreement between the employer and trade unions.

4. Labour law regulates the relationship between employers and employees.

5. There are no special rules about employment of children and young people.

6. The statutory rights are legal rights based on laws passed by Parliament.

7. A trade union cannot negotiate a contract of employment with an employer.

**5. Прочитайте определения и соотнесите их с данными словами и словосочетаниями.**

a) fixed or controlled by law

b) money paid by an employer to a worker who cannot work because of illness

c) a condition in an agreement or law

d) work that you do to earn money

e) an act of removing someone from their job

f) physical problems that make someone unable to use a part of their body properly

g) the ability to control your behaviour or way of working

h) something that you complain about because you feel you have been treated unfairly

1. disability

2. discipline

3. dismissal

4. employment

5. statutory rights

6. provision

7. sick pay

8. grievance

## TEXT 2

### Family Law

#### Vocabulary

1. custody — опека, попечительство

2. violence at home — насилие в семье (в доме)

3. to commit crimes — совершать преступления

4. welfare — благополучие

5. divorce — развод

6. emotional support — эмоциональная поддержка

7. right to property — право на собственность

8. to protect — защищать

9. legitimate — законный

10. to deal with — иметь дело, заниматься

**6. Прочитайте и переведите текст, ответьте на вопросы.**

1. What is the biggest concern of family law?

2. Why are children treated differently by law than adults?

3. Do children born outside legitimate marriages have the same rights with legitimate children?

4. Whom does family law consider?

5. May a married couple seek a divorce?

6. Whose interests are taken into account first of all when people get divorced?

7. In what case will a divorce be issued?

Family law is a branch of law which deals with “domestic relations», it is concerned with such subjects as adoption, divorce, separation, paternity, custody, support and child care.

The law sees the family as a special institution. Family law considers married and unmarried couples, and their children; custody of and responsibility for children; and protection from violence at home.

In some societies the family is thought to be so important that there is very little legal intervention in family life, for example in many Islamic countries. But in many parts of the world, the law now promotes the rights the rights of individuals within the family unit, and regulates family relations through legislation.

In general, the welfare of children is the biggest concern of family law. In most countries legal systems treat children differently from adults. In economically developed countries, there are limits on the type and amount of work a child is allowed to do. There are age limits on the rights and duties of citizens. In Britain as in many countries, there are special courts with very strong powers to control and transfer private property in the interests of children. Special courts deal with young people who commit crimes.

The laws in most countries place more emphasis upon marriages legally registered than social arrangements whereby people live together. In Britain, children born outside legitimate marriages have fewer rights to financial support from estranged fathers than legitimate children. In addition, if they are born outside the UK, they are less likely than legitimate children to be granted British citizenship. Their fathers have no automatic right to contact with them. Some welfare payments are calculated on a different basis according to whether recipients are married or not, and more procedures are available to a married woman than an unmarried one in seeking protection from domestic violence.



In English law, some marriages may be dissolved or nullified. A couple may also seek a divorce. The procedure may be lengthy, especially if one does not want to get divorced or if there are children. Divorce proceedings in England take place in certain County Courts known as divorce county courts. Some matters are also dealt with in the Family Division of the High Court. A divorce will not be issued until satisfactory arrangements have been made for any children of the marriage, including determining who is to have custody of the children. In case of property, the courts have to find balance between two principles. One of that is any division should fairly reflect how much each party contributed to the property they held together. Nowadays, courts look beyond legal ownership and cash contributions. Work done in the home, time spent caring for the family, even emotional support, are all considered as giving some rights to property.

**7. Найдите в тексте английские эквиваленты русским словам и словосочетаниям:**

1. вмешательство в семейные дела
2. регулировать отношения
3. законный, легальный
4. поддержка
5. аннулировать брак
6. опека, попечительство
7. развод
8. вкладывать деньги
9. поддерживать
10. судебное разбирательство

**8. Переведите на русский язык следующие слова и словосочетания из текста:**

1. private
2. register
3. welfare payment
4. citizenship
5. child care
6. age limits
7. legislation
8. emotional support
9. strong powers
10. adoption

**9. Согласитесь или опровергните утверждения, используя речевые модели, изученные ранее.**

1. Family law is a branch of law that deals with employment relations.
2. There are no special family courts in the UK.
3. The welfare of children is the biggest concern of family law.

4. Family law regulates the relations in a family.
5. Children and adults are treated equally by the law.
6. There are no age limits on the rights and duties of citizens.
7. According to English law marriages can never be dissolved.

### TEXT 3

#### Contract Law

##### Vocabulary

1. party to a contract — сторона, заключающая контракт
2. to be binding in law — иметь обязательную силу по закону
3. to make a contract — заключать контракт
4. offer — предложение, оферта
5. acceptance — принятие, акцепт
6. valid — юридически действительный
7. exchange of consideration — обмен встречными удовлетворениями
8. valuable consideration — надлежащее встречное удовлетворение
9. to be enforceable in court of law — способный быть удовлетворенным в судебном порядке
10. contract of insurance — контракт по страхованию
11. hire-purchase — купля-продажа в рассрочку
12. to be entitled to a remedy — иметь право на средство судебной защиты
13. remedy — средство судебной защиты
14. breach of contract — нарушение контракта
15. party in breach — сторона, нарушившая контракт
16. injured party — потерпевшая сторона
17. to seek remedies for the breach in court — обращаться в суд для получения средств судебной защиты за нарушение контракта
18. damages — возмещение ущерба, компенсация
19. means — средство, способ
20. monetary compensation — денежная компенсация
21. to suffer some loss — понести убытки
22. mental distress — моральный ущерб
23. to award damages — присуждать возмещение ущерба
24. specific performance — реальное исполнение
25. to claim damages — требовать возмещения ущерба

**10. Прочитайте и переведите текст, ответьте на вопросы, выполните упражнения, данные после текста.**

1. What is a contract?
2. What must a valid contract include?
3. In what forms do contracts exist?

4. What contracts must always be in writing?
5. What is a breach of a contract?
6. What may the injured party seek in court?
7. What is a remedy?
8. Who must compensate for a breach of a contract?
9. What are damages?

Contract law is a body of rules governing the formation, performance, and enforcement of contracts. Its major purpose is to protect the reasonable expectations of individuals, businesses, and governments, that contract will be binding on and enforceable by the parties.

A contract is an agreement which is made between two or more parties and which is binding in law.

The parties must have a legal intention to be legally bound before making a contract. They must agree to contract on certain terms, they must know what they are agreeing to.

In order to be binding in law the agreement must include an offer and an acceptance of that offer. In every valid contract there must be an exchange of consideration. A valuable consideration is something a person has given, or done, or agreed not to do when making a contract. For example, when you buy an item at a store, your consideration is the money you pay, and the seller's consideration is the item you buy.

Most contracts can be either written or oral. However, certain kinds of contracts must be in writing to be enforceable in court of law. These include contracts for the sale of land and estate, contracts of insurance and hire-purchase.

In a valid contract each person is legally bound to do what is promised. If one party to a contract does not carry out the promise, the other party can go to court and be entitled to a remedy.

First, the court must decide if a contract has been made. The judge will also consider if the contract has all the essential elements: an offer, an acceptance and a valuable consideration. It is very important for a judge to consider the capacity of contractors, which is whether they are legally competent to make a contract.

When one party refuses to perform or fails to perform the obligations under the contract, it is called a breach of contract. The party in breach must compensate the other party. Accordingly, the injured party may seek any of several remedies for the breach in court. A remedy is the means to enforce a right or to compensate for injury. The usual remedy is damages — monetary compensation. In addition to financial loss a plaintiff sometimes tries to claim damages for mental distress caused by the breach of contract. A court will award damages only for the loss closely connected with the defendant's breach.

Instead of damages, a plaintiff sometimes asks the court to force the other contractor to carry out the contract. In English law it is called specific performance. Sometimes the court decides to award damages instead of specific performance, and sometimes it awards both.

**11. Переведите на русский язык следующие слова и словосочетания.**

- 1) to contract on certain terms
- 2) to be legally bound
- 3) valuable consideration
- 4) party to a contract
- 5) monetary compensation
- 6) damages
- 7) specific performance
- 8) remedy
- 9) mental distress
- 10) injured party

**12. Найдите в тексте английские эквиваленты следующим предложениям.**

1. Чтобы иметь обязательную силу, соглашение должно включать оферту и акцепт.

2. Контракты заключаются как в устной, так и в письменной форме.

3. Контракт — это соглашение, которое заключается между двумя и более сторонами и является обязательным.

4. Стороны должны согласиться заключить контракт на определенных условиях.

5. Некоторые контракты должны быть только в письменной форме, чтобы они могли быть рассмотрены в судебном порядке.

6. Надлежащее встречное удовлетворение — это то, что лицо дало, сделало или согласилось не делать при заключении контракта.

**13. Найдите в тексте английские эквиваленты русским словам и словосочетаниям.**

- 1) сторона, заключающая контракт
- 2) заключить контракт
- 3) контракт о страховании
- 4) быть обязанным по закону
- 5) правовое намерение
- 6) нарушить контракт
- 7) средство судебной защиты
- 8) сторона, нарушившая контракт
- 9) присуждать возмещение ущерба
- 10) моральный ущерб

## TEXT 4

### Intellectual Property Law

#### Vocabulary

1. intellectual property, IP — интеллектуальная собственность
2. intangible assets— нематериальные активы
3. copyright — авторское право
4. industrial design — промышленный образец
5. infringement — нарушение
6. trade dress — марка упаковки
7. trade secret — коммерческая тайна
8. disclosure — разглашение
9. exclusive rights — исключительные права

#### 14. Прочитайте и переведите текст, ответьте на вопросы.

1. What does intellectual property include?
2. What is a patent?
3. How do you understand the term “intangible property”?
4. What are IP owners granted?
5. How is trademark defined?
6. Why must not a trade secret be disclosed?
7. Why is the protection of IP so important?

Intellectual property, often known as IP, is fast-moving and sometimes complex area of law. It covers a wide range of diverse issues and allows people to own their creativity and innovation in the same way they can own physical property. IP refers to the creations of mind: inventions, literary and artistic works, and symbols, names, images, and designs used in commerce. The term “intellectual property” is connected with the intangible products of the intellect.

Under IP law owners are granted certain exclusive rights to a variety of intangible assets. Like other forms of property, IP can be bought and sold. IP laws are applicable both to natural persons and legal entities. Some of company’s most important assets are its intellectual property rights, which include patents, copyrights, trademarks, and trade secrets must be protected and secured. There are four general types of IP: (1) patents, (2) trademarks and trade dress, (3) copyright, (4) trade secret. The ability to recognize and protect IP is important in businesses. Under Internet networks global expansion intellectual property laws have been updated to provide protection of domain holders, Internet site owners and computer software owners.

A patent is an exclusive right to make, use, and sell a new and useful process, machine, or product, granted to inventor for a certain period of time.

Trademarks are generally names, logos or drawings used to indicate the identity of a business. Trademark status may also be granted to distinctive and unique packaging, colour combinations, building designs, and overall presentations. Service-marks also receive legal protection but are meant to distinguish services rather than products.

Copyright applies to original creations in the literary, dramatic, musical and artistic fields, sound recordings and broadcasts, including software and multimedia.

A trade secret is a business process or information that can't be patented, copyrighted or trademarked, and that must be protected from disclosure. A trade secret is defined by law as information including a formula, pattern, programme, device, method, technique or process used in a business. This information gives its owner an opportunity to gain advantage over competitors, and thus must not be disclosed.

A domain name is the strings of letters used to name organizations, that is an address of a computer network connection identifying the owner of the address. Industrial designs protect elements of product appearance (that is shape or pattern, not function) resulting from the feature of lines, colours, shape, texture of the product itself or its ornamentation.

Each of the areas is governed by statutes which set out conditions for creation, the process of registration, rights of the registered owner, remedies for infringement and rights of the public to use the property.

**15. Переведите на русский язык следующие слова и словосочетания.**

- 1) fast-moving area of law
- 2) to grant exclusive rights
- 3) logos and drawings
- 4) elements of products appearance
- 5) to set up conditions
- 6) to be governed by
- 7) to be secured
- 8) remedies for infringement

**16. Закончите следующие утверждения:**

1. Intellectual property refers to ...
2. The four types of IP are ...
3. Under IP law owners ...
4. A patent is ...
5. Copyright applies ...
6. A trade secret is defined ...
7. Trade marks are ...

## UNIT 8. WRITING ANNOTATIONS

**Аннотация** — краткая характеристика книги, монографии или статьи, содержащая перечень основных вопросов или тем. Составление аннотации осуществляется на максимальной компрессии (сжатии) текста, где последовательно перечисляются все затронутые в тексте вопросы и сжато излагается основной вывод автора по всей теме.

Необходимо помнить о существенной разнице между рефератом и аннотацией. Если аннотация лишь перечисляет вопросы, освещенные в тексте, не раскрывая их содержания, то реферат не только перечисляет эти вопросы, но и сообщает существенное содержание каждого из них. Рекомендуемый средний объем аннотации — не более 5 предложений.

### *Существует несколько видов аннотаций, которые делятся:*

1. По содержанию и целевому назначению:

- *Справочные.* Дают краткую информацию о содержании и специфике работы, их составляют для характеристики научных, учебных или справочных изданий.
- *Рекомендательные.* Дают характеристику и оценку текста относительно его пригодности для определенной аудитории. Такие аннотации преследуют и другие цели — заинтересовать читателя, показать значение и специфику произведения.

2. По полноте охвата содержания:

- *Общие.* Дают характеристику текста в целом с расчетом на широкую аудиторию.
- *Специализированные.* Дают характеристику текста в определенных аспектах с расчетом на узкий круг специалистов.

### *Чтобы составить аннотацию, необходимо:*

1. Разбить текст на логически законченные части (обычно это абзацы).

2. Озаглавить каждую часть.

3. Если в абзаце содержится несколько основных вопросов, разбить его на подчасти и озаглавить их.

Таким образом, мы получаем развернутый план текста.

4. Теперь необходимо объединить эту информацию в новый текст, связывая ее логико-грамматическими лексическими единицами. Обычно это сложные предложения, носящие обобщающий характер.

**Examples:** The article describes, outlines, analyzes ...  
The author also summarizes, addresses the issue of ...  
The article deals with, considers, investigates ...  
There are several main problems, outlined in this article ...

**5. Отдельным предложением необходимо подчеркнуть отношение автора, его позицию, новизну вопроса.**

***Последовательность изложения материала в аннотации:***

1. *Предметная рубрика.* В этом пункте обычно указывается область, к которой относится аннотируемый текст. Например: *международное право.*

2. *Тема.* Обычно определяется названием текста. Если название отсутствует, то тема формулируется самостоятельно.

3. *Выходные данные источника.* В этом разделе на английском языке указываются автор, название текста, журнал, книга, издательство, место и время издания. Затем эти же данные даются на русском языке. Эта часть является очень важной для каждой аннотации, т. е. позволяет легко найти сам первоисточник.

4. *Сжатая характеристика материала.* Здесь последовательно перечисляются все затронутые вопросы и дается основной вывод автора по основным вопросам.

5. *Критическая оценка первоисточника.* Эта рубрика может содержаться не в каждой аннотации, так как референт далеко не всегда может дать критическую оценку, но наличие такой рубрики является весьма желательным. Обычно референт излагает свою точку зрения на актуальность материала, указывает, на кого рассчитан данный материал. Более специальных суждений референт, как правило, не дает.

Составленная по такой структуре аннотация является ценным материалом для ориентации заинтересованных лиц в потоке информации и способствует систематизации первоисточника.



**АННОТАЦИЯ**

**1. Предметная рубрика:**

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**2. Тема:**

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**3. Выходные данные:**

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**4. Характеристика:**

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**5. Критическая оценка:**

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1. Составьте аннотацию к текстам Law in Practice и Labour Law.

**GLOSSARY**

agreement — соглашение

binding ~ соглашение, имеющее обязательную силу

enforceable ~ соглашение, имеющее исковую силу

to negotiate an ~ договариваться об условиях

branches of law — отрасли права

fundamental ~ основные отрасли права

specialised ~ специальные отрасли права  
composite ~ комплексные отрасли права  
civil — гражданский  
~ wrong — гражданское правонарушение  
~ proceeding — гражданский процесс  
~ procedural law — гражданское процессуальное право  
contract — договор, контракт  
to breach a ~ нарушить договор  
to enter into a ~ заключить договор  
to carry out a ~ выполнить условия договора  
parties to a ~ стороны договора  
breach of a ~ нарушение договора  
written ~ договор в письменной форме  
valid ~ юридически действительный договор  
~ of employment — договор о найме  
~ of insurance — контракт о страховании  
consideration — встречное удовлетворение  
exchange of ~ обмен встречными удовлетворениями  
valuable ~ надлежащее встречное удовлетворение  
criminal — уголовный  
~ responsibility — уголовная ответственность  
~ offence — уголовное преступление  
~ proceeding — уголовный процесс  
~ record — судимость  
criminal responsibility — уголовная ответственность  
grounds for ~ основания для привлечения к уголовной ответственности  
exemption from ~ освобождение от уголовной ответственности  
damages — возмещение убытков  
to be entitled to ~ иметь право на возмещение убытков  
to claim ~ требовать возмещение ущерба  
to seek ~ добиваться возмещения ущерба  
to award ~ присудить/назначить возмещение убытков  
to pay ~ возместить ущерб  
employment — занятость, наем  
contract of ~ трудовой договор  
terms of ~ условия найма  
~ relations — трудовые отношения  
goods — товары  
shipment of ~ перевозка, поставка товара  
insurance of ~ страхование товара  
law — закон, право  
agricultural ~ сельскохозяйственное право  
employment/labour ~ трудовое право

environmental ~ экологическое право  
contract ~ договорное право  
customs ~ таможенное право  
copyright ~ авторское право  
business ~ предпринимательское право  
intellectual property ~ право интеллектуальной собственности  
national economy ~ природоохранительное право  
substantive ~ материальное право  
social security ~ право социального обеспечения  
tort ~ деликтное право  
procedural ~ процессуальное право  
penitentiary ~ пенитенциарное/уголовное право  
~ of prosecutor's supervision — право прокурорского надзора  
~ on wages — закон о заработной плате  
mental distress — моральный ущерб  
relations — отношения  
property ~ имущественные отношения  
non-property ~ неимущественные отношения  
remedies — средство судебной защиты  
to seek ~ добиваться судебной защиты  
rights — права  
exclusive ~ эксклюзивные права  
legal ~ законные права  
statutory ~ законные права  
~ to property — право на имущество  
specific performance — реальное исполнение договора  
subject — предмет, учебная дисциплина  
core ~ основной, профилирующий предмет  
optional ~ курс/дисциплина по выбору  
major ~ дисциплина, выбранная в качестве специализации

## PART V

### CHAPTER 8. CRIME AND PUNISHMENT CHIEF LAW ENFORCERS — THE POLICE

#### UNIT 1. CRIME

##### 1. Какие виды преступлений вам известны?

2. Прочитайте возможные определения слова «преступление». Какое из них, по вашему мнению, наиболее полно отражает смысл этого слова?

1. Commission of an act forbidden by law.
2. Deviant behaviour that violates prevailing norms.
3. Illegal activity in general.
4. A bad, immoral or dishonourable act.
5. Offence that is committed against individuals or groups of individuals with criminal intent.
6. The breach of rules or laws.

##### 3. Прокомментируйте следующие утверждения.

1. Most crimes are drug-related.
2. Schools should have programmes telling young people about the danger of taking drugs.
3. Most crimes are against property, not people.
4. Low level of education can lead to crime.

##### 4. Ответьте на вопросы.

1. Do you think that the problem of criminality is urgent in our country?
2. What can be a cause of crime?
  - a) family surroundings, especially in early years.
  - b) the income level of the family.
  - c) the moral atmosphere of the time: unemployment, commodity shortages, the impact of the media.
  - d) the effectiveness of the police.
3. What kinds of crimes do you know?

## TEXT

### Crime

#### Vocabulary

1. a breach of rules — нарушение правил
2. to prescribe punishment — назначить наказание
3. to pass a new law — принять новый закон
4. to identify a suspect — установить личность подозреваемого
5. an unauthorized access — несанкционированный доступ

#### 5. Прочитайте текст и ответьте на вопросы.

1. Every violation of law is a crime, isn't it?
2. Do different societies define crimes in the same way?

Crime is a breach of rules or laws for which some governing authority can ultimately prescribe a punishment. Individual human societies may define crimes differently. Modern societies generally regard crimes as offences against the public or the state. The word 'crime' is generally associated with wrongdoing but not every type of wrongdoing is a crime. Telling lies is immoral wrong but if telling lies is put into practice resulting in physical harm to another, then such action becomes both criminal and immoral.

There are some acts which are considered to be crimes in one country but not in another. For example, it is a crime to have more than one wife at the same time in France, but not in Indonesia. There are quite a lot of agreements among states as to which acts are criminal. But such acts as stealing, physical attack or damaging somebody's property will be unlawful in all countries and the way of dealing with people suspected of crime may be different. Sometimes government "creates" new crimes by identifying a form of behavior and passing a new law to deal with it. Different societies or governments often review their ideas of what should and shouldn't be a crime. For example, race or sex discrimination hasn't been considered a crime for a long time. In recent years the Internet has grown explosively and there appeared the new crimes such as unauthorized access or "hacking", copyright infringements, child pornography, etc. Cybercrimes may intentionally harm the reputation of the victim, they may threaten a nation's security or financial health.

Most crimes are not reported, not recorded, not followed through, or not able to be proved. When informal relationships and sanctions are insufficient to establish and maintain a desired social order, a state may impose more strict systems of social control.

**6. Прочитайте текст еще раз и скажите, какие преступления, появившиеся за последнее время, были упомянуты в тексте.**

## UNIT 2. CATEGORIES OF CRIMES IN THE UK

### TEXT

#### Categories of Crimes in The UK

##### Vocabulary

1. indictable offences — преступления, подлежащие рассмотрению по обвинительному акту (тяжкие уголовные преступления)

2. summary offences — преступления, преследуемые в порядке суммарного (т. е. упрощенного, без участия присяжных) производства

3. either-way offences — преступления двойной подсудности (которые могут быть рассмотрены в магистратском суде или в Суде Короны)

4. intent — преступный умысел

5. liability — ответственность

#### 1. Прочитайте и переведите текст. Ответьте на вопросы.

1. What are the three categories of crimes?
2. In what way are indictable offences punished?
3. What offences are heard in the magistrates' courts?
4. Can an either-way offence be heard in different courts?
5. What is known as a 'strict liability' offence?
6. What is the most violent crime in your opinion?

There are three categories of crimes in the UK: indictable, summary, and either-way crimes.

Indictable offences are the most serious ones and are punishable by the longest prison terms. They include murder, rape and robbery and can only be tried in the Crown Court.

Summary offences are the least serious ones, such as speeding and drunk-driving. Summary trials are heard in magistrates' courts.

Either-way offences can be heard either in the Crown Court or by magistrates. Examples of either way offences include theft, drug offences and less serious physical violence. A magistrate can decide that an either-way offence is serious enough to be heard in the Crown Court where the penalties prescribed can be more severe. If, however, a magistrate decides that an either-way offence can be heard as a summary trial, the defendant can choose to move the trial to the Crown Court.

An important aspect of criminal law is that in most crimes the prosecution has to prove two elements. The first, *actus reus*, refers to the criminal act

itself. The second, *mens rea*, refers to the intent to commit a crime — ‘guilty mind’. However, in some cases, such as drunk driving or speeding, the prosecution does not have to prove intent. Such offences are said to be of ‘strict liability’.

Types of serious crimes in most jurisdictions are: arson, theft, sexual offences, terrorism. In common law arson is setting fire to the dwelling of another person. Theft sometimes is still known by the traditional name of larceny which probably is the most common crime involving criminal intent. The traditional definition of theft is the physical removal of an object without the consent of the owner. Burglary is entering a building, inhabited vehicle or vessel to steal, to inflict bodily harm or to do unlawful damage. In English law, any entry by an individual into a building with intent to commit theft is burglary.

Robbery is the commission of theft in circumstances of violence. Robbery takes many forms — from the mugging of a stranger in the street to robberies of banks, involving numerous participants and careful planning.

## **2. Выразите согласие/несогласие со следующими утверждениями.**

1. Summary offences are punished by the longest prison terms.
2. Such offences as ‘theft’ and ‘drug offences’ can only be heard in Magistrates’ courts.
3. Summary offences are the least serious offences.
4. *Actus reus* refers to the intent to commit a crime.
5. *Mens rea* refers to the criminal act itself.

## **3. Соотнесите английские слова и словосочетания с их русскими эквивалентами.**

- |                         |  |
|-------------------------|--|
| 1) indictable offence   | a) рассматривать (дело, случай)                                  |
| 2) summary offence      | b) Суд Короны  |
| 3) either — way offence | c) насилие, принуждение, применение силы                         |
| 4) to try               | d) преступление, подлежащее преследованию по обвинительному акту |
| 5) the Crown Court      | e) суд, судебное разбирательство                                 |
| 6) magistrates’ court   | f) преступное намерение  |
| 7) violence             | g) виновное действие   |
| 8) trial                | h) ответственность   |
| 9) mens rea             | i) преступление двойной подсудности                              |
| 10) actus reus          | j) магистратский суд   |

11) intent

к) преступление, преследуемое в порядке суммарного производства

12) liability

л) намерение, умысел

**4. Подберите с помощью словаря названия правонарушителей, используя глаголы и словосочетания, приведенные в таблице.**

1) steals	
2) steals purses and wallets	
3) gets money by threatening to disclose personal information	
4) seizes aeroplanes	
5) takes things from a shop without paying	
6) kills people	
7) steals from houses and offices especially at night	
8) takes people hostages for ransom	
9) tries to get secret information	
10) marries illegally while being married already	
11) steals from banks and trains	

**5. В таблице приведены различные виды преступлений. С помощью словаря дополните таблицу.**

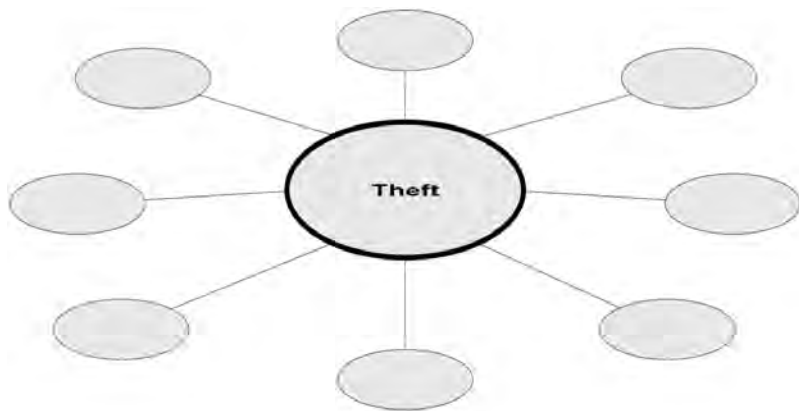
Crime	Criminal	Verb
assassination	an assassin	to assassinate
burglary		
smuggling		
hi-jacking		
embezzlement		
murder		
mugging		
robbery		

**6. Заполните таблицу словами, связанными со словом theft (1–8). Составьте предложения с этими словами.**

1. The past participle of the verb to steal.



2. A person who enters a house to steal things.
3. To steal something from persons on the street without their noticing.
4. To stop a person on the street and using violence or threats to rob him or her.
5. Going into a building by force to steal things (one word).
6. A person who steals from a shop.
7. A psychological compulsion to steal things.
8. A person who commits an act of theft.



## UNIT 3. CRIMINAL PROCEDURE

### TEXT

#### Criminal Procedure

##### Vocabulary

1. reasonable grounds — достаточные основания
2. preponderance of evidence — наличие более веских доказательств
3. to plead innocent — заявить о своей невинности
4. to take an oath — принять присягу
5. to overturn a court decision — отменить решение суда

#### 1. Прочитайте и переведите текст. Ответьте на вопросы.

1. How many stages does a criminal case pass?
2. Why is the arrest warrant necessary?
3. What do criminal charges depend on?
4. Can a case be resolved without a trial?

5. How does the prosecuting counsel manage to produce the appropriate evidence in court?

6. What kind of evidence can be excluded?

7. What is the purpose of appeals?

PRETRIAL STAGE. A criminal case passes through several phases before trial. At the first stage the crime is reported and investigated. Then, if there is “probable cause”, i.e. reasonable grounds (something more than mere suspicion to believe that a particular person committed the crime) the person can be arrested. An arrest warrant is necessary unless the pressure of time requires immediate action (e.g. before the suspect flees).

Finally, criminal charges must be lodged against the defendant. Depending on the state, the charges are called either an indictment (by a grand jury) or information (by a magistrate or police officer). They must be based on probable cause, preponderance of evidence, or prosecutor’s evidence that supports a belief in the defendant’s guilt.

In the USA most cases are resolved without a trial. Attorneys for the defence and prosecution usually reach a plea bargain. The judge must decide whether the guilty plea was freely given and whether there was some factual basis for the plea, but judicial disapproval of an agreed upon plea is rare.

BURDEN OF PROOF. At the trial there is crucial difference between criminal and civil cases in the level of proof required. A civil plaintiff merely needs a preponderance of the evidence; the judge only needs to find that the evidence favours the plaintiff over the defendant. A successful criminal prosecution requires proof of guilt beyond a reasonable doubt.

The prosecuting counsel opens the case with a short description of the events of the crime and calls his witnesses. After taking an oath by the witness the prosecuting counsel begins his examination by asking the witness his/her name, profession, place of domicile. In English law, witnesses are not allowed to make lengthy statements to the court. It is the duty of the attorneys for both parties to examine and cross-examine witnesses.

THE ORDER OF PROCEEDINGS. The session is opened by the court called to order by the Clerk of the Court. The judge enters. The clerk says: “All rise”. Everyone stands up and waits for the judge to take his seat. The accused is brought into the dock and the clerk asks for his or her name. The accused answers with the appropriate plea.

In English law a person is innocent until proven guilty. This means that in a trial the burden of proof is on the prosecution and if the prosecution cannot establish a reasonable cause for conviction the court must acquit the accused.

Both the defence and prosecution give their closing arguments, the prosecution going first. The judge sums up the evidence and instructs the jury on their duties. He reminds the jury that if there is any doubt at all in

their minds they must acquit the defendant. The jury retires to the jury room to consider the verdict. The verdict “not guilty” does not necessarily mean that the judge or jury believe the defendant to be innocent. It is simply a finding that there was insufficient evidence to prove guilt beyond a reasonable doubt.

**EVIDENCE.** Criminal trial courts have numerous, complex rules about what evidence is admissible, and how it may be introduced. The rules are supposed to exclude irrelevant, unreliable, or unfairly prejudicial matters, especially in jury cases (the system presupposes that a judge is less likely to be swayed by improper evidence). The jury’s verdict is to be based solely on the evidence properly brought out at the trial. Otherwise proper, highly relevant evidence may be excluded because it was obtained in violation of a defendant’s constitutional rights. Criminal appeals are often decided on such so-called technical issues.

**APPEALS.** The appeal is a petition for review of a case that has been decided by a court of law. The petition made to a higher court for the purpose of overturning the lower court’s decision. The specific procedures for appealing can vary greatly depending on the type of case and jurisdiction where the case was prosecuted. The appeal system is mostly for the benefit of the defendant, but it is possible for the prosecution to appeal for a retrial.

Appellate courts cannot overturn a verdict simply because they disagree with it — e.g., with how the jury weighed the evidence and decided to believe one witness more than another witness. Appeals tend to focus on problems in the trial, judge’s legal ruling, the instructions to the jury, and the trial procedures, not simply in the judge’s factual interpretations.

## **2. Соотнесите английские слова и словосочетания с их определениями на русском языке. Обратите внимание на их перевод.**

- |                              |  |
|------------------------------|--|
| 1) guilty plea               | a) заявление о признании вины                  |
| 2) probable cause            | b) сделка о признании вины                     |
| 3) preponderance of evidence | c) разумное, обоснованное сомнение             |
| 4) burden of proof           | d) обвинительный акт                           |
| 5) plea bargain              | e) перевес доказательств                       |
| 6) reasonable doubt          | f) заявление об обвинении по делу              |
| 7) information               | g) бремя доказывания                           |
| 8) indictment                | h) вероятная причина, правдоподобное основание |

**3. Работа в парах. Прочитайте текст Criminal Procedure еще раз. Найдите словосочетания со словом evidence. Установите, в каком контексте они упомянуты в тексте. Составьте предложения с этими словосочетаниями.**



**4. Выберите правильный вариант ответа в соответствии с содержанием текста.**

1. At the first stage of a criminal case before trial ...
  - a) the police collect evidence.
  - b) the crime is reported and investigated.
  - c) the suspected person must be interviewed by the police.
  
2. A person may be arrested if there ...
  - a) is a suspicion of the police officer.
  - b) is testimony of witnesses.
  - c) are reasonable grounds.
  
3. At the final stage ...
  - a) the suspected person must be arrested by the police.
  - b) criminal charges must be brought against somebody.
  - c) the suspected person must be taken into custody.
  
4. A successful criminal prosecution requires ...
  - a) a preponderance of evidence.
  - b) proof of guilt beyond a reasonable doubt.
  - c) that evidence favours the prosecution over the defendant.
  
5. There is a special order of proceedings and the session starts with ...
  - a) the prosecutor's statement.
  - b) the defence opening speech.
  - c) the appropriate plea of the accused.
  
6. The verdict "not guilty" means that ... .
  - a) the defendant is acquitted.
  - b) there was insufficient evidence to prove the guilt beyond reasonable doubt.
  - c) the jury considers the defendant to be innocent.
  
7. Appellate courts exist to ...
  - a) find the defendant guilty.
  - b) impose a more severe punishment.
  - c) correct errors in the application of the law.

**5. Выразите согласие/несогласие со следующими утверждениями.**

1. When opening the session the Clerk of the Court is called.
2. One of the main principles of the English law is that a person is innocent until proven guilty.
3. Only the prosecution attorneys give their closing arguments.
4. There are no special rules about what evidence is admissible in criminal proceedings.
5. In jury cases the judge is responsible for the legal ruling of trial procedures.
6. The procedures for appealing are the same in every court of law.

**6. Соотнесите слова из левой колонки с их определениями из правой колонки.**

1) defendant	a) a person who suffers injury, loss, or death as a result of criminal activity or other circumstances.
2) victim	b) the person who leads a trial and decides on the sentence.
3) jury	c) someone who appears in a court of law to say what they know about a crime or other event.
4) prosecution	d) the party against which a legal action or suit is brought in a court of law.
5) judge	e) a specific number of lay people, selected as prescribed by law to render a verdict in a trial.
6) witness	f) the party that initiates a criminal case.

**7. Составьте словосочетания (глагол + существительное), обратите внимание на их перевод. Используйте их для обсуждения темы «Уголовный процесс».**

Глаголы	Существительные
report	crime
investigate	criminal charge
cross-examine	person
commit	case
decide	the accused
lodge	suspect
arrest	witness
resolve	verdict
overturn	
convict	
acquit	
summarize	

**8. Работа в парах.** На основе текста *Criminal Procedure* установите всех участников уголовного процесса.

**9. Составьте на основе прочитанного текста резюме, в котором опишите стадии уголовного процесса и роль каждого участника этого процесса.**

## **UNIT 4. THE CRIMINAL CODE OF THE RUSSIAN FEDERATION**

### **TEXT**

#### **The Criminal Code of the Russian Federation**

##### **1. Прочитайте и переведите текст.**

The Criminal Code of the Russian Federation is divided into a General Part, containing general principles relating to criminal responsibility and assessment of punishment and a Special Part, listing various offences and punishments.

Under the General Part persons are subject to the criminal law when they reach the age of sixteen years for normal crimes, and fourteen years for murder and other grave crimes. Persons who are insane at the time of commission of a crime may not be convicted thereof.

The Criminal Code introduces some factors that exclude guilt to go along with traditional justifications such as self-defence or necessity or excuses such as duress. These include “innocent infliction of harm”, by persons who, due to objective or subjective (mental) circumstances, could not have appreciated the danger of their acts or have prevented the harm or who inflict harm while taking a socially useful justified risk. First-time offenders who commit less serious crimes can be freed of criminal responsibility if they engage in “active remorse” in the form of turning themselves in, aiding in the solving of the crime or making restitution.

The goal of punishment under the Code is the re-establishment of social justice, rehabilitation of a convicted person, and prevention of the commission of new crimes. The Code introduces life imprisonment as an alternative to the death penalty.

The Special Part of the Criminal Code contains a typical list of crimes against the person (homicide, sexual offences, assaultive conduct). A special chapter is devoted to punishment of violations against “the constitutional rights and freedoms of the person and citizen”, among them acts infringing on the inviolability of one’s private life, correspondence, and dwelling or on the liberty of confession or assembly.

Entrepreneurial activity is protected by the Constitution and regulated by criminal law. Offences connected with money laundering, restricting competition, false advertising, securities or credit fraud, fraudulent bankruptcy, tax evasion, and consumer fraud are punished according to the criminal code.

New provisions provide for punishment for “ecological crimes” and “crimes in the sphere of computer information”, including hacking and creating viruses. The present Code provides for responsibility for environmental crimes, some relating to general violation of rules, others to improper handling of dangerous substances such as biological agents or toxins, still others protecting distinct resources such as water, the atmosphere, the sea, the continental shelf, the soil, the subsoil, and flora and fauna. Such offences as incitement to national, racial, or religious hatred are punishable in accordance with the present Criminal Code.

## **2. Переведите и объясните значения данных слов и выражений.**

- 1) the first time offender
- 2) constitutional rights and freedoms
- 3) environmental crimes
- 4) money laundering
- 5) tax evasion
- 6) hacking
- 7) dangerous substances
- 8) incitement to national hatred

## **3. Найдите в тексте английские эквиваленты данным словосочетаниям.**

- 1) освободить от уголовной ответственности
- 2) совершение преступлений
- 3) помогать в раскрытии преступления
- 4) испытывать угрызения совести, раскаяние
- 5) восстановление социальной справедливости
- 6) препятствовать совершению новых преступлений
- 7) пожизненное тюремное заключение как альтернатива смертной казни
- 8) неумышленное причинение вреда
- 9) оценить опасный характер действий
- 10) реабилитация осужденных
- 11) тяжкие преступления
- 12) возместить убытки

#### 4. Подберите русские соответствия для английских слов и выражений.

1) General part	a) бизнесмен, предприниматель
2) assessment of punishment	b) общая часть
3) criminal responsibility	c) тяжкие преступления
4) Special part	d) принуждение
5) grave crimes	e) определение наказания
6) insane	f) лишение человека жизни, убийство
7) self-defence	g) особенная часть
8) assaultive conduct	h) неприкосновенность
9) homicide	i) уголовная ответственность
10) inviolability	j) самооборона
11) entrepreneur	k) агрессивное поведение
12) duress	l) душевнобольной

#### 5. Соотнесите английские выражения из левой колонки с их определениями из правой колонки. Переведите выражения на русский язык.

1) to commit a crime or an offence	a) to have a case judged in court
2) to accuse somebody of a crime	b) to say someone is guilty
3) to charge someone with (murder)	c) to do something illegal
4) to plead guilty or not guilty	d) to set someone free after a prison sentence
5) to defend/prosecute someone in court	e) what the judge does after a verdict of guilty
6) to give a verdict on an accused person	f) to argue for or against someone in a trial
7) to sentence someone to a punishment	g) to swear in court that one is guilty or otherwise
8) to acquit an accused person of a charge	h) to bring someone to court
9) to release someone from prison/jail	i) to decide whether they are guilty or not
10) to be tried	j) to decide in court that someone is not guilty (the opposite of to convict someone)

#### 6. Передайте содержание текстов на английском языке, обращая внимание на перевод выделенных слов и словосочетаний.

Текст А. **Уголовный процесс** в Великобритании проходит в форме состязания (the form of a contest) между обвинением и **защитой**. Все **судебные процессы** проходят открыто. Интересы сторон могут быть



представлены адвокатами. Уголовный процесс может проходить (to take place) только в присутствии **обвиняемого**. **Бремя доказывания возложено на обвинителя**. Для доказывания вины необходимо представить улики. Предполагается, что человек невиновен до тех пор, пока его вина не доказана.

Text В. Понятие и признаки преступления.

Понятие преступления является одной из основных категорий уголовного права. Закон устанавливает, что необходимо для осуществления стоящих перед **уголовным законодательством** задач охраны личности, ее собственности, общественного порядка и безопасности, окружающей среды, конституционного строя Российской Федерации, мира и безопасности человечества от **преступных посягательств**, а также **предупреждения преступлений**.

**Согласно УК РФ** преступление определено как **совершенное общественно опасное деяние**, запрещенное настоящим Кодексом под угрозой наказания. Преступление характеризуется определенными признаками. Ими являются: уголовная противоправность, общественная опасность, виновность и наказуемость.

**7. Обсудите высказывания (1—9), сделанные обвиняемыми. Подберите для каждого высказывания вид совершенного преступления, представленного в рамке.**

blackmail	burglary	embezzlement	bigamy	forgery
espionage	piracy	murder	bribery	

1. “I arrived home late and found that I’d forgotten my keys. I didn’t want to wake my wife up, and I saw there was a ladder in the garden of the house next door. I got the ladder and climbed in. We’ve just moved to the house and I didn’t realise I was in the wrong street”.

2. “I was walking my dog when I saw a gun lying on the ground. I picked it up — it was still warm — and at that moment I saw the body lying in the long grass. I went across to look and it was my business partner. That’s when the police arrived”.

3. “I opened the bank account in a false name as a way to help my employer pay less tax- It’s perfectly legal. I kept meaning to tell him, but somehow I just forgot. I bought the villa in France with my own money. It was an inheritance”.

4. “OK, so there are a hundred and twenty-three copies of ‘Four Weddings and a Funeral’. That’s perfectly true, but I had no intention of

selling them. I'm a collector. "Well, this obviously isn't my suitcase. I've never seen these things before in my life".

5. "I didn't know she was still alive, I thought she'd died in a car accident. I couldn't believe it when I saw her walk into the room. Surely you don't think I did this just to get your money?"

6. "You misunderstand me. When I offered him the money I meant it as a gift. I know that life can be difficult for a young man on a police salary, especially if he has a family, young children etcetera. It isn't easy and I know that. I just wanted to help. I didn't expect him to do anything in return".

7. "After leaving the office I realized I'd forgotten my umbrella. I went back in to get it. When I went in I noticed that the photocopier was still turned on. It had been working very badly all day, and I decided to quickly see what was wrong with it before going home. I made a few test copies of documents that were in the office; I didn't even look at what I was copying. The machine seemed to be working much better. I put the copies in my briefcase — intending to use the other side as notepaper. I don't believe in wasting paper. At that moment Mr Sanders came out of his office".

8. "I painted them for pleasure. I had no intention of deceiving people. I never said they were painted by other people. Yes, I did include the signatures of other artists but that's because I wanted them to be perfect copies".

9. "Mr Wills sent me the money to help me in my business venture — I'm trying to start a design agency. He sent me checks every month for \$1200. A couple of times he sent extra money when I had special expenses. It was always understood that he would participate in the profits of the business when it was running. We didn't write anything down, it was an oral agreement. The photographs I have of him with his secretary have no connection with these payments".

## **UNIT 5. HISTORY OF PUNISHMENT**

### **TEXT**

#### **History of Punishment**

##### **Vocabulary**

1. vindictive — мстительный, злопамятный
2. superstition — суеверие, предрассудок
3. savagery — жестокость

## **1. Прочитайте текст и расскажите о различных видах наказаний.**

In a primitive society punishment was left to the individuals wronged and was vindictive or retributive: in quantity and quality it would bear no special relation to the character or gravity of the offence. Gradually there arose the idea of proportionate punishment of which the characteristic type is “an eye for an eye”. In early times a superstitious belief in omens, ghosts, witchcraft was very common. Superstitions maintained a grip on the lives of many people. It was tempting and easy to blame almost any misfortune on somebody else, and sometimes senile old women were the target of being accused of all kinds of witchcraft. “Witches” were frequently executed.

Trial by ordeal is a judicial practice by which the guilt or innocence of the accused is determined by subjecting them to an unpleasant, usually dangerous experience. Indeed, the term ordeal itself has the meaning of “judgment, verdict”. In some cases the accused were considered innocent if they survived the test or if their injuries healed. In others, only death was considered proof of innocence. If the accused died they were often presumed to have gone punishment. In medieval Europe trial by ordeal was considered a procedure based on the premise that God would help the innocent by performing a miracle.

With the passage of time the attitude of society towards the excesses of the criminal law gradually changed. The courts and the people themselves came to rebel against all the savagery. As to the people, the last public execution in England took place in 1868, in front of Newgate Prison. The condemned man was Michael Barrett, an Irish rebel sentenced for his part in a bomb attack. The crowd sympathized with Barrett and was so hostile towards the hangman that the execution almost caused a riot. From that time onwards all executions were held inside prisons. It was not until 1969 that the death penalty for murder was finally abolished. Imprisonment has always been a favoured form of punishment. For hundreds of years the Tower of London was regarded as the premier prison in the land.

The progress of civilization has resulted in a vast change in both the theory and in the method of punishment. With the growth of law, the state took over the punitive function and provided itself with the machinery of justice for the maintenance of public order. From that time crimes were against the state, and such punishment as lynching became illegal. In the eighteenth century the humanitarian movement began to teach the dignity of the individual and to emphasize rationality and responsibility. The result was the reduction of punishment both in quantity and in severity, the improvement of the prison system, and the first attempts to study the psychology of crime and to distinguish classes of criminals with a view to their improvement. Later law breakers were considered as a product of social evolution and cannot be regarded as solely responsible for their disposition to offences. Crime was treated as a disease. Punishment, therefore, can be justified only if it either protects society or acts as a deterrent, or when it aims at the moral regeneration of the criminal.

**2. Соотнесите английские слова и словосочетания с их русскими эквивалентами.**

- |                                 |                               |
|---------------------------------|-------------------------------|
| 1) gravity of offence           | a) суеверные представления    |
| 2) a grip on the lives          | b) тяжесть правонарушения     |
| 3) public execution             | c) пройти испытание судом     |
| 4) riot                         | d) средство мотивации         |
| 5) endure the trial             | e) суровое испытание          |
| 6) innocence                    | f) беда, несчастье            |
| 7) the accused                  | g) беспорядки                 |
| 8) motivating force             | h) приемлемая форма наказания |
| 9) defendant                    | i) публичная казнь            |
| 10) misfortune                  | j) вина                       |
| 11) superstitious beliefs       | k) сильное влияние на жизнь   |
| 12) favoured form of punishment | l) показания свидетелей       |
| 13) trial by ordeal             | m) обвиняемый                 |
| 14) guilt                       | n) подсудимый                 |
| 15) witness accounts            | o) невиновность               |

**3. Найдите в тексте английские эквиваленты следующим словам и словосочетаниям.**

- 1) осуждать
- 2) колдовство
- 3) возложить вину на
- 4) казнить
- 5) обвинять в
- 6) доказательство невиновности
- 7) превышение судебных полномочий
- 8) поднять бунт против суровых мер наказания
- 9) тюремное заключение
- 10) отменить смертный приговор
- 11) средство устрашения
- 12) приговорить к наказанию

**4. Выразите согласие/несогласие со следующими утверждениями.**

1. A judicial practice by which the guilt or innocence of the accused is determined is a verdict.
2. Trial by ordeal meant severe experience for the accused.
3. There were a lot of theories confirming the effectiveness of trial by ordeal.
4. The result of progress was the improvement of the prison system.
5. The last public execution took place in 1968 in France.

**5. Закончите следующие предложения в соответствии с текстом.**

1. In a primitive society punishment ... .
2. Gradually there arose the idea of proportionate punishment ... .

3. In medieval Europe the guilt or innocence of the accused ... .
4. With the passage of time the attitude of society towards ... .
5. Furthermore in 1969 the death penalty for murder ... .
6. The progress of civilization has resulted in... .
7. The favoured type of punishment was ... .
8. The result of the humanitarian movement was ... .
9. Later law breakers were considered ... .
10. Justification of punishment aims at ... .

**6. Образуйте существительные от глаголов при помощи суффиксов -ment и -tion. Переведите их.**

Rehabilitate, treat, impose, accuse, punish, violate, develop, convict, imprison, amend, implement, legislate, execute, restrict, probate, infringe, incarcerate, encourage, define, assassinate, prevent.

-tion	-ment
to educate — education	to develop — development

**7. Подготовьте аннотацию к тексту History of Punishment.**

## UNIT 6. TYPES OF PUNISHMENT

**1. Ответьте на вопросы.**

1. What modern types of punishment do you know?
2. Are mild sentences a sign of a civilized society?

### TEXT 1

#### Types of Punishment

##### Vocabulary

1. to refrain from — воздерживаться от чего-либо, удерживаться от чего-либо
2. to submit to — подчиняться
3. to take into account — принять во внимание
4. the prior criminal record — предыдущая судимость
5. deliberate infliction of pain — умышленное причинение боли

**2. Прочитайте и переведите текст. Ответьте на вопросы.**

1. What does punishment for a crime depend on?
2. What kinds of punishment do you know?

3. What does a judge take into account in declaring a sentence?
4. In what cases are fines used for criminal offences?
5. How does the length of sentences vary?
6. In what way are Britain and the USA trying to solve the shortage of space in prisons?
7. What is the main idea of probation?
8. What is a parole?
9. What does community service require?

There are several kinds of punishment available to the courts. Crimes are punished according to their seriousness. More serious crimes are given harsher penalties. In declaring a sentence a judge may take into account the following: prior criminal record, the age of the offender and other circumstances surrounding the crime, including cooperation with law enforcement officers, the amount of loss to victims, whether a weapon was used in the crime, the age or helplessness of the victims.

Punishment may include:

- a fine
- term of imprisonment (time in jail or prison)
- probation or parole
- community service

For criminal offences FINES are often used when the offence is not a very serious one and when the offender has not been in trouble before.

For more serious crimes the usual punishment is IMPRISONMENT. The length of sentences varies from a few days to a lifetime. However, a life sentence may allow the prisoner to be released after a suitably long period if a parole board agrees that his detention no longer serves a purpose. In some countries, such as the Netherlands, living conditions in prison are fairly good because it is believed that deprivation of liberty is punishment in itself and should not be so harsh that it reduces the possibility of the criminal re-educating and reforming himself. In other countries, conditions are very bad. Perhaps because of an increase in crime or because of more and longer sentences of imprisonment, some prison cells have to accommodate far more people than they were built to hold. Britain and the United States are trying to solve the shortage of space by allowing private companies to open prisons.

PROBATION is the suspension of jail time. An offender on probation is ordered to follow certain conditions set forth by the court, often under the supervision of a probation officer. Offenders are ordinarily required to refrain from subsequent possession of firearms, and may be ordered to remain employed, live at a directed place, obey the orders of the probation officer. Offenders on probation might be fitted with an electronic tag (or monitor), which signals their whereabouts to officials. Also, offenders have been ordered to submit to repeated alcohol/drug testing or to participate in alcohol/drug or psychological treatment, or to perform community service work.

PAROLE is the supervised release of prisoners before the completion of their sentence in prison. They may be returned to prison if they violate the conditions of their parole. Conditions of parole often include things such as obeying the law, avoiding contact with the parolee's victims, obtaining employment, and maintaining required contacts with a parole officer.

Parole should not be confused with probation, as parole is serving the remainder of a sentence outside of prison, where probation is given instead of a prison sentence and as such, tends to place more rigid obligations upon the individual serving the term.

CORPORAL PUNISHMENT is a form of physical punishment that involves the deliberate infliction of pain as retribution for an offence, or for the purpose of disciplining or reforming a wrongdoer. This kind of punishment is still employed in Malaysia, Singapore, Pakistan, Zambia and Zimbabwe. Courts may sentence offenders to be caned or whipped. As well as corporal punishment, some Islamic countries such as Saudi Arabia and Iran use other kinds of physical penalties such as amputation or mutilation.

COMMUNITY SERVICE requires the offender to do a certain amount of unpaid work usually for a social institution such as a hospital.

RESTRICTING FREEDOM in the form of house arrest as a new alternative type of punishment in the Russian Federation has now been adopted in connection with coming into force of new provisions in the Criminal and Criminal Correctional Codes.

**3. Найдите в тексте английские эквиваленты следующим словам и словосочетаниям.**

- 1) уголовные преступления
- 2) более суровые наказания
- 3) возраст правонарушителя
- 4) приговор, предусматривающий пожизненное тюремное заключение
- 5) представители органов правопорядка
- 6) Уголовно-исполнительный кодекс
- 7) отсрочка тюремного заключения
- 8) приговорить к probation
- 9) отбывать наказание
- 10) условное освобождение
- 11) рост преступности
- 12) задержание, заключение под стражу
- 13) лишение свободы
- 14) потерпевший
- 15) незначительное правонарушение
- 16) соблюдать приказ
- 17) тюрьма открытого типа (неохраняемая)
- 18) прошлая судимость
- 19) оглашение приговора

**4. Прочитайте и соотнесите виды наказания (1—12) с их определениями (а—l) и дайте их перевод.**

Виды наказаний

1.	fine	7.	corporal punishment
2.	capital punishment	8.	house arrest
3.	jail	9.	suspended sentence
4.	parole	10.	community service
5.	imprisonment	11.	prison
6.	probation	12.	prison cell

Определения

a	Physical punishment, such as flogging or beating.
b	A place for long-term incarceration for a crime.
c	A place of confinement for time periods longer than those usual for a police station lock-up and shorter than those usual for a prison.
d	A special place where a convicted person serves his sentence.
e	A release from prison, before a sentence is finished, that depends on the person 'keeping clean' and doing what he or she is supposed to do while out. If the person fails to meet the conditions, the rest of the sentence must be served.
f	A sum of money exacted as a penalty by a court of law or other authority.
g	A sentence (usually, jail time) that the judge allows the convicted person to avoid serving (e.g. if the person continues on good behaviour, completes community service, etc.).
h	Unpaid work, intended to be of social use, that an offender is required to do instead of going to prison.
i	The state of being kept as a prisoner in one's own house, rather than in a prison.
j	The most severe of all sentences: that of death. Also known as the death penalty.
k	The sentencing of a criminal to a period of time during which they will be deprived of their freedom.
l	A kind of punishment given out as part of a sentence, which means that instead of jailing a person convicted of a crime, a judge will order that the person reports to an officer regularly and according to a set schedule.



**5. Прочитайте текст Purposes of Punishment и озаглавьте каждый абзац, используя слова, данные в рамке. Переведите текст.**

rehabilitation	retribution	deterrence
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## TEXT 2

### PURPOSES OF PUNISHMENT

1. The purpose of punishment means that the sentence should be designed to deter people from committing offences for fear of the consequences. These days, more and more sentences are designed to ensure that the offender is made aware of the harm he has done. Steps are also taken in appropriate cases to ensure that the offender understands the full effect of the harm he has caused, and apologizes to the victim for it.

2. The purpose means that the sentence should, wherever possible, take into account the personal circumstances of the defendant and look to his future. A large number of offenders need treatment rather than punishment. Many offenders who are mentally ill, or who are addicted to alcohol or dangerous drugs, are not sent to prison, but are ordered to receive treatment in hospitals or drug rehabilitation centers. Punishment may be designed to reform and rehabilitate the wrongdoer so that they will not commit the offence again. This kind of punishment should not be confused with deterrence, the goal here is to change the offender's attitude to what they have done, and make them come to accept that their behaviour was wrong.

3. The purpose means that the punishment should in some way pay the offender back for the harm he has done. Firstly, this will give satisfaction to the victim. Some would dearly like to get their own back in an act of vengeance. They must not do this. A victim of crime must never "take the law into his own hands". If that were acceptable there would be even more violence and public disorder. Secondly, it is the way in which the public as a whole can show their feelings of disapproval for the crime and the offender who committed it.

**6. Замените русские слова и выражения, данные в скобках, соответствующими формами английских глаголов.**

One of the two accused men (осуждать) at yesterday's trial. Although his lawyer (защищать) him very well, he still (признать виновным) by the jury. The judge (приговорить к наказанию) him to two years in prison. He'll probably (освободить) after eighteen months. The other accused man was luckier. He (оправдать) and left the courtroom smiling broadly.

**7. ДИСКУССИЯ — Capital punishment: For and Against. Прочитайте текст и аргументы за и против применения смертной казни. Выразите свое мнение по данному вопросу, используя следующие формулы речевого общения.**

I strongly believe (that) ...	Я твердо убежден, что ...
I'm sure (that) ...	Я уверен, что ...
In my opinion ...	По-моему мнению ...
I'm not sure, but ...	Я не уверен, но ...
I'm keeping an open mind for the moment.	Пока у меня нет никакого мнения на этот счет.
In general ...	В общем ...
Unfortunately ...	К сожалению ...
Furthermore ...	Кроме того ...

### ТЕКСТ 3

#### Capital Punishment

##### Vocabulary

1. to suspend — приостанавливать, временно прекращать
2. to abolish — отменять

The death penalty by hanging for murder and some other crimes was first suspended in 1965, and was completely abolished in 1969 in Great Britain. But opinion polls consistently show that over half of the public is in favour of the death penalty, especially for terrorist offences and the murder of policemen. The general public seems to support harsh treatment of criminal offenders, and argues that more sympathy and aid should be given to the victims of crimes. The UN has declared itself in favour of abolition, Amnesty International actively campaigns for abolition, and the issue is now the focus of great debate.

Supporters of capital punishment believe that death is a just punishment for certain serious crimes. It deters people from committing such crimes. It must not be abolished.

Opponents argue that execution is cruel and uncivilized. The death penalty can only be imposed for especially grave crimes against life and may not be imposed against women, men under eighteen years of age.

The goal of punishment under the new Criminal Code in Russia is the re-establishment of social justice, the rehabilitation of the convicted person, and the prevention of the commission of new crimes (Art. 43 CC). The widely used Soviet punishment of banishment was abolished toward the end of the perestroika period, but the 1996 Criminal Code still includes the

death penalty and other common forms of punishment: fine, prohibition to engage in a profession, confiscation of property, and deprivation of liberty among others. The death penalty can only be imposed for especially grave crimes against life and may not be imposed against women, men under eighteen years of age at the time of the commission of the offence, or men over sixty years of age at the time of judgment (Art. 59 CC). Whereas fifteen years was the maximum period of imprisonment under the old code, the 1996 Code introduces life imprisonment as an alternative to the death penalty.

Reasons “for”	Reasons “against”
<ul style="list-style-type: none"> <li>– It protects unarmed policemen, young children, civilized society;</li> <li>– “Life sentence”: ten years of “good conduct” and then freedom to live on the proceeds of crime;</li> <li>– Suspension of capital punishment encourages crime;</li> <li>– Violent criminals seem to be heroic figures, glorified in Mass Media;</li> <li>– They expect and receive VIP treatment.</li> </ul>	<ul style="list-style-type: none"> <li>– Capital punishment doesn’t deter criminals from committing serious offences;</li> <li>– This has been proved many times in the past: relaxation of harsh laws has never led to increase in crime rate;</li> <li>– It’s absurd: capital punishment has never protected anyone;</li> <li>– Hanging, electric chairs are barbaric practices, unworthy of human beings;</li> <li>– In most civilized countries capital punishment is either suspended or abolished.</li> </ul>

## UNIT 7. THE BRITISH POLICE — SOME HISTORICAL FACTS

### TEXT 1

#### Some Historical Facts

##### Vocabulary

1. to keep public order — поддерживать общественный порядок
2. to prevent a crime — предотвратить преступление
3. a sense of insecurity — чувство незащищенности
4. notorious — пользующийся дурной славой
5. to pay rewards — давать денежное вознаграждение
6. to pass an act — принять законодательный акт

**1. Прочитайте и переведите текст об истории возникновения полиции в Великобритании. Ответьте на вопросы.**

1. Why did Justices of the Peace have to employ thief-takers?
2. What did Jonathan Wild specialize in?
3. What did the Second Transportation Act lay down?
4. Why did the British police system become the model for police forces in other countries?

The police play the most important part in keeping public order and protecting persons and property. To do their work properly the police need necessary powers. They have the power to intervene to prevent a crime. If their orders are not obeyed, they may arrest the people who have broken the law and bring them before the courts.

Centuries before the formation of any official police force passed when attempts were made to provide some means of 'community policing'. In England keeping law and order was the special responsibility of Justices of the Peace (JPs).

Despite the cruel penalties inflicted upon criminals the state of lawlessness in the seventeenth and eighteenth centuries was appalling. By the second half of the eighteenth century the general population lived with a terrifying sense of insecurity. Gangs of criminals roamed the towns. Any form of transport was risky.

Justices of the Peace had to employ thief-takers to catch criminals. Thief-takers were often no better than the criminals themselves. Sometimes they were criminals who knew the criminal underworld well.

The most notorious thief-taker of all was Jonathan Wild who operated in the early part of the eighteenth century. He began his career in a small way informing on criminals who were suspected of crime. Eventually he built up a criminal empire of his own. His speciality was the organization of robberies and burglaries. He was then paid rewards by the victims for securing the return of their property.

In 1719 as a direct result of activities of this kind Parliament passed the Second Transportation Act which laid down that anyone taking a reward for receiving stolen goods, who did not also help to arrest the thief and give evidence against him, was guilty of a 'felony' (serious crime which could result in sentence of death). Eventually, Wild was himself caught and prosecuted.

The first police force to become an organized body of men wearing uniforms and given special powers was named the Metropolitan Police Force ('The Met'), because it policed the metropolis of London. This force was created by the Metropolitan Police Act 1829. At that time Sir Robert Peel was the Home Secretary, and policemen were therefore known as 'Peelers' or 'Bobbies'. The new police force first went out on duty on 29 September 1829. The force made a poor start. By the end of the year the most of men had been dismissed because of being drunk on duty.

It is hardly surprising that in the early days of the force public opinion was very much against it. Newspapers complained bitterly that the police behaved with brutality in their enthusiasm to make arrests. At the same time the police were blamed for failing to clear up crime.

Nevertheless, the value of an organized police force soon became apparent. The first plain-clothes detectives were used to gather information on the activities of gangs of criminals.

The Metropolitan Police force was well organized and disciplined and after the initial period of public skepticism became the model for other police forces in Great Britain and this police system had been adopted throughout the world.

**2. Соотнесите английские словосочетания с их русскими эквивалентами. Обратите внимание на их перевод.**

- |   |   |
|---|---|
| 1) to obey the law                      | a) совершить преступление                     |
| 2) to enforce the law                   | b) предстать перед судом                      |
| 3) to maintain law and order            | c) судебное преследование правонарушителей    |
| 4) to commit offences                   | d) соблюдать закон                            |
| 5) legal process                        | e) предотвратить преступление                 |
| 6) to prosecute offenders before courts | f) смертный приговор                          |
| 7) to apprehend criminals               | g) выплачивать вознаграждение                 |
| 8) to impose a fine                     | h) налагать суровые наказания                 |
| 9) to abuse powers                      | i) давать показания                           |
| 10) to mistreat                         | j) нанять сыщиков                             |
| 11) to be suspected of a crime          | k) находиться в прямом подчинении             |
| 12) to inflict cruel penalties upon     | l) поддерживать правопорядок                  |
| 13) to come under direct supervision    | m) проявлять жестокость                       |
| 14) to employ thief-takers              | n) подозревать в совершении преступления      |
| 15) failing to clear up crime           | o) контроль за общественным порядком          |
| 16) to pay rewards                      | p) налагать штраф                             |
| 17) to prevent a crime                  | q) превышать полномочия                       |
| 18) to give evidence                    | r) судебный процесс                           |
| 19) community policing                  | s) применять закон                            |
| 20) sentence of death                   | t) потерпеть неудачу в раскрытии преступлений |
| 21) to bring before the court           | u) обращаться ненадлежащим образом            |
| 22) to behave with brutality            | v) арестовывать преступников                  |

**3. Выразите согласие/несогласие со следующими утверждениями.**

1. There is no difference between thieves and thief-takers.
2. Jonathan Wild investigated burglaries and robberies.
3. People had to pay Jonathan Wild for securing the return of their stolen property.
4. Parliament passed the Second Transportation Act to reduce crime.
5. The Metropolitan police was organized by Sir Robert Peel.

**TEXT 2**

**The British Police**

**Vocabulary**

1. to prosecute — преследовать в судебном порядке
2. to have judicial functions — иметь (выполнять) судебные функции
3. to deter — удерживать от чего-либо  
deterrent — сдерживающий фактор
4. abuse of power — злоупотребление служебным положением
5. the Metropolitan Police — Столичная полиция
6. to supervise the investigation — осуществлять надзор за расследованием
7. forensic science — судебная экспертиза

**4. Прочитайте и переведите текст. Ответьте на вопросы.**

1. What are the functions of the British police?
2. What is the Code of Practice designed for?
3. How are the British police organized?
4. Are women allowed to serve in the police forces?
5. Why is it important for the police to work in close contact with the public?

The police have many functions in the legal process. As well as gathering information for offences to be prosecuted in the courts the police have wide powers to arrest, search and question people suspected of crimes and to control the actions of members of the public during public demonstrations and meetings. In some countries the police have judicial functions; for example, they may take a decision as to guilt in a driving offence and impose a fine without the involvement of a court.

The mere presence of the police is a factor in deterring people from committing offences. A just legal system needs an independent, honest police force. In countries where the public trusts the police force people are more likely to report crimes, and it seems that they are also more likely to be law-abiding.

Police powers are great and they are given to the police as part of their overall responsibility to enforce the law but they are all governed by the law and are subject to strict control by rules and regulations. For example, a British police officer is subject to the law and may be sued or prosecuted for any wrongful act committed in carrying out duties. Legislation and the code of practice in England are designed to prevent any abuse of power enjoyed by the police officer. In 1985 The Police Complaints Authority was established to supervise the investigation of any serious complaint against the police officer.

The police in Britain are organized very differently from any other country. Most countries have a national police force which is controlled by central Government. Britain has no national police force although the police is supervised by the central Government's Home Office. There is a separate police force for each of 52 areas into which the country is divided. Each has a police authority — a committee of local county councilors and magistrates. The policing of London is in the hands of the Metropolitan Police Force with headquarters at New Scotland Yard. The forces co-operate with each other but it is unusual for members of one force to operate in another's area unless they are asked to give assistance.

One of the important powers of the police which has caused much difficulty and controversy is the power to question or interview persons suspected of crime. The Police and Criminal Evidence Act 1984 provides numerous laws to protect people in England who are being interviewed by the police.

All members of the British police must gain a certain level of academic qualifications at school and undergo a period of intensive training. The career structure in the British police force allows to be promoted from constable to sergeant, then through inspector and superintendent to chief constable. In London the Head of the Force is called the Metropolitan Commissioner. He heads the force which now has more than 25,000 police officers — one-fifth of all the officers in England and Wales. The police are helped by a number of special constables — members of the public who work for the police voluntarily for a few hours a week. Women make up about 10 per cent of the police force.

In most countries the police carry guns. The British police generally do not carry firearms, except in Northern Ireland. In certain circumstances specially trained police officers can be armed, for instance, those who guard politicians and diplomats or who patrol airports but only with the signed permission of a magistrate.

The police now use advanced modern equipment. This ranges from motorbikes and squad cars to helicopters. It includes the most advanced surveillance aids and access to the Police National Computer and the facilities of the Forensic Science Service. This service runs highly

sophisticated laboratories where forensic scientists carry out the scientific examination of exhibits.

Ever since the first police force in England was founded, the police have come under criticism — for denying civil liberties, for failing to catch criminals or for catching the wrong people. These cases which have resulted in serious injustice have had a profound effect upon the whole criminal justice system and, of course, the police and the manner in which they carry out their duties. They have also resulted in very significant changes in the law.

**5. Соотнесите английские словосочетания с их русскими вариантами перевода.**

- |   |   |
|---|---|
| 1) to deter from committing crimes              | a) осуществлять надзор за рассмотрением жалоб |
| 2) to be subject to strict control              | b) оказывать поддержку                        |
| 3) rules and regulations                        | c) выполнять обязанности                      |
| 4) to supervise the investigation of complaints | d) быть объектом строгого контроля            |
| 5) to come under criticism                      | e) судебная экспертиза                        |
| 6) to give assistance                           | f) нормативно-правовая база                   |
| 7) to carry out duties                          | g) подвергаться критике                       |
| 8) forensic science                             | h) удерживать от совершения преступления      |

**6. Выразите согласие/несогласие со следующими утверждениями.**

1. The British police have no judicial power.
2. The police have judicial functions to impose a fine without the involvement of a court.
3. The policing in London is in the hands of Scotland Yard.
4. British policemen always carry firearms.
5. The Police forces in England do not cooperate with each other.
6. It is not necessary for policemen to be well-educated.

**7. Работа в парях. Соотнесите названия полицейских подразделений, данные в рамке, с их описаниями (1—9).**

Dog handling	Crime prevention	Traffic wardens	Drugs Squad
Community relations	Mounted police	Scenes of crimes and forensic science	Murder Squad
		Flying Squad	

1. ... All forces have a department of officers trained to give advice on how citizens may best protect themselves and their property against criminals. They often visit schools and make presentations to children.



2. ... The job of Community Liaison Officers is to improve relations between the police and the different parts of the community they serve, including young people in the area. This includes race relations work and visiting of schools.

3. ... These officers are specially skilled in training and handling police dogs, whose duties may range from protection against violent criminals to assisting in the investigation of crime. (drug, terrorism).

4. ... Even in these modern times the police still make use of horses as a particularly effective means of crowd control.

5. ... Scenes of Crimes Officers are expert in visiting the scenes of crimes and searching for clues. They take fingerprints or the castings of shoe-prints, and remove any item of interest which will require laboratory examination. Police officers are also trained to work in the laboratories.

6. ... These officers must become expert in the identification of a whole range of prohibited dangerous drugs and substances.

7. ... These branches of the force deal with the most serious investigations into murder and other violent crime, such as armed robbery.

8. ... These officers wear plain-clothes and specialize in detective work.

9. ... Their job is to make sure that drivers obey the parking regulations. It is the police who are responsible for controlling offences like speeding, careless driving and drunken driving.

## **UNIT 8. POLICE OF THE RUSSIAN FEDERATION**

### **1. Согласны ли вы со следующими утверждениями, характеризующими работу полиции в России?**

1. The police enjoy trust and respect of citizens.
2. People seldom turn to the police for help.
3. Policemen always behave properly and never break laws themselves.
4. Policemen are always ready to help people in case of emergency.

### **TEXT 1**

#### **Police of the Russian Federation**

### **2. Прочитайте текст и выразите согласие/несогласие со следующими утверждениями.**

1. The function and organization of the police in Russia and other countries is the same.
2. Police personnel are not permitted to carry their weapons when they are off duty
3. Conscripted soldiers are never assigned to carry out simple public security tasks.
4. The aim of the reform was only to improve the image of the police.

The organizational structure, methods and traditions of the police of the Russian Federation as well as the functions and organization of Ministry of Internal Affairs differ from the police of western countries. The departments in western countries are usually civil executive bodies headed by politicians and responsible for many other tasks as well as the supervision of law enforcement.

One unique feature of policing approach in Russia is the system of territorial patronage over citizens. Cities as well as rural settlements are divided into districts and the policeman is the main and actually the real police force in these areas.

The duty of a policeman is to maintain close relations with the residents of his district. He is also responsible for tackling minor offences like family violence, loud noise, residential area parking etc.

Police personnel carry firearms, but are not permitted to carry their weapons when they are off duty. Although women constitute a significant proportion of police staff, they are usually not permitted to fill positions that carry risks but they are allowed to carry firearms in self-defence. Instead, they are widely represented among investigators, juvenile crime inspectors, clerks etc. However, limited attempts are being made to appoint women as traffic officers.

Another unique feature is the use of conscripted soldiers from the Internal Troops for regular urban policing. The Internal Troops are the military force who can be assigned to carry out simple public security tasks like patrolling while being accompanied by professional policemen, or cordoning large crowds at sport events, concerts and protests.

On 1 March 2011 Russian law enforcers were renamed from militia to police. Russian police reform is an ongoing effort to improve the efficiency of Russia's police forces and improve the public image of law enforcement.

### **3. Соотнесите английские словосочетания с их русскими вариантами перевода.**

- |  |   |
|--|---|
| 1) to be assigned permanent partners         | a) получить административное взыскание            |
| 2) a territorial patronage over somebody     | b) быть связанным с                               |
| 3) to forward a case to the court for trial. | c) повышать эффективность                         |
| 4) conscripted soldiers                      | d) иметь постоянного напарника по работе          |
| 5) to improve efficiency                     | e) передавать дело на рассмотрение                |
| 6) to have links to                          | f) призывники, новобранцы                         |
| 7) to receive administrative penalties       | g) осуществлять надзор за жителями данного района |

**4. Переведите текст 2 на русский язык. Составьте краткий план уголовного расследования.**

**TEXT 2**

**The Criminal Investigation in Russia**

The criminal investigation in serious cases is divided into two stages: an informal inquest performed by the police and a formal preliminary investigation usually conducted by a legally trained investigator who works for the Ministry of Internal Affairs but is subordinate to the procuracy. Less serious cases are investigated by the police and their reports are submitted in writing directly to the courts, by passing the formal preliminary investigation.

The activity of the police during the inquest is supposed to be limited to arresting suspects, securing the crime scene, and taking initial evidence from available suspects and witnesses. The police should inform the procuracy within twenty four hours of the arrest of a suspect and the case should then be turned over to the investigator who decides whether to initiate a formal criminal investigation. All investigative acts are documented in writing and collected in an investigative dossier that follows the case into the courts and serves as a repository for vital evidence during trial and appeal. The procurator has forty-eight hours after notification to either issue an order of preventive detention or release the suspect. Detention is authorized if there is fear the defendant will not appear for trial, destroy evidence, commit more crimes or just because of the seriousness of the offence.

When the investigator determines that there is sufficient evidence to bring the accused before trial he prepares an accusatory pleading and forwards it to the procurator for review. The accused and his counsel have, at this point, the right to full discovery of the entire contents of the investigative dossier. The procurator may dismiss the case, amend the pleading or forward the case to the court for trial.

**5. Заполните таблицу. Обсудите полученные данные, используя следующие речевые модели.**

Speaking of ...	Говоря о ...
To begin with, ...	Прежде всего ...
Our top priority is ...	Наиважнейшим является ...
Above all, ...	Главным образом, в основном, ...
Another consideration is ...	Следующее, что следует принять во внимание, это — ...
In short ...	Короче говоря ...
To sum up ...	Подводя итог сказанному ... (В итоге ...)

structure		duties
Police in Russia		
Police in the UK		

**Повторение грамматики. Инфинитив. Сложное дополнение  
(Infinitive. Complex Object)**

**1. Переведите предложения, обращая внимание на употребление инфинитива в различных функциях.**

1. The purpose of the trial is to decide whether the defendant is guilty or not guilty.
2. The objective of the criminal law is to protect the community.
3. Usually the person making the claim wants money to compensate for what has happened.
4. One of the important differences between civil and criminal cases is what is called the burden of proof or the standard to which the case has to be proved.
5. One of the aims of criminal sanctions is to correct and reform criminals.
6. In criminal law prosecution is required to identify and locate the guilty person and to provide evidence of his guilt.
7. No rule of criminal law is of more importance than that which requires the counsel for the prosecution to give his version of evidence.
8. An important aspect of criminal law is that in most crimes the prosecution has to prove two elements.
9. Burglary is entering a building, inhabited vehicle or vessel to steal, to inflict bodily harm or to do unlawful damage. In English law any entry by an individual into a building with the intent to commit theft is burglary.
10. To prove the guilt of the accused beyond reasonable doubt means not to have any doubt about his guilt.

**2. Переведите предложения, содержащие «сложное дополнение», на русский язык.**

1. We consider this decision to be unlawful.
2. The public expected the barrister for the defence to give his closing arguments.
3. The accused did not expect the punishment to be so severe.
4. People saw the policeman stop and search the car.

5. The public expected the jury to examine the evidence and give a just and reasonable verdict.
6. To prevent unrest the police ordered the mob to leave the square.
7. The jurors watched the prosecutor exhibit the evidence.
8. The eye witness saw the defendant enter the house.
9. We believe crime prevention to be one of the main functions of the police.
10. The witness heard the offender threaten the victim.

**3. Переведите предложения на английский язык, используя конструкцию «сложное дополнение».**

1. Никто не ожидал, что свидетелем обвинения выступит жена подозреваемого.
2. Адвокат предполагал, что судья освободит обвиняемого под залог.
3. Подсудимый слышал, как свидетель давал показания под присягой.
4. Полицейский попросил свидетеля составить фоторобот подозреваемого.
5. Следователь хотел, чтобы эксперт выяснил, было ли данное оружие использовано при совершении преступления.
6. Полицейский заставил подозреваемого пройти тест на наличие наркотиков.
7. Многие люди высказывают пожелание, чтобы правительство отменило мораторий на смертную казнь.
8. Подсудимый хотел, чтобы его дело рассматривалось судом присяжных.
9. Никто не заметил, как подозреваемый скрылся с места преступления.
10. Свидетели видели, как молодой человек вынес несколько компьютеров из здания офиса и погрузил их в машину.

## **UNIT 9. CASE STUDY**

Кейс-метод — это учебный материал, в котором заложена проблема, предполагающая коллективный или индивидуальный поиск решения данной проблемы с последующим разбором на занятии. При работе с кейсом упор делается не на овладение готовыми знаниями, а на самостоятельное изучение проблемы с последующим ее решением. Нахождение решения проблемы, заложенной в кейсе, приводит к дискуссии под руководством преподавателя на основе принципа «процесс обсуждения важнее самого решения», что в итоге сможет привести к нескольким вариантам решений.

Группа делится на подгруппы, состоящие из четырех-пяти человек. Каждая группа должна иметь описание кейса и набор карточек.

- Изучите обстоятельства дела и сформулируйте проблему кейса.

Alec Crabtree was found dead at his desk in his study last night. He had been hit on the head with a blunt object. He had been sitting at the desk with his back to the door, and was in the middle of writing a letter. He was found by his wife, when she went in to bring him his bedtime cocoa at 11.15 p.m., but his watch, which had been smashed in the struggle, had stopped at 11.05 p.m.

- Проанализируйте список подозреваемых.

The suspects are the people who were in the house at the time:

- Mrs Crabtree (the dead man's wife);
- Daniel Crabtree (the dead man's brother);
- Mr and Mrs Fairfax (old friends of the Crabtrees);
- Susie (the maid).

- Обсудите в группах предположения о личности убийцы, его (ее) возможные действия на основе информации, приведенной на карточках.

- Подготовьте свои умозаключения и доводы о предполагаемой личности подозреваемого в письменном виде.

- Доложите о результатах работы, используя нижеприведенные речевые клише.

Useful words and expressions

Using appropriate words and phrases at key moments of a talk makes it easier for your audience to follow what you are saying and to anticipate what you will be saying next. This list will help you to highlight the key stages and to indicate the transitions between the different sections of your talk.

**Introducing the talk.**

I'm going to be talking about ...

I'd like to start by giving you ...

**Indicating the structure and sequences of your talk.**

In the first section I will/am going to describe ...

Then I will/am going to go on to ...

After that I will/am going to look at ...

Finally I will/am going to ...

**Summarizing what you have said.**

The main thing/s to remember is/are ...

**Highlighting.**

This is particularly important because ...

I would like to draw your attention to ...

**Giving examples.**

For instance ...

For example ...

**Inviting questions and feedback from the audience.**

Are there any questions so far?

If you have any questions about this, please /do ask.

**Drawing conclusions.**

Consequently ...

As a result ...

Therefore ...

**Closing your talk.**

I would just like to finish by saying ...

In conclusion, thank you ...

Card 1. A silver vase was missing from the room.

Card 2. The window was open.

Card 3. A cigarette-butt was found by the body.

Card 4. Everybody smokes except Mr Crabtree and the maid.

Card 5. A piece of red material was found on the window.

Card 6. The silver vase (badly dented) was found in a flowerbed.

Card 7. A note was found in Mrs Crabtree's handbag.  
It said: Alec, meet me in the garden at 11 o'clock Alice.

Card 8. Everyone was playing cards until 11 p.m., except Susie, who was washing-up in the kitchen between 10.30 and 11.15.

Card 9. At 11 o'clock Mr Crabtree got up and said he had a letter to write. He went into the study.

Card 10. Mrs Crabtree's name is not Alice.

Card 11. Mrs Fairfax went outside at 11 o'clock, saying she needed fresh air.

Card 12. In the drawer of the desk was a will. The will left J10,000 to Daniel.

Card 13. The maid heard footsteps in the hall and the study door opening at just after 11 o'clock.

Card 14. Daniel had debts of about J9,000.

Card 15. At about five past eleven, the maid heard the front door opening and footsteps in the hall. It was Mrs Fairfax, coming in from the garden. She went straight into the living room.

Card 16. Daniel and Mr Fairfax started to watch a TV programme after the game of cards finished at 11 o'clock. They were still watching it at five past eleven when Alice Fairfax came in and joined them.
Card 17. Alec Crabtree had been writing a letter. It began: Dear Anne, I don't know how to tell you this, but I am leaving you. Alice and I.
Card 18. At about ten past eleven, the maid heard the front door opening again. This time it was Mrs Crabtree, who came into the kitchen and started to make cocoa for herself and her husband.
Card 19. Mrs Crabtree's name is Anne.

## GLOSSARY

accused	обвиняемый, подсудимый
actus reus	виновное действие
to acquit	оправдать, признать невиновным
mens rea	преступное намерение
arson	поджог
assassination	убийство по политическим мотивам, заказное убийство
to assess, assessment of punishment	определять, давать оценку, определение наказания
assault and battery	нападение с нанесением побоев
to commit an aggravated assault	нападение при отягчающих обстоятельствах
to blackmail	шантажировать
bribery	взяточничество
burglary	кража со взломом
to convict	осуждать
a convict	осужденный
death penalty/capital punishment	смертная казнь
defence counsel	адвокат
to defend	защищать (в суде)
defendant	ответчик, подсудимый
duress	принуждение
embezzlement	растрата
espionage	шпионаж
to evade	уклоняться (от уплаты налогов)
evasion	уклонение
extortion by threats	вымогательство путем угроз
felony	тяжкое уголовное преступление
to find somebody guilty	признать виновным



flogging	порка (как вид телесного наказания)
fraud	обман, мошенничество
hi-jacking	угон (самолета, автомобиля)
to impose punishment	Наложить наказание
imprisonment	заключение в тюрьму
to inflict harm	наносить ущерб, причинять вред
indictable offence	преступление, подлежащее преследованию по обвинительному акту
to infringe	нарушать
intent	намерение, умысел
incitement	подстрекательство к совершению преступления
liability	ответственность
manslaughter	непредумышленное убийство
misdemeanour	наименее опасные правонарушения
to mug	грабить на улице
murder	предумышленное убийство
mutilation	увечье, повреждение, нанесение увечий
parole board	комиссия по условно-досрочному освобождению
penal system	пенитенциарная система (система карательно-исправительных учреждений)
perjury	лжесвидетельство
pickpocket	вор-карманник, совершать карманные кражи
piracy	пиратство, нарушение авторских прав
to prevent a crime	предотвратить преступление
probation	пробация (разновидность наказания)
prosecuting counsel	прокурор, представитель стороны обвинения
prosecution	судебное преследование, уголовное преследование, сторона обвинения
rape	изнасилование
to release	освобождать из-под стражи
remedy	средство судебной защиты
to restrict	ограничивать
restriction	ограничение
to rob	воровать, грабить

to sentence	приговаривать (к наказанию)
sentence	приговор (к наказанию)
severe	строгий, суровый
severity	строгость, суровость, жесткость
slander	клевета (в устной форме), злословие
smuggling	контрабанда
summary offence	преступление, преследуемое в порядке суммарного производ- ства
to sus´pect	подозревать
a´suspect	подозреваемый
traffic warden	инспектор дорожного движения
treason	государственная измена
to violate	нарушать
violation	нарушение
violence	насилие, принуждение, применение силы

# CHAPTER 9. CIVIL PROCEDURE

## UNIT 1. CIVIL CODE OF THE RUSSIAN FEDERATION

### 1. Ответьте на вопросы, используя следующие выражения.

I presume	Я предполагаю
As far as I can judge	Насколько я могу судить
In my opinion	По моему мнению
First, I must say (that)	Сначала
Well, perhaps	Возможно
I believe	Я думаю
Actually	На самом деле
In accordance with	В соответствии с
Most un(likely)	Скорее всего (маловероятно)

1. What relations are regulated by the Civil Code of the Russian Federation?
2. What is the Civil Code of the Russian Federation based on?
3. What is the characteristic feature of the Civil Code of the Russian Federation?

### TEXT 1

#### Civil Legislation

##### Vocabulary

1. impermissibly — недопустимость
2. permissibility — допустимость
3. to permit — разрешать, допускать
4. arbitrary — произвольный, дискреционный
5. unimpeded exercise — беспрекословное исполнение
6. to exercise a law rights — пользоваться законными правами
7. extent — степень
8. to ascertain extent — до некоторой степени
9. in accordance with — в соответствии
10. ownership — совместная собственность, право собственности, владение
11. right in rem — вещные (абсолютные) права
12. individualized creativity — творчество
13. entrepreneurial activities — предпринимательская деятельность
14. undertaking — предпринимательство
15. to undertake — предпринимать, брать на себя ответственность, гарантировать
16. performance of work — исполнение работы

17. capacity — способность, правоспособность, дееспособность, должностное положение, компетенция

18. inalienable — неотчуждаемый

## **2. Прочитайте и переведите текст.**

### **Article 1. Foundation Principles of Civil Legislation**

1. Civil legislation is founded on the recognition of the equality of participants in the relations which regulate the inviolability of property, the freedom of contract, the impermissibility of arbitrary interference by anyone whomsoever in private matters, the necessity for unimpeded exercise of civil law rights, and securing the restoration of violated rights as well as their defence in the courts of law.

2. Citizens (physical persons) and legal persons acquire and exercise law rights through their own free will and in their own interest. They are free in establishing their rights and responsibilities on the basis of a contract and in determining the conditions of the contract to the extent that such conditions do not contradict legislation.

Civil law rights may be limited on the basis of federal law and only to the extent that is necessary for purposes of defending the foundations of constitutional order, public morality, health, or the rights and lawful interests of other persons, or ensuring national defence and the security of the state.

3. Goods, services and capital shall move freely throughout the entire territory of the Russian Federation. Limitations on the movement of goods and services may be imposed in accordance with federal law, if such is necessary for ensuring public safety, defending the life and health of persons, protecting the environment and cultural treasures.

### **Article 2. Relations Regulated by Civil Legislation**

1. Civil legislation determines the legal status of participants in civil law relations, the grounds for the creation and procedure for the exercise of the rights of ownership and other rights in rem, rights to the result of intellectual activities and similar forms of individualized creativity (intellectual rights) regulates contractual and other obligations, as well as other property and related personal (nonmaterial) relations, based on equality, autonomy of will and proprietary independence of their participants.

Citizens (physical persons) and legal persons are the participants in relations regulated by civil legislation. The Russian Federation, subjects of the Russian Federation and municipal formations may also participate in relations which are regulated by civil legislation.

Civil legislation regulates relations between persons engaged in entrepreneurial activities or participating in such activities, based on the fact that entrepreneurial activities are independent activities undertaken at one's own risk and directed at the systematic making of profit from the use of property, sale of goods, performance of work or provision of services by persons registered in this capacity in accordance with the procedure stipulated by law.

Rules established by civil legislation are applicable to relations involving the participation of foreign citizens, stateless persons and foreign legal persons, unless otherwise provided by federal law.

2. Inalienable human rights and freedoms and other nonmaterial values are protected by civil legislation, unless otherwise indicated by the nature of these nonmaterial values.

3. Civil legislation is not applicable to property relations based on administrative or other governmental subordination of one party to another, including tax and other administrative relations, unless otherwise provided by legislation.

### **3. Переведите следующие словосочетания на русский язык.**

- 1) inviolability of property
- 2) restoration of violated rights
- 3) to contradict legislation
- 4) legal status of participants
- 5) entrepreneurial activities
- 6) profitmaking
- 7) stateless persons
- 8) inalienable human rights and freedoms
- 9) tax and other administrative relations
- 10) proprietary independence
- 11) foundations of constitutional order

### **4. Найдите в тексте английские эквиваленты следующим словосочетаниям.**

- 1) недопустимость произвольного вмешательства
- 2) осуществление права собственности
- 3) обеспечение обороны страны
- 4) вещные права
- 5) договорные отношения
- 6) выполнение работ
- 7) процесс, предусмотренный законом
- 8) законные интересы
- 9) интеллектуальные права
- 10) неимущественные отношения

**5. Ответьте на вопросы по тексту.**

1. What comprises the foundation of Civil Legislation?
2. How do physical persons and legal persons acquire and exercise civil law rights?
3. In what cases may civil rights be limited?
4. What provision is analogous to the interstate commerce clause in American constitutional law?
5. What does civil legislation determine?
6. Who are the participants in relations regulated by civil legislation?
7. What does civil legislation regulate?
8. How are rules established by civil legislation applied?
9. How are inalienable human rights and freedoms protected?

**6. Соотнесите слова и словосочетания из колонки А с их значениями из колонки В.**

А	В
1) equality	a) to decide smth. officially
2) to interfere with	b) having or deserving the same rights and opportunities as other people
3) defence	c) set of laws
4) to contradict	d) to make smth. start to exist or start to happen
5) to impose on	e) smth. that you must do for legal or moral reasons
6) legislation	f) to be owned by a person or company and sold under a trademark or patent
7) obligations	g) to introduce smth. such as a new law for a new system and force people to accept it
8) proprietary	h) to prevent smth. from happening or developing in correct way
9) to establish	i) actions that you take to protect someone or something that is being attacked
10) to determine	j) to say that the opposite of what someone has said is true

**7. Замените русские словосочетания в скобках на соответствующие английские эквиваленты из текста.**

1. Civil legislation (основывается на) the recognition of the equality of participants in the definite kinds of relations.
2. They are free in establishing (своих прав и обязанностей) on the basis of a contract and (в определении условий договора) to the extent that such conditions (не противоречат законодательству).

3. Goods and services (свободно перемещаются на всей территории Российской Федерации).

4. The Russian Federation (субъекты и муниципальные образования) may also participate in relations which are regulated by civil legislation.

5. Rules established by civil legislation (применяются к отношениям с участием) foreign citizens, stateless persons and foreign legal persons.

6. (Неотчуждаемые права и свободы человека) and other nonmaterial values are protected by civil legislation.

7. Civil legislation is not applicable to property relations (основанных на административном или ином властном подчинении) of one party to another.

### **8. Найдите в тексте Civil Legislation соответствующие английские предложения.**

1. Граждане (физические лица) и юридические лица осуществляют свои гражданские права своей волей и в своих интересах.

2. Гражданские права могут быть ограничены на основании федерального закона.

3. Ограничения перемещения товаров и услуг могут вводиться в соответствии с федеральными законами.

4. Участниками регулируемых гражданских законодательных отношений являются граждане и юридические лица.

5. Правила, установленные гражданским законодательством, применяются к отношениям с участием иностранных граждан, лиц без гражданства и иностранных физических лиц.

6. Неотчуждаемые права и свободы человека и другие нематериальные блага защищаются гражданским законодательством.

### **9. Самостоятельная работа.**

Прочитайте раздел Гражданского кодекса РФ об основных положениях гражданского законодательства и отношениях, регулируемых ими. Ответьте на вопросы.

1. Does Article 2 “Relations regulated by civil legislation” embrace the whole sphere of individualized creativity and nonmaterial relations?

2. What does Civil legislation consist of and how are its provisions implemented?

3. What is the effect of Civil legislation?

4. How do you understand the notion “business custom”?

5. What is meant by “application of civil legislation by analogy”?

6. How does Civil legislation correlate with International Law?

### **10. На основе текста Civil Legislation подготовьте презентацию на тему: General provisions of the Civil Code of the Russian Federation.**

## UNIT 2. CIVIL PROCEDURE IN THE UK

### 1. Ответьте на вопросы.

1. What brunch of law would you like to choose as your future profession — civil law or criminal law?
2. What do you know about civil procedure?
3. What is procedural law? How is it distinguished from substantive law?
4. Are there any stages of judicial proceedings that are common to all kinds of hearings?

### 2. Переведите определение понятия «Гражданский процесс».

Civil procedure is the body of law that sets out the rules and standards that courts follow when adjudicating civil lawsuits (as opposed to procedures in criminal law matters). These rules govern how a lawsuit or case may be commenced, what kind of service of process (if any) is required, the types of pleadings or statements of case, motions or applications, and orders allowed in civil cases, the timing and manner of depositions and discovery or disclosure, the conduct of trials, the process for judgment, various available remedies, and how the courts and clerks must function.

## TEXT 1

### Differences between Civil and Criminal Procedure

#### Vocabulary

1. proceeding — судебное разбирательство, судебный процесс
2. to commence — начинать
3. conduct (n.) — поведение, управление
4. a lawsuit — судебное дело, иск, тяжба
5. to overhaul — пересмотреть полностью
6. adversarial — состязательный
7. expert witness — свидетель-эксперт
8. to reserve for — предназначать
9. tribunal — третейский суд
10. tier — уровень иерархии
11. to reverse — отменять судебное решение
12. to uphold — оставить в силе решение суда первой инстанции
13. judicial review — судебный пересмотр
14. to leapfrog — обходить
15. appellant — податель апелляции
16. to encourage — поощрять, стимулировать
17. alternative dispute resolution — альтернативное разрешение споров



18. prematurely — преждевременно, поспешно
19. arbitration — третейское разбирательство
20. mediation — медиация
21. conciliation — примирительная процедура
22. adjudication — вынесение судебного или арбитражного решения
23. expert determination — постановление эксперта
24. injunction — судебный запрет
25. a leave — разрешение
26. to bypass — обходить закон
27. estoppel — лишение права возражения, лишение права ссылаться на какие-либо факты
28. to estop — лишать сторону права ссылаться на какие-либо факты

### **3. Прочитайте и переведите текст.**

Criminal and civil procedures are different. Although some systems, including the English and French, allow private persons to bring a criminal prosecution against another person, prosecutions are nearly always started by the state, in order to punish the defendant. Civil actions, on the other hand, are started by private individuals, companies or organizations, for their own benefit. In addition, governments (or their subdivisions or agencies) may also be parties to civil actions. The cases are usually heard in different courts, and juries are not so often used in civil cases.

In Anglo-American law, the party bringing a criminal charge (that is, in most cases, the state) is called the “prosecution”, but the party bringing most forms of civil action is the “plaintiff” or “claimant”. In both kinds of action the other party is known as the “defendant”. A criminal case against a person called Ms. Sanchez would be described as “The People v. (=”versus”, “against” or “and”) Sanchez”, “The State (or Commonwealth) v. Sanchez” or “[The name of the State] v. Sanchez” in the United States and “R. (Regina, that is, the Queen) v. Sanchez” in England. But a civil action between Ms. Sanchez and Mr. Smith would be “Sanchez v. Smith” if it was started by Sanchez, and “Smith v. Sanchez” if it was started by Mr. Smith.

Most countries make a clear distinction between civil and criminal procedure. For example, a criminal court may force a convicted defendant to pay a fine as punishment for his crime, and the legal costs of both the prosecution and defence. But the victim of the crime generally pursues his claim for compensation in a civil, not a criminal, action. In France and England, however, a victim of a crime may incidentally be awarded compensation by a criminal court judge.

Evidence from a criminal trial is generally admissible as evidence in a civil action about the same matter. For example, the victim of a road accident does not directly benefit if the driver who injured him is found

guilty of the crime of careless driving. He still has to prove his case in a civil action, unless the doctrine of collateral estoppel applies, as it does in most American jurisdictions. In fact he may be able to prove his civil case even when the driver is found not guilty in the criminal trial, because the standard to determine guilt is higher than the standard to determine fault. However, if a driver is found by a civil jury not to have been negligent, a prosecutor may be estopped from charging him criminally.

If the plaintiff has shown that the defendant is liable, the main remedy in a civil court is the amount of money, or “damages”, which the defendant should pay to the plaintiff. Alternative civil remedies include restitution or transfer of property, or an injunction to restrain or order certain actions.

The standards of proof are higher in a criminal case than in a civil one, since the state does not wish to risk punishing an innocent person. In English law the prosecution must prove the guilt of a criminal “beyond reasonable doubt”; but the plaintiff in a civil action is required to prove his case “on the balance of probabilities”. Thus, in a criminal case a crime cannot be proven if the person or persons judging it doubt the guilt of the suspect and have a reason (not just a feeling or intuition) for this doubt. But in a civil case, the court will weigh all the evidence and decide what is most probable.

**4. Переведите на русский язык следующие слова и словосочетания из текста.**

- 1) civil action
- 2) criminal prosecution
- 3) service of process
- 4) pleading
- 5) motion
- 6) application
- 7) deposition
- 8) disclosure
- 9) remedy

**5. Найдите в тексте английские эквиваленты русским словам и словосочетаниям и используйте их в своих предложениях.**

- 1) судебные издержки
- 2) компенсация
- 3) уголовное преследование
- 4) гражданский иск
- 5) сомнение
- 6) признать виновным
- 7) небрежность (повинность)
- 8) возмещение убытка

- 9) восстановление собственности
- 10) причина

#### **6. Ответьте на вопросы.**

1. What is the main difference between civil and criminal procedure?
2. May governments be parties to a civil action?
3. Are the standards of proof higher in a civil or a criminal case? Why?

### **TEXT 2**

#### **Civil Procedure Rules in the UK**

#### **7. Прочитайте текст и передайте его содержание на английском языке.**

Civil procedure law, being part of procedural law in general, comprises the rules by which a court hears and determines what happens in civil proceedings. In other words, civil procedure is the body of law that sets out the process followed by courts when hearing cases of a civil nature (civil actions). These rules govern how a lawsuit may be commenced, what kind of service of process is required, the types of pleadings, applications and orders allowed in civil cases, the conduct of trials, various available remedies, and how the courts and clerks must function.

In the UK, in 1999 the Woolf reform radically overhauled procedure in the civil courts. The reforms were brought about to give effect to the Woolf report, which was produced by a committee chaired by Lord Woolf, the Master of the Rolls. This report found that the civil justice system was slow, expensive, bound by archaic procedures, excessively complicated and generally ill-suited to the needs of clients. The adversarial culture of litigation meant that unnecessary delays and the deliberate running up of expenses were often used as a tactic to defeat the other side. In many types of disputes expensive expert witnesses were routinely produced by each side. Rather than helping the court to resolve a technical problem, these experts were seen as on the side of one or other of the parties and were subjected to partisan pressure by the other party's lawyers. Lord Woolf's report concluded that civil justice was in a state of crisis and recommendations were made for sweeping changes. Therefore, the Civil Procedure Rules (CPR) were enacted in 1998 to improve access to justice by making legal proceedings cheaper, quicker, and easier to understand for non-lawyers.

The Civil Procedure Rules apply to all cases commenced after April 26, 1999 and are used by several types of courts. The County Court (or the Small Claims Court) deals with all but the most complicated claims for debt repayment, personal injury, breach of contract, family issues, housing disputes, i.e. mostly cases between people or companies who believe that someone owes them money. The magistrates' courts also deal with many civil cases, mostly family matters plus liquor licensing and betting and gaming work.

More complex civil cases are reserved for trial in the Divisional Courts of the High Court of Justice — the Family Division, the Chancery (property and money cases) and the Queen’s Bench Division (cases involving contracts and negligence). These also have the capacity to hear appeals from lower courts and tribunals (which decide the rights and obligations of private citizens towards each other and a public authority and are inferior to the courts) and bind the courts below them in the hierarchy.

The Civil Division of the Court of Appeal (presided over by the Master of the Rolls), as the second highest tier in the English legal system, can reverse or uphold a decision of the lower civil courts. Because the volume of cases coming to the Court of Appeal is higher than that to the Supreme Court, the Master of the Rolls has been said to be the most influential judge in England. Finally, the Supreme Court, as the court of last resort, hears appeals on points of law of general public importance from many areas — commercial disputes, family matters, judicial review claims against public authorities and issues under the Human Rights Act 1998. Civil cases may leapfrog from the High Court to the Supreme Court, bypassing the Court of Appeal. Appellants must, however, apply for leave to appeal.

**8. Прочитайте пункты А и В и найдите соответствия видов судов в Америке с их юрисдикцией в Великобритании.**

А	В
1) the Supreme Court	a) the most complicated claims for debt repayment, personal injury, breach of contract, family issues, housing disputes, etc.
2) the Court of Appeal	b) family matters, liquor licensing, betting and gaming work
3) Tribunals	c) property and money cases, cases of contract and negligence
4) the Divisional Courts of the High Court of Justice	d) the rights and obligations of private citizens towards each other and a public authority
5) the County Court	e) appeals on points of law of general public importance — commercial disputes, family matters, etc.
6) the Magistrates’ Courts	f) the power to either reverse or uphold decisions of the lower civil courts

**9. Соотнесите английские слова и словосочетания с русскими эквивалентами.**

- |                       |                                      |
|-----------------------|--------------------------------------|
| 1) civil lawsuit      | a) ходатайство                       |
| 2) criminal trial     | b) обнаружение, раскрытие            |
| 3) pleading           | c) письменные показания под присягой |
| 4) service of process | d) уголовное судопроизводство        |
| 5) disclosure         | e) средство судебной защиты          |
| 6) deposition         | f) состязательная бумага             |
| 7) remedy             | g) судебное дело, иск, тяжба         |

**10. Работа в парах. На основе прочитанного текста обсудите сферы деятельности судов различной юрисдикции в Великобритании и расскажите о них на английском языке.**

**ТЕХТ 3**

**The Reform of the Civil Procedure in the UK**

**11. Прочитайте и переведите текст The Reform of The Civil Procedure in the UK. Ответьте на вопросы.**

1. What are civil procedure rules?
2. Which drawbacks of the civil justice system were discovered by the committee chaired by Lord Woolf in 1999?
3. What does the adversarial culture of litigation mean?
4. What was the overriding objective of the changes to the civil justice system? What were the main features of the reform?
5. What kind of cases does the highest appellate court hear?
6. a) What can the Civil Division of the Court of Appeal do with the lower court decision?  
b) Why is the Master of the Rolls said to be the most influential judge in England?
7. a) What kinds of cases are reserved for trial in the High Court of Justice? What do you know about the structure of the court?  
b) What capacity does the High Court have? Do cases from the High Court go on appeal directly to the Court of Appeal only?
8. What cases do the magistrates' courts deal with?
9. What other name does the County Court have? What kind of proceedings does it deal with?
10. What types of ADR are there?

One of the main features of the reforms is that the management of the case was removed from the hands of the litigants and passed to the judge.

Under this new system of judicial case management the judge's active management of the case requires him to do the following:

- encourage the parties to settle the case or part of the case;
- to identify the true points at issue as early as possible and ensure that issues which do not require litigation are disposed of before the case is tried;
- and to ensure that the case proceeds quickly and efficiently.

Technology should be used wherever appropriate. As many aspects of the case as possible should be dealt with on the same occasion and the case may be dealt with without the parties having to attend the court. Procedural errors are not to invalidate any part of the proceedings unless the court exercises its discretion to order that they should. Furthermore, accidental errors or omissions can be corrected at any time and the court may do this on its own initiative.

The parties should consider whether some form of alternative dispute resolution (ADR) would be more suitable than litigation, and if so, endeavor to agree which form to adopt. Both the claimant and the defendant may be required by the Court to provide evidence that alternative means of resolving their dispute were considered. The Courts take the view that litigation should be a last resort, and that; claims should not be issued prematurely when a settlement is still actively being explored. Among the most frequently used ADR methods one should mention the following:

- arbitration, where an independent, impartial third party hears both parties to a dispute and makes a decision to resolve it. However, arbitration is private rather than public, and some forms of arbitration are decided on the basis of documents only. In most cases, the arbitrator's decision is binding on both parties.
- mediation, where the disputants, not the mediator, decide the terms of the agreement. The mediator's role, however, is to check carefully that the parties are able to do what they agree to do. Mediation is now the most popular form of alternative dispute resolution in the UK and Europe as it offers solutions beyond those that a court could ordinarily impose. It is increasingly used in commercial, personal injury and clinical negligence cases.
- conciliation involves an impartial third party helping the parties to resolve their problem. They are free to agree to the resolution or not. In consumer disputes, conciliation is the first stage in the arbitration process and the conciliator is usually a member of the trade association.
- adjudication, where an independent third party considers the claims of both sides and makes a decision. Adjudicators are usually experts in the subject matter in dispute and are not bound by the rules of litigation or arbitration. Their decisions are often interim ones, i.e. they can be finalized using arbitration or another process. Adjudication decisions are usually binding on both parties by prior agreement.

- expert determination, where an independent third party considers the claims and issues a binding decision. The third party is usually an expert in the subject of the dispute and is chosen by the parties, who agree at the outset to be bound by the expert's decision. It can be most suitable for determining technical aspects of a complex dispute.

**12. Подберите определения из колонки (В) к словам и словосочетаниям из колонки (А):**

А	В
1) to annul by recalling or rescinding	a) directing the course of; managing oppositional; relying on the contest between each advocate representing his or her party's positions
2) to keep or maintain in unaltered condition	b) review by a court of law of actions of a government official/entity or of some other legally appointed person/body or the review by an appellate court of the decision of a trial court
3) to jump across	c) a witness who has knowledge not normally possessed by the average person concerning the topic that he is to testify about the party who appeals a decision of a lower court
4) to inspire with confidence	d) a sequence of steps by which legal judgments are invoked, dispute resolution processes and techniques that fall outside the government judicial process, a relative position or degree of value in a graded group
5) to set aside, esp. for future use	e) any person/institution with the authority to judge, adjudicate on, or determine disputes too early or too hastily; before the expected time

**Повторение грамматики.**  
**Инфинитив. Сложное подлежащее (Infinitive. Complex Subject)**

**1. Переведите предложения на русский язык, обращая внимание на «сложное подлежащее».**

1. Arbitrators, mediators, and conciliators who specialize in a particular area, such as construction or insurance are expected to have knowledge of

that industry and must be able to relate well to people from different cultures and backgrounds.

2. Solicitors are considered to qualify as higher court advocates, and barristers to deal directly with some clients (chiefly other professionals) without the need for the client to see a solicitor first.

3. Legal English proves to be extremely difficult for non-lawyers to understand.

4. If the Court upheld a specific application of a more general law it was considered to uphold the law itself.

5. In a 3-tier application every tier is supposed to interact with only one other tier.

6. The appellate court is supposed to review the record that the lower court relied on.

7. The probability of conviction is assumed to conform to a uniform probability distribution with increasing variability until the trial date.

8. Adjudicators are known to be experts in the subject matter in dispute.

9. People all over the world seem to be becoming more and more accustomed to using legal means to regulate the relations with each other.

10. Lawyers try to explain exactly why a judicial decision has been made even when the decision appears to be obvious common sense.

11. Most people are sure to be confident that political views they hold at any particular moments are absolutely right.

12. In America claims against doctors turn to be so common and awards of damages so high, that some doctors are afraid to stop at accidents to help the injured for fear they may be taken to court.

13. After the divorce he is thought to have given a proportion of the proceeds to his wife.

14. The police are supposed to release the suspect provided he appears on a certain day at a certain Magistrates' Court.

15. Special rules are presumed to interpret contracts in which one or more contractors made a mistake or were pressured or tricked into making a contract.

## **2. Измените предложения, используя в них оборот «сложное подлежащее».**

1. By the term offence we usually understand a crime not indictable but punishable. (to consider)

2. Everyone expects that the federal court will reverse the state judge's erroneous findings. (to expect)

3. The general opinion was that the court would uphold a practice. (to be likely)

4. The traditional view is that judicial review is concerned with the lawfulness of a decision. (to believe)



5. They suppose that the remedy will be in force for a limited period of 2 years. (to suppose)
6. According to the report, an average judge in the Moscow Arbitrazhniy Court handles around 450 cases a year. (to report)
7. It is said that the defendant's whereabouts were unknown. (to tell)
8. They say that the trial has been postponed. (to say)
9. Everyone thinks the parties will resort to alternative dispute resolution. (to be sure)
10. A conciliator is now trying to settle their dispute. This was announced yesterday. (to announce)
11. The standards of proof are higher in criminal action than in a civil one. (to turn to be)
12. The victim of a road accident does not directly benefit if the driver who injured him is found guilty of the crime of careless driving. (to appear)
13. Once the plaintiff has shown that the defendant is liable, the main argument in a civil court is about the amount of money, or damages, which the defendant should pay to the plaintiff. (to be sure)
14. The concept of vicarious liability is useful when high damages are sought and the defendant does not have enough money to pay them. (to regard)
15. The plaintiff has to show that he has suffered an action recognized as a tortious one and he has to show that his relation to the tortfeasor gives him the legal capacity to sue. (to be certain)

## UNIT 3. CIVIL PROCEDURE IN THE USA

### TEXT

#### Civil Procedure in the United States

##### 1. Прочитайте и переведите текст. Ответьте на вопросы.

- What do you know about Civil Procedure in the United States?
- How do you understand the precedent system used by American lawyers?
- Is the similar kind of dispute resolution used in Russia?

Civil procedure in the United States has three distinctive features. First, it follows an adversarial model of dispute resolution. Parties initiate and propel litigation in this model, and the judge, historically and at least in theory, plays the relatively passive role of umpire. The burden is on the parties to present their grievances and defences. Unlike in so-called inquisitorial models of dispute resolution, the judge rarely makes

independent inquiries. The burden is also on the parties to prosecute their grievances and defenses; litigation stops unless the parties pursue it. These characteristics of the system of dispute resolution place on lawyers a heavy responsibility for assuring justice and mastering civil procedure.

Second, civil procedure in the United States is dominated by positive law: codified rules enacted by legislatures or their delegates. In contrast, the substantive rules of decision taught in the other traditional first year courses are more often doctrinal: declared by courts as part of the common law.

One difference between positive and common law lies in the materials containing the legal rules. The common-law materials are almost entirely judicial opinions, and the appropriate inquiry is: what rule best fits the case? In contrast, positive law materials are enacted laws or procedural rules and legislative history. Emphasis in administering the latter is on their plain words and (sometimes) legislative intent, in recognition of the superior law-making authority of legislatures and their delegates.

It is not always easy for the first year student to subordinate the comparatively freewheeling policy-oriented analysis of common law taught in many substantive courses to the plain language of positive law, principles of statutory construction, and reading of legislative history. But mastery of the latter lays the groundwork not just for understanding much of civil procedure, but also for understanding upper level law courses. Significantly, practicing lawyers rank “knowledge of statutory law” as the most important knowledge for practice, just ahead of “knowledge of procedural rules”.

Finally, the purpose of civil procedure is, as the Federal Rules of Civil Procedure state “to secure the just, speedy, and inexpensive determination of every action and proceeding”. Presumably, decisions are more likely to be just when they reach the merits. But the adversarial character of civil dispute resolution in the United States, have made the goals of “speedy and inexpensive” determinations increasingly difficult to attain. As a result, there is constant pressure for more active judicial management of litigation and for judicial intervention to dispose of the litigation without trial, if possible. Thus, the 1993 amendment to Rule 1 requires the rules to be “administered” — as well as “construed” (the original term) — “to secure just, speedy, and inexpensive determination of every action and proceeding”. No one foresees the replacement of the adversarial model by the inquisitorial model of dispute resolution, yet the former is undergoing significant change in response to widespread criticisms of the cost and efficiency of civil litigation.

## **2. Найдите в тексте соответствия данным словам и словосочетаниям.**

- 1) состязательный принцип разрешения спора
- 2) досудебное урегулирование спора
- 3) жалобы и обвинения
- 4) добиться цели

- 5) простой (понятный) язык
- 6) следственный принцип разрешения спора

**3. Заполните пропуски в следующих предложениях словами из текста.**

- 1) As a result of an adversarial model of dispute resolution in the US ... plays the relatively passive role of umpire.
- 2) Practicing lawyers consider “knowledge of ... law” to be more important than “knowledge of ...”.
- 3) It is in so-called ... models of dispute resolution that the judge makes independent inquiries.
- 4) The purpose of civil procedure, according to the Federal Rules of Civil Procedure, is “to secure the ..., ... and ... determination of every action”.
- 5) As a result of widespread criticism of the cost and efficiency of civil litigation the inquisitorial model of ... .. is undergoing significant change.

**4. Вставьте соответствующие предлоги.**

Civil Procedure in the US is dominated ... positive law.

It’s not easy ... the first year student to subordinate the analysis ... common law to the plain language of positive law.

The main aim of civil procedure is to dispose ... the litigation without trial.

The replacement of the adversarial model ... the inquisitorial one is impossible in the nearest future.

**5. Работа в парах. Обсудите и составьте план пересказа текста Civil Procedure in the United States.**

**UNIT 4. CIVIL OFFENCES/TORTS**

Civil offence	гражданское правонарушение
Tort	деликт, противоправное действие, совершенное одним лицом против другого лица, его собственности или репутации

**1. Ответьте на вопросы:**

- 1. What civil offences can you name?
- 2. What types of torts can you name?
- 3. What remedies is the injured person entitled to under the law?

## TEXT 1

### What Is a Tort?

#### Vocabulary

1. to inflict — причинять ущерб, вред, наносить удар
2. to injure — причинять вред, нарушать права, оскорбить, обидеть
3. to restrain — ограничивать, запрещать
4. to fail to do — smth/not to do smth — не исполнять
5. failure — неисполнение, неудача, неблагоприятный исход
6. damage — ущерб, убытки
7. damages — компенсация ущерба
8. fraudulent misrepresentation — намеренное введение в заблуждение
9. liability/responsibility — ответственность
10. expected losses — ожидаемые убытки
11. defective products — недоброкачественные продукты

#### 2. Прочитайте и переведите текст.

Generally speaking, a “tort” is an injury one person or entity inflicts (accidentally or intentionally) upon another. When one person commits a tort upon another, the injured person is entitled to remedies under the law. Generally, these remedies can include monetary compensation and restraining orders. The person who brings the lawsuit is called the “plaintiff,” and the person who is sued is called the “defendant.” The area of tort law is often referred to as “personal injury” law. Most torts involve, in some part, the doctrine of “negligence.” The concept of negligence can generally be describes as (i) the failure of one person to act in a way we would expect that person to do under the circumstances and (ii) an injury which results from that failure.

A tort is a civil wrong that can be remedied by awarding damages (other remedies may also be available). These civil wrongs result in harm to a person or property that forms the basis of a claim by the injured party. The harm can be physical, emotional or financial. Examples of torts include medical negligence, negligent damage to private property and negligent misstatements causing financial loss. There are many specific torts, such as trespass, assault and negligence.

Business torts include fraudulent misrepresentation, interference in contractual relations and unfair business practices. Torts fall into three general categories: intentional torts (e.g. unfair competition), negligent torts (e.g. causing an accident by failing to obey traffic rules) and strict

liability torts (e.g. liability for making and selling defective products). Why some wrongs are dealt with by tort law (or the law of torts) and others considered criminal offences is the subject of some debate. However, there are certainly overlaps between tort law and criminal law. For example, a defendant can be liable to compensate for assault and battery in tort and also be punished for the criminal law offence of assault.

Differences between tort law and criminal law include: the parties involved (the state brings an action in crime, a private individual brings an action in tort); the standard of proof (higher in criminal law); and the outcomes (a criminal action may result in a conviction and punishment, whereas an action in tort may result in liability on the part of the defendant and damages awarded to the claimant).

The primary aims of tort law are to provide relief for the harm suffered and deter other potential tortfeasors from committing the same harms. The injured person may sue for both an injunction to stop the tortious conduct and for monetary damages. Depending on the jurisdiction, the damages awarded will be either compensatory or punitive. Compensatory damages are intended to put the victim in the position he or she would have been in had the tort not occurred. Punitive damages are awarded to punish a wrongdoer. As well as compensation for damage to property, damages may also be awarded for: loss of earnings capacity, future expected losses, pain and suffering and reasonable medical expenses.

### 3. Подберите к английским словам и словосочетаниям из текста русские эквиваленты.

А	В
1) battery	a) деликт, гражданское правонарушение
2) defendant	b) совершить деликт
3) products liability	c) преследоваться по суду
4) to be sued	d) причинить ущерб кому-либо
5) automobile accident	e) потерпевший
6) plaintiff	f) случайно
7) malpractice	g) иметь право на получение судебной защиты
8) negligence	h) денежное возмещение
9) assault	i) запретительный судебный приказ
10) restraining order	j) предъявить иск
11) to be entitled to remedies	k) истец

12) premises liability	l) ответчик, обвиняемый, подсудимый
13) slander	m) небрежность
14) to commit a tort upon smb.	n) дорожно-транспортное происшествие
15) fraud	o) ответственность за помешение
16) libel	p) недобросовестная практика, врачевание в нарушение закона
17) invasion of privacy	q) ответственность производителя (перед потребителем за качество товара)
18) fraudulent act	г) диффамация
19) to inflict an injury upon smb.	s) устная клевета
20) monetary compensation	t) клевета письменная или через печать
21) accidentally	u) нарушение неприкосновенности личной жизни
22) defamation	v) нанесение ударов, побоев, избиение
23) to bring a lawsuit	w) обман, мошенничество
24) tort	x) обманное, мошенническое действие
25) injured person	y) нападение, словесное оскорбление и угроза физическим насилием
26) intentionally	z) намеренно, умышленно

**4. Составьте словосочетания из приведенных ниже существительных и прилагательных.**

- |                |                      |
|----------------|----------------------|
| 1) civil       | a) damages           |
| 2) contractual | b) wrong             |
| 3) injured     | c) misrepresentation |
| 4) fraudulent  | d) party             |
| 5) medical     | e) relations         |
| 6) monetary    | f) expenses          |

**5. Дополните предложения словосочетаниями из упражнения 3.**

1. While a crime such as murder or shoplifting is a wrong committed against society, a tort is a... committed against an individual.

2. Torts are handled in the civil courts, where the ... brings an action against the wrongdoer.

3. In most cases, the injured party is entitled to remedies under the law, such as ... .

4. In medical malpractice cases, the damages awarded to the injured party may include lost wages and ... .

5. The tort of ... occurs when one of the parties to a contract makes a false statement about a fact and knows it is not true, and this fact is acted upon.

6. When a person stops parties from entering into a contract, for example, this person is said to interfere in ... .

**6. Составьте предложения, используя приведенные ниже словосочетания.**

To commit a tort upon smb., to do under the circumstances, to result from, to result in, to fall into, to deal with, to sue for, to deter from, to be awarded for, to be remedied by.

**7. Ответьте на вопросы по тексту.**

1. According to the text, what are the two main objectives of Tort law?

2. An injured party can sue for damages or for an injunction. According to the text, what types of loss can be compensated by an award for damages?

3. What does the term “injunction” mean?

4. A manufacturer produces a dangerous toy train. What category of tort is this?

## TEXT 2

### Types of Torts

**8. Прочитайте текст. Ознакомьтесь с приведенными ниже гражданскими правонарушениями и определите, какому из описаний в тексте они соответствуют.**

1. **Malpractice**

2. **Assault and battery**

3. **Products liability**

4. **Fraud**

5. **Premises liability**

6. **Automobile accidents**

7. **Defamation/invasion of privacy**

There are a number of different types of torts. Here is a short list of the most common.

1. These types of torts involve all of the personal injuries one can receive in an automobile accident. Generally, one driver causes an accident which injures (or sometimes kills) others (e.g. his passengers, people in another automobile or pedestrians).

2. These types of torts involve injuries one can receive from the condition of a particular parcel of property, mostly due to the failure of

the property owner to keep the condition of the property in a safe condition. Two common examples of these types of torts include (i) a “slip and fall” accident and (ii) an injury one receives from a crime committed on another’s property (e.g. being mugged or assaulted in a private parking garage where the owner of the garage knew that people were getting mugged all the time — and did nothing to prevent further muggings).

3. These types of torts involve injuries one can receive due to the mistake of a licensed professional (i.e. a doctor, a lawyer or a dentist). Generally, these types of torts require the “expert” testimony of a professional (e.g. another doctor in a medical malpractice case).

4. These types of torts involve injuries one can receive from a “product” such as a machine, medical device or a prescription drug. The injured person must prove that the product in question was improperly designed, constructed or packaged without the proper regard for the damage it could cause to a human being.

5. These types of torts involve injuries one can receive from something another says or writes which is untrue, malicious and/or private. These defamation torts include (i) slander (spoken word), (ii) libel (written word) and (iii) invasion of privacy (making something public which was and should have remained very private).

6. These types of torts generally involve one person physically attacking another person. These are also sometimes called “intentional torts” to distinguish them from most other torts (which usually involve an accident resulting from another’s mistake or lack of care).

7. This is also another type of intentional tort. This involves one person lying, misrepresenting or concealing an important piece of information from another person in order to get that other person to do or refrain from doing something. In short, a plaintiff is tricked by the fraudulent act of the defendant.

## **9. Ответьте на вопросы.**

1. What are the types of torts?
2. How do you understand the “slip and fall” type of accident?
3. People of what professions can be accused of malpractice?
4. What is the difference between slander and libel?
5. How do intentional torts differ from most other torts?



6. What type of tort does misrepresenting or concealing information belong to?

7. What type of tort does physically attacking a person belong to?

### TEXT 3

#### Assault and Battery. Fraud

##### 10. Прочитайте текст и ответьте на вопросы.

1. What is the main difference between assault and battery?

2. What are the most common punishments imposed for assault, battery and fraud?

#### ASSAULT AND BATTERY

Assault is a threat against a person, and battery is a physical attack. For example, a person who waves a fist in front of another person and threatens to beat that person is guilty of assault; a person who strikes another person with a fist is guilty of battery. The victim can sue the assailant for damages, and the state may also prosecute for misdemeanor.

In a civil case alleging assault, the victim must prove that he or she was in imminent danger of injury or had reason to think so. Abusive language alone does not constitute an assault. Threatening with a pistol may be an assault, even if the weapon is unloaded. In a case of battery the amount of contact is unimportant, for any touching of another person in an angry, vengeful, rude, or insolent manner constitutes a battery.

#### FRAUD

Fraud is an intentional untruth or a dishonest scheme used to take deliberate and unfair advantage of another person or group of persons. It includes any means, such as surprise, trickery, or cunning, by which one cheats another.

Courts have distinguished two types of fraud, actual fraud and constructive fraud. Actual fraud is intentional criminal deception for the purpose of inducing another to part with something of value, to acquire something of less than apparent value, or to surrender a legal right. Schemes specifically intended to cheat someone, such as selling shares in nonexistent plots of land, are actual frauds. Constructive frauds are words, acts, or omissions that tend to mislead or deceive someone or violate a confidence but that are not necessarily of malicious intent. Selling a house while forgetting to mention a chronically malfunctioning heating system is an example of constructive fraud.

Usually, the victim of fraud may sue the wrongdoer and recover the amount of damages caused by the fraud or deceit. But the victim must be able to prove damages.

## TEXT 4

### Malpractice

#### **11. Прочитайте текст и переведите письменно выделенный абзац.**

Malpractice refers to misconduct or negligence by a professional person, such as a physician, lawyer, or accountant. Such misconduct includes failure to exercise the level of skill and learning expected of a licensed professional. The result of malpractice to the client or patient is injury, damage, or some loss owing to professional incompetence.

The official criteria for a valid medical malpractice claim are duty, breach, damages, and causation. The practitioner must have had a relationship to the patient, which indicates that he or she had a duty to exercise ordinary care; must have breached that duty, according to the applicable standard of care; and because of that breach must have caused the patient physical and monetary damages.

**If there is evidence of malpractice, a client may sue in a civil action, seeking damages in the form of money. Those most likely to be sued are surgeons, since malpractice is much easier to prove when a surgical operation has been done. If, for example, a surgeon leaves a foreign object inside a closed wound, the surgeon is clearly liable for the carelessness. Plastic surgeons are most at risk, since their operations are done to improve the patient's appearance. Dissatisfied patients may sue.**

**Medical malpractice actions do three things: provide quality control for the medical profession; provide some measure of compensation for the harm done; and give emotional vindication to the plaintiff, which is a measure of his or her ability to make a complaint and receive a satisfactory response. Of these, quality control is probably best achieved.**

Since the 1970s there has been a virtual epidemic of malpractice suits in American courts. The bringing of abortion malpractice suits has even been employed by both prochoice and antiabortion plaintiffs. Wrongful birth action is a medical malpractice claim by parents for the birth of a severely disabled child. Some antiabortion groups encourage abortion malpractice claims, one type of which is for emotional harm they term "post-abortion trauma." Other professionals, including clergy, teachers, stockbrokers, architects, and dentists, have been sued for malpractice.

Because judgments against a professional may result in very high damages, often of more than 1 million dollars, individuals in the professions carry liability insurance.

Premiums for malpractice insurance have risen dramatically, costing thousands of dollars a year. Some state legislatures have taken action to limit the number of suits and the amount of the damages.

**12. Найдите в тексте английские эквиваленты следующих словосочетаний.**

- 1) неправомерное поведение
- 2) недобросовестная врачебная практика
- 3) доказательство недобросовестной практики
- 4) нарушать обязанности
- 5) денежная компенсация
- 6) взыскание, восстановление права, vindictia
- 7) моральный ущерб
- 8) судебное решение, приговор в отношении кого-либо
- 9) страхование ответственности

**13. Подберите к английским словосочетаниям соответствующие русские.**

- 1) active negligence
- 2) crime of negligence
- 3) criminal negligence
- 4) gross negligence
- 5) imputed negligence
- 6) infliction by negligence
- 7) killer by negligence
- 8) passive negligence

**14. Ответьте на вопросы.**

1. What does malpractice refer to?
2. What is usually the result of malpractice?
3. What does each of the official criteria for a medical malpractice claim (duty, breach, damages, and causation) mean?
4. Why are surgeons most likely to be sued for malpractice?
5. Why do doctors, dentists, stockbrokers, and architects usually carry liability insurance?

**15. Обсудите в группе приведенные в тексте Malpractice ситуации и приведите примеры недобросовестной медицинской практики.**

## UNIT 5. REMEDIES IN THE CIVIL COURT OF LAW

### 1. Ответьте на вопрос.

What types of damages are enforced under the Civil Code in the Russian Federation and in the Common Law countries?

### TEXT 1

#### Types of Damages

2. Прочитайте текст и замените выделенные русские слова и словосочетания предложенными ниже английскими.

**injunctive relief, compensatory damages, defendant's actions, lost income, to recover, bad faith, malice, punitive damages, temporary restraining orders, plaintiff**

In most tort cases, the (**истец**) is seeking damages (i.e. money). Generally speaking, there are two major categories of damages a plaintiff can (**взыскать убытки**) in a personal injury case: (i) (**компенсаторные убытки**) and (ii) punitive damages.

“Compensatory damages” are designed to “compensate” the plaintiff for what the plaintiff has lost or endured (e.g. medical bills, lost wages, (**упущенная выгода**), physical pain and suffering and mental/emotional pain and suffering) as the result of the (**действий ответчика**).

(**Денежное возмещение в виде наказания ответчика**) are designed to punish the defendant for his actions. However, punitive damages are only awarded in extraordinary situations where the plaintiff proved that the defendant acted with (**злой умысел**) or intent — negligence is not enough. The law permits punitive damages in order to discourage similar acts in the future by the same defendant or other persons. Punitive damages are usually awarded in cases involving fraud, (**недобросовестность**) or intentional acts.

Some tort cases also seek what the law calls (**судебный запрет**). Injunctive relief involves a court order requiring or preventing the defendant from doing or continuing to do a certain act. This type of relief includes such things as (**временный судебный запрет**) and permanent injunctions. A plaintiff can request both injunctive relief as well as monetary damages in the same lawsuit.

### 3. Ответьте на вопросы по тексту.

1. What are two major categories of damages a plaintiff can recover in a personal injury case?
2. What category do medical bills, lost wages, or lost income belong to?
3. What is the purpose of punitive damages?
4. In what situations or cases are punitive damages awarded?
5. What is injunctive relief?

## TEXT 2

### The Most Famous Frivolous Lawsuit: Liebeck Against McDonald's

**4. Прочитайте текст и определите, соответствуют ли данные высказывания содержанию текста. Исправьте неверные утверждения.**

1. The claimant bought sandwiches at a drive-through McDonald's.
2. She didn't have to have medical treatment for 2 years.
3. McDonald's wanted to give her \$800.
4. Liebeck and her lawyer tried a few more times to reach a settlement.
5. Liebeck filed a suit for active McDonald's negligence.
6. The evidence didn't show that McDonald's did actually serve their coffee much too hot.
7. The court found McDonald's knew their coffee was injuring people.

The claimant, a 79-year-old woman, bought coffee at a drive-through McDonald's and got really bad third-degree burns when she opened the container. She had to have medical treatment for two years. Actually, at first she only tried to get \$20,000 to pay her medical expenses. But McDonald's only wanted to give her \$800. Then Liebeck and her lawyer tried a few more times to reach a settlement before the case went to trial, but McDonald's always refused. Probably because in other cases the courts had decided that coffee burns were an open and obvious danger, and McDonald's thought Liebeck couldn't win. Liebeck filed a suit for gross negligence, saying that McDonald's sold coffee that was 'defectively manufactured'.

The evidence showed that McDonald's did actually serve their coffee much too hot. In fact, more than 700 people had been burnt in the years from 1982 to 1992 by McDonald's coffee. The court found they knew their coffee was injuring people.

The jury found for the claimant. They said that McDonald's was 80% responsible and Liebeck was 20% responsible. They said the warning on the coffee cup was too small and not sufficient.

At first Liebeck was awarded \$200,000 in compensatory damages, which was then reduced by 20% to \$160,000. They also awarded her \$2.7 million in punitive damages. The idea was that McDonald's should pay her two days' worth of coffee revenues, which were about \$1.35 million per day.

The judge then reduced the punitive damages to \$480,000. So the total amount of damages was \$640,000.

The decision was later appealed by McDonald's and Liebeck, but they settled out of court for an amount less than \$600,000. Nobody actually knows how much she got, as a matter of fact.

5. Просмотрите образцы иска в гражданский суд США и образец иска в Арбитражный Суд РФ. Изучите и сравните форму и структуру. Определите, в чем состоит сходство и различие по форме и содержанию иска в гражданский суд США и иска в Арбитражный Суд РФ.

**Образец 1.**

IN THE CIRCUIT COURT FOR BALTIMORE CITY, MARYLAND

\*

**SANDY JENKINS — Plaintiff**

\*

v

\* **CASE NO.:**

**CONNECTIVE ENERGY- Defendant**

\*

\*

**COMPLAINT**

Plaintiff, Sandy Jenkins, by and through their undersigned attorneys, Ronald V. Miller, Jr., and Miller & Zois, LLC, bring suit against Defendant Connective Energy and states as follows:

1. Plaintiff is a resident of Mt. Carmel, Pennsylvania.
2. Defendant Connective Energy carries on regular and substantial business in Baltimore City, Maryland.
3. On July 3, 2004 at 11:05 p.m., at 13601 Philadelphia SB Avenue in Ocean City, Maryland, Plaintiff suffered serious and permanent injuries as the result of an explosion that occurred on Defendant's electrical pole (Connective pole 62496/95862 located on the bay side of 135th Street).
4. The explosion caused a cylinder measuring two inches long and 3/8 inches wide to become imbedded in Plaintiff's right forearm.

**COUNT I — Strict Liability-Defect in Design — Product Liability**

Plaintiff re-alleges and incorporates by reference the allegations contained in Paragraph 1.

5. Defendant participated in sale and maintenance of a product.
6. Defendant maintained, installed and assembled the product which contained a defective condition because the design was defective and unsafe.
7. This design defect made the product unreasonably dangerous.
8. The system as assembled by Connective remained unchanged and was in the same condition at the time of the injury hereafter alleged.
9. As a direct and proximate cause of Defendant's installation and maintenance of the defectively designed product, Plaintiff sustained permanent injury.

**COUNT II — Negligent Design and/or Maintenance — Product Liability**

Plaintiff re-alleges and incorporates by reference the allegations contained in Paragraph 1 through 9 of this Complaint.

10. Defendant built and/maintained an electrical system that had a defective design or was defectively maintained. Accordingly, defendant owed a duty to Plaintiff that the system was designed and maintained in such a way that made the system safe for its intended purpose.

11. Defendant knew or should have known when building and maintaining this electrical system that it was designed defectively or maintained, creating an unreasonable risk of injury to Plaintiff.

12. Plaintiff was negligent in failing to properly design, manufacture, install, maintain, and communicate the defect in the system to Plaintiff, creating a clear and immediate risk of serious injury. As a direct and proximate result, Plaintiff sustained serious injury.

**COUNT III — Strict Liability-Abnormally Dangerous Activity — Products Liability**

Plaintiff re-alleges and incorporates by reference the allegations contained in Paragraph 1 through 12 of this Complaint.

13. Defendant's conduct in maintaining an electrical system in a public area constituted an abnormally dangerous activity which exposed Plaintiff to an unreasonable risk of harm.

14. At all relevant times, Defendant had control over the abnormally dangerous activity of maintaining the electrical system.

15. As set forth above, Plaintiff sustained injury as a direct and proximate cause of this unreasonably dangerous activity.

WHEREFORE, Plaintiff demands judgment against Defendant in the amount of FIVE MILLION DOLLARS (\$5,000,000.00), plus interest, costs and any other relief this court deems appropriate.

Respectfully submitted,  
MILLER & ZOIS, LLC  
Ronald V. Miller, Jr.  
Laura G. Zois  
Empire Towers, Suite 615  
7310 Ritchie Highway  
Glen Burnie, Maryland 21061  
(410)553-6000  
Counsel for Plaintiffs

**PLAINTIFF'S REQUEST FOR JURY TRIAL**

Plaintiff pursuant to Maryland Rule 2-325, prays a trial by jury on all issues.

**Образец 2.**

В Арбитражный суд \_\_\_\_\_

Истец: \_\_\_\_\_

\_\_\_\_\_  
(наименование, место нахождения, если истцом является гражданин, его место жительства, дата и место рождения, место работы или дата и место гос. регистрации в качестве предпринимателя)

Ответчик: \_\_\_\_\_

\_\_\_\_\_  
(наименование, место нахождения или место жительства)

Цена иска: \_\_\_\_\_ руб.

## ИСКОВОЕ ЗАЯВЛЕНИЕ

В соответствии с договором подряда от “\_\_” \_\_\_\_\_ г. № \_\_\_\_\_, заключенным между истцом и ответчиком, ответчик выполнил \_\_\_\_\_ и \_\_\_\_\_ (перечень работ, выполненных в соответствии с договором)

сдал объект \_\_\_\_\_.

В процессе эксплуатации объекта были выявлены следующие дефекты:

“\_\_” \_\_\_\_\_ г. был составлен двусторонний акт, который подписали наш представитель и представитель ответчика. В акте отмечалось, что обнаруженные дефекты явились следствием нарушения \_\_\_\_\_.

В акте было указано, что допущенные дефекты будут устранены ответчиком до \_\_\_\_\_. Однако фактически работы по устранению дефектов были выполнены только \_\_\_\_\_, т.е. с просрочкой на \_\_\_\_\_;

Нашу претензию от “\_\_” \_\_\_\_\_ г. № \_\_\_\_\_ ответчик оставил без ответа. Пунктом \_\_\_\_\_ договора предусмотрено, что в таких случаях виновная сторона должна уплатить второй стороне по договору пени в размере \_\_\_\_\_ за каждый день просрочки.

Учитывая изложенное выше, на основании ст. 330, 331 Гражданского кодекса РФ, а также ст. 125, 126 АПК РФ,

### ПРОШУ:

1. Взыскать с ответчика — \_\_\_\_\_ пени в сумме \_\_\_\_\_ руб. и расходы по госпошлине в сумме \_\_\_\_\_ руб., всего в сумме \_\_\_\_\_ руб.

Приложение:

1. Копия договора от “\_\_” \_\_\_\_\_ г. № \_\_\_\_\_.
2. Копия акта об обнаруженных дефектах от “\_\_” \_\_\_\_\_ г.
3. Копия претензии от “\_\_” \_\_\_\_\_ г. № \_\_\_\_\_.
4. Уведомление об отправке копии искового заявления ответчику.
5. Документ об уплате госпошлины.
6. Копия свидетельства о государственной регистрации истца.
7. Копия доверенности или иного документа, подтверждающего право на подписание иска.

Руководитель (представитель) \_\_\_\_\_

(подпись)

“\_\_” \_\_\_\_\_ г.



**6. Самостоятельно заполните форму иска в Арбитражный суд РФ и передайте его содержание на английском языке.**

**7. Ролевая игра. «Юридическая консультация».**

**А — практикующий адвокат. В — ведущий ТВ программы. В студию поступают звонки от людей, попавших в трудную ситуацию. Задача адвоката — помочь позвонившему решить проблему, в частности дать рекомендации по составлению иска. Используя образцы исков, составьте исковое заявление.**

#### **Falling off a diving board at a public pool\***

My 8 year son was climbing the ladder of the high dive at a public pool when he apparently slipped on the step and fell 10 ft. to the concrete\*. He suffered a fractured skull\*, stitches to the head, a broken arm and multiple cuts/scraps. He will be unable to participate in any sports for 9-12 months. He will not be able to participate in physical education in school for the first 6 months of the school year. Most importantly, our vacation (booked for next week) had to be canceled. Do I have a personal injury case here? I am grateful my son is alive, however, I am wondering at what point does an accident on public property become a liability issue? (pool — бассейн; concrete — бетонный пол; fractured skull — перелом костей черепа; stitches — швы)

#### **Is a village or town responsible for their parks?**

I went to a public park maintained by the village for a village-sponsored event and while walking on their paved walking path slipped and fell on their path resulting in pain and suffering in my right hip and back. The path was not only wet and muddy but was green and slimy\* with some kind of moss\*. Shouldn't they have posted signs that day saying that pathways can be dangerous when wet? Are they responsible for my injury? Can I sue them for pain, suffering, and Dr. bills? (slimy — липкий; moss — мох)

#### **Product liability or malpractice?**

My apartment owner engaged in a re-plumb construction\* with a plumbing service\* corporation in December 2002. The plumbing company made a mistake and connected the hot water pipe and cold water pipe wrongly (cross-connected) and now I am exposed to scalding\* water whenever I turn on the faucet\*. If I am injured by this faucet defect, is the plumbing company responsible for “product liability” or “malpractice”? The owner has no desire to negotiate with the constructor since he thinks I should put up\* with the situation. (re-plumb construction — замена водосточных труб; plumbing service — служба по ремонту сантехники;

scalding — обжигающий; faucet — водопроводный кран; to put up with — мириться с ч.-л.)

### **Slip and fall/Premises liability**

A close friend of mine needed a place to stay for a few days. My husband and I offered her to stay with us. We currently rent from a private homeowner. No signed lease exists, everything was done on a handshake. My friend asked to use our shower and, of course, we agreed. My husband mentioned for her to be careful, as it could get slippery because of no rubber mats in the shower. She slipped and fell, claiming she could not move her arm. I took her to the Emergency Room where they did x-rays, and advised her that it was not broken, just dislocated. They relocated it, then put her in a sling. 5 days later, she follows up with a surgeon. Afterwards, she calls me to say that according to the surgeon, her arm was fractured and there might be some permanent damage, which will lead to future surgery. She then proceeds to tell me that she is considering filing an injury claim against our landlord and/or his insurance company. How will this affect us as tenants, and are we held responsible for having no mats in the shower?

### **Paintball guns**

I was with a group of people who had been drinking. They decided to go out and shoot their paintball guns inside city limits at signs and buildings and other things. I was sober so I decided to drive them instead of letting them drive. At one point they fired their guns at a vehicle and there were people standing around. The cops showed up and charged the shooter with vandalism and assault. They also charged me with the same charges because I was driving. What should I do?

## **GLOSSARY**

a civil wrong	гражданское правонарушение
a tort	деликт
action	иск
adversarial	состязательный (о судебном процессе)
adversary	противная сторона
assault	угроза нападения, словесное оскорбление
battery	нанесение удара, побоев, избиение
to breach duty	нарушить обязанность
burden of proof	бремя доказывания
causation	причинность, причинная обусловленность
compensatory damages	компенсация реальных убытков

to construe	толковать
contractual relations	договорные отношения
determination	разрешение
disabled	недееспособный; неправопособный
to dispose of	избавиться от
emotional harm, mental distress	моральный ущерб
forceable	предвидимый
fraud	мошенничество
fraudulent misrepresentation	намеренное введение в заблуждение, обман
frivolous	явно необоснованный, несерьезный
future expected losses	ожидаемые убытки
grievance	жалоба
injunction	судебный запрет
injunctive relief	судебный запрет
injury	вред, ущерб, телесное повреждение
inquisitorial	следственный
invasion of privacy	нарушение неприкосновенности личной жизни
liability insurance	страхование ответственности
libel	клевета письменно или через печать
loss of earning capacity	потеря трудоспособности
malice (intent)	злой умысел
medical malpractice claim	иск о недобросовестной врачебной практике
medical malpractice	недобросовестная (врачебная) практика
misstatement	неправильное, ложное заявление
to mug	грабить (на улице)
negligence	небрежность, халатность
permanent injunction	бессрочный судебный запрет
premises liability	ответственность за помещение
proceeding(s)	рассмотрение дела в суде
products liability	ответственность производителя за качество товара
punitive damages	денежная компенсация в виде наказания ответчика
to reach a settlement	достичь мирового соглашения
remedies	средства судебной защиты
revenues	государственные доходы
to seek damages	испрашивать возмещение ущерба
slander	устная клевета
standard/burden of proof	бремя доказывания

strict liability tort  
tortfeasor  
trespass  
umpire  
vindication  
дикция

деликт строгой ответственности  
лицо, совершившее деликт  
деликт нарушения владения  
судья, рефери  
защита, восстановление (прав), вин-

# PART VI

## CHAPTER 10. INTERNATIONAL LAW

### UNIT 1. INTRODUCTION TO INTERNATIONAL LAW

**1. Термин «международное право» может означать международное публичное право, международное частное право и в последнее время наднациональное право. Подумайте и ответьте на вопросы:**

1. What is the difference between public international law and private international law? What is supranational law?

2. How can a national state be compelled to obey international law? Can you think of any examples of a country that has violated international agreements?

3. What are the consequences if a private individual or company breaks the laws of another jurisdiction?

#### TEXT

#### International law. Introduction

##### Vocabulary

public international law — международное публичное право

private international law — международное частное право

supranational law — наднациональное право

conflict of laws — коллизия правовых норм, коллизионное право

body of rules — совокупность норм

to govern rights and duties — регулировать права и обязанности

to govern conflicts — регулировать споры

to be in conflict with — находиться в противоречии с

source of law — источник права

binding source of law — обязательный источник права

custom — обычай

customary law — обычное право

customs — таможня

customs union — таможенный союз

charter — устав, хартия

to be derived from — происходить из

syn. to originate

to refer to — относиться, иметь отношение к

to be referred to as — называться

intergovernmental organization — межправительственная организация  
principal vehicle — основной инструмент  
to implement law — вводить законы в действие  
syn. to enact  
to enforce law — обеспечивать соблюдение законов  
recommendatory — рекомендательный  
syn. advisory  
to develop standards — разработать стандарты  
the World Intellectual Property Organization — Всемирная организация  
по вопросам интеллектуальной собственности  
(private) individual — физическое лицо  
business entity — юридическое лицо  
syn. legal entity  
to be concerned with — иметь дело с  
syn. to deal with  
to apply law — применять закон  
applicable — применимый, подходящий  
to be distinguished from — отличаться от  
legal framework — правовая система  
to unite authority — объединять власть

## **2. Прочитайте и переведите текст.**

In its widest sense, international law can include public international law, private international law and, more recently, supranational law. In its narrowest meaning, the term international law is used to refer to what is commonly known as public international law. Private international law is sometimes referred to as conflict of laws. Conflict of laws can also refer to conflicts between states in a federal system, such as the USA.

Public international law is the body of rules, laws or legal principles that govern the rights and duties of nation states in relation to each other. It is derived from a number of sources, including custom, legislation and treaties. Article 2 of the Vienna Convention on the Law of Treaties (1969) defines a treaty as ‘an international agreement concluded between States in written form and governed by international law ...’. These treaties may be in the form of conventions, agreements and charters. Custom, also referred to as customary international law, is another binding source of law, and originates from a pattern of state practice motivated by a sense of legal right or obligation. Laws of war were a matter of customary law before being codified in the Geneva Conventions and other treaties.

International institutions and intergovernmental organizations whose members are states have become a principal vehicle for making, applying, implementing and enforcing public international law, especially since the end of World War II. The best-known intergovernmental organization is the United Nations, which develops new recommendatory standards, e.g. the

Declaration of Human Rights. Other international norms and laws have been established through international agreements such as Geneva Conventions on the conduct of war or armed conflict, as well as by other international organizations, such as the World Health Organization, the World Intellectual Property Organization, the World Trade Organization and the International Monetary Fund.

Private international law refers to the body of rights and duties of private individuals and business entities of different states. It is concerned with two main questions: 1) the jurisdiction in which a case may be heard, and 2) which laws from which jurisdiction(s) apply. It is distinguished from public international law because it governs conflicts between private individuals or business entities, rather than conflicts between states or other international bodies.

Supranational law, or the law of supranational organizations, refers to regional agreements where the laws of a nation state are not applicable if in conflict with a supranational legal framework. At present, the only example of this is the European Union, which constitutes a new legal order in international law where sovereign nations have united their authority through a system of courts and political institutions.

**3. Текст содержит несколько прилагательных, образованных при помощи приставок, таких как intergovernmental and supranational.**

a) Соотнесите приставки из левой колонки с их значениями из правой.

bi-	many
inter-	above, beyond
intra-	two
multi-	between, among
non-	not, other than
supra-	within, inside
super-	across
trans-	over and above

b) Соотнесите прилагательные с приставками из левой колонки с существительными из правой.

multinational	talks
non-aligned	jet plane
intra-arterial	country
bi-lateral	corporation
supramolecular	state

transnational	missile
supersonic	level
intercontinental	pressure

**4. Переведите следующие слова и словосочетания из текста.**

Member-states, to become a principal vehicle for making and applying law, the body of laws or principles, nation states, to include custom, legislation and treaties; to define a treaty as, to conclude an agreement, to codify laws, to establish norms, conduct of war or armed conflict, the International Monetary Fund, to constitute a legal order, a system of courts and political institutions.

**5. Найдите в тексте английские эквиваленты.**

Всемирная торговая организация, создавать законы посредством международных соглашений, обычное международное право, обеспечивать соблюдение законов, межправительственная организация, источники международного публичного права, коллизионное право, Декларация прав человека, заключать региональные соглашения, находиться в противоречии с наднациональным правом.

**6. Ответьте на вопросы по тексту.**

1. What is international law in its widest sense? And its narrowest?
2. What does public international law govern?
3. What are the three main sources of public international law?
4. How is an international treaty defined?
5. What forms may it take?
6. What is the role of international institutions and international organizations today?
7. What international organizations do you know?
8. What does private international law deal with?
9. Why is it distinguished from public international law?
10. What is a supranational legal framework?

**7. Заполните пропуски словами из рамки.**

supranational, non-governmental, inter-state, bilateral, customs-union, charter, legal framework, conflict of laws

1. A ... organization is a legally constituted organization created by private persons or organizations with no participation or representation of any government.

2. The EU is a ... organization that creates, implements and enforces policies for its members.



3. The International Court of Justice has been criticized for its failure to resolve ... disputes.

4. Russia and Armenia have concluded a ... agreement on trade and economic cooperation.

5. A ... is a group of nations who wish to remove customs barriers between them.

6. ... refers to the body of law dealing with disputes between private persons who live in different jurisdictions.

7. A ... is, in essence, a broad system of rules.

8. A ... is an agreement by which rights are granted to an international body by the signatory nations to the agreement.

### **8. Переведите предложения на русский язык.**

1. Public international law has three principal sources: international treaties, custom and general principles of law. General principles of law are those commonly recognized by the major legal systems of the world.

2. In some cases the Security Council can adopt resolutions related to threats to peace which are legally binding under international law and can be followed up with economic sanctions and military action.

3. International legal theory is aimed at elaborating theoretical frameworks and instruments to analyse the existing norms and to make suggestions on how to improve them.

4. The concept of the sovereign nation-state consists of a nation controlled by a centralized system of government.

5. Several democracies including India, Israel and the United States take a flexible, eclectic approach recognizing aspects of public international law such as territorial rights as universal whilst regarding other aspects as arising from treaty or custom as not being subjects of public international law at all.

6. Democracies in the developing world due to their colonial past often insist on non-interference in their internal affairs but strongly support international law at the bilateral and multilateral levels such as the United Nations.

### **9. Переведите предложения на английский язык, используя слова и словосочетания из текста.**

1. В самом широком смысле термин «международное право» может означать публичное международное право, частное международное право, а с недавних пор и наднациональное право.

2. Частное международное право иногда называют коллизионным правом.

3. Публичное международное право это совокупность норм и правовых принципов, которые регулируют права и обязанности национальных государств в их отношениях друг с другом.

4. Источниками международного публичного права являются договоры, обычай и общие принципы права.

5. Международные институты и межправительственные организации являются основным инструментом создания и обеспечения международного публичного права.

6. Частное международное право отличается от публичного международного права тем, что регулирует отношения между физическими и юридическими лицами, а не отношения между государствами или международными организациями.

7. В настоящее время единственным примером транснациональных отношений является Европейский союз, в котором суверенные государства объединили свою власть через систему судов и политических институтов.

**10. Передайте содержание текста International law. Introduction на английском языке.**

## UNIT 2. SOURCES OF INTERNATIONAL LAW

### TEXT

#### Sources and Scope of International Law

##### Vocabulary

1. conventional law — договорное право
2. legal obligation — правовое обязательство
3. to create law — создавать законы
4. legal responsibility — правовая ответственность
5. to agree upon — прийти к соглашению  
syn. to come to an agreement
6. parties to an agreement — стороны (в договоре)  
syn. contracting parties
7. to have equal authority — иметь равный авторитет
8. to assign priority to — отдавать предпочтение
9. to recognize the rule as peremptory — признавать норму императивной
10. derogation — умаление (прав).
11. to invoke a principle — применять принцип
12. to establish criteria — устанавливать критерии
13. to identify states as the principal actors — признавать государства главными действующими лицами
14. to presuppose control over territory — предполагать контроль над территорией
15. international claims — международные притязания
16. acquisition of territory — приобретение территории

17. to deal with — иметь дело с  
syn. to be concerned with
18. an alien — иностранец
19. a refugee — беженец
20. to govern issues — решать вопросы
21. issues relating to the global environment — проблемы окружающей среды
22. to enter into legal commitments — вступать в договорные отношения
23. voluntary participation — добровольное участие

### **1. Прочитайте и переведите текст.**

Customary law and conventional law are primary sources of international law. Customary international law results when states follow certain practices generally and consistently out of a sense of legal obligation. Recently the customary law was codified in the Vienna Convention on the Law of Treaties. Conventional international law derives from international agreements and may take any form that the contracting parties agree upon. Agreements may be made in respect to any matter except to the extent that the agreement conflicts with the rules of international law incorporating basic standards of international conduct or the obligations of a member state under the Charter of the United Nations. International agreements create law for the parties to the agreement. They may also lead to the creation of customary international law when they are intended for adherence generally and are in fact widely accepted. Customary law and law made by international agreement have equal authority as international law. Parties may assign higher priority to one of the sources by agreement. However, some rules of international law are recognized by international community as peremptory, permitting no derogation. Such rules can be changed or modified only by a subsequent peremptory norm of international law.

General principles common to systems of national law is a secondary source of international law. There are situations where neither conventional nor customary international law can be applicable. In this case a general principle may be invoked as a rule of international law because it is a general principle common to the major legal systems of the world and not inappropriate for international claims.

International law establishes the framework and the criteria for identifying states as the principal actors in the international legal system. As the existence of a state presupposes control and jurisdiction over territory, international law deals with the acquisition of territory, state immunity and the legal responsibility of states in their conduct with each other. The law is similarly concerned with the treatment of individuals within state boundaries. There is thus a comprehensive regime dealing with group rights, the treatment of aliens, the rights of refugees, international crimes, nationality problems and human rights generally. It further includes the important functions of the maintenance of international peace and security, arms control, the peaceful

settlement of disputes and the regulation of the use of force in international relations. Even when the law is not able to stop the outbreak of war, it has developed principles to govern the conduct of hostilities and the treatment of prisoners. International law is also used to govern issues relating to the global environment, the global commons such as international waters and outer space, global communications and world trade.

Whilst municipal law is hierarchical or vertical, with the legislature enacting binding legislation, international law is horizontal, with all states being sovereign and theoretically equal. Because of this, the value and authority of international law is dependent upon the voluntary participation of states in its formulation, observance, and enforcement. Although there may be exceptions, most states enter into legal commitments to other states out of enlightened self-interest rather than adherence to a body of law that is higher than their own.

**2. Переведите следующие слова и словосочетания из текста.**

- 1) conventional law
- 2) maintenance of international peace and security
- 3) to enter into legal commitments
- 4) treatment of prisoners
- 5) to stop the outbreak of war
- 6) to conflict with the law
- 7) peremptory norm
- 8) settlement of disputes
- 9) arms control
- 10) to govern the conduct of hostilities
- 11) contracting parties

**3. Найдите в тексте английские эквиваленты русским словам и словосочетаниям.**

- 1) принимать форму
- 2) входить в противоречие с
- 3) по соглашению с
- 4) признавать нормы международного права
- 5) общие принципы
- 6) не соответствовать международным требованиям
- 7) международная правовая система
- 8) в границах государства
- 9) права человека
- 10) вступать в договорные отношения
- 11) поддержание мира и безопасности

**4. Ответьте на вопросы по тексту.**

1. What are the primary sources of international law?
2. What law was codified in the Vienna Convention on the Law of Treaties?
3. Where does conventional international law derive from? What form may it take?

4. Do customary law and law made by international agreement have equal authority as international law?
5. When may a general principle be invoked as a rule of international law?
6. What does the existence of a state presuppose?
7. Has international law developed principles to govern the conduct of hostilities and the treatment of prisoners?
8. Why is the value and authority of international law dependent upon the voluntary participation of states?

**5. Замените русские слова и выражения в скобках соответствующими английскими эквивалентами.**

1. The Vienna Convention on the Law of Treaties codified (обычное право).
2. Conventional international law derives from (международные соглашения).
3. International agreements (создают законы) for the parties of the agreements.
4. Customary law and law made by international agreement (имеют одинаковую силу) as international law.
5. Some rules of international law are recognized by (международное сообщество) as peremptory.
6. There are situations where (ни конституционное, ни обычное международное право) can be applicable.
7. The law is not able to stop (начало войны).
8. (Муниципальное право) is vertical.
9. International law is dependent upon (добровольное участие) of states.

**6. Переведите предложения на русский язык.**

1. At present sources of international law also include resolutions of international organizations that are mandatory for all member-states.
2. As a source of international law the treaty is a clearly expressed agreement between subjects of international law to create norms defining mutual rights and obligations they accept as legally binding.
3. Agreements among states continue to play a leading role for states are the primary subjects of international law.
4. The basic task of international law is to contribute to a normal functioning of the international system.
5. International law does not govern relations arising within states, but it often influences them through the national law of these states.
6. The overwhelming majority of norms of modern international law are created by agreements among states.
7. The general principles of law can only be legal postulates and logical rules that are characteristic of both national legal systems and international law.

**7. Переведите предложения на английский язык, используя слова и словосочетания из текста.**

1. Основными источниками международного права являются обычное и договорное право.
2. В некоторых случаях нельзя применить ни обычное, ни договорное право.
3. Существование государства предполагает юрисдикцию и контроль над территорией.
4. Международное право используется в решении вопросов, связанных с окружающей средой.
5. Международное право признает за государствами суверенитет и равенство.
6. Важной функцией международных отношений является поддержание мира и безопасности, а также контроль над вооружениями.
7. Международное право — это особая система правовых норм, не входящих в какую-либо национальную систему права.
8. Прогрессивные нормы государств каждой исторической эпохи оказывают влияние на развитие международного права.

**Повторение грамматики. Сослагательное наклонение.  
Условные предложения.  
(The Subjunctive Mood. Conditional Sentences)**

### Сослагательное наклонение

Сослагательное наклонение показывает, что действие, выраженное глаголом, не соответствует действительности, а является желательным, маловероятным или невероятным (нереальным). На русский язык сослагательное наклонение переводится глаголом в прошедшем времени с частицей «бы». В английском языке сослагательное наклонение образуется при помощи вспомогательных глаголов:

should (1 лицо)	Indefinite
would (для всех остальных лиц)	Infinitive (без частицы to)

**Examples:**

To discuss general principles of international law would **be** useful.  
Было бы полезно обсудить общие принципы международного права.

What **would** you say if you were the witness?  
Что бы вы сказали, если бы были свидетелем?

It is obligatory that we **should observe** laws.  
Необходимо соблюдать законы.

We demand that the criminal **should be punished**.

Мы требуем, чтобы преступник был наказан.

Сослагательное наклонение может употребляться после глагола to wish.

*Examples:*

I **wish** he pleaded guilty.

Я бы хотел, чтобы он признал свою вину.

### Условные предложения

Условные предложения могут выражать реальные или нереальные условия. Они вводятся союзами if, incase, provided, unless.

**1 тип.** Условные предложения 1 типа выражают реально осуществимые условия и переводятся на русский язык изъявительным наклонением.

*Examples:*

If his guilt **is proved**, he **will be punished**.

(В придаточном предложении будущее время не употребляется, вместо него используется одна из форм настоящего, чаще всего present simple.)

Если его вина будет доказана, он будет наказан.

**2 тип.** Условные предложения 2 типа выражают маловероятные условия, относящиеся к настоящему или будущему и переводятся на русский язык сослагательным наклонением.

*Examples:*

If I **were** a lawyer, I **should explain** this law to you.

Если бы я был юристом, я бы объяснил тебе этот закон.

**3 тип.** Условные предложения 3 типа выражают нереальные условия, относящиеся к прошлому и переводятся сослагательным наклонением на русский язык.

*Examples:*

If he **had been** more **careful**, he **wouldn't have had** a car accident.

Если бы он был более внимательным, он бы не попал в автомобильную аварию.

**Смешанный тип.** Если действия главного и придаточного предложений не совпадают по времени, то мы имеем смешанный тип условного предложения.

*Examples:*

If you **had studied** English properly at school, you **would know** it now.

Если бы ты изучал английский как следует в школе, то ты знал бы его сейчас.

В условных предложениях 1 и 2 типов может иметь место инверсия (обратный порядок слов).

При этом союз, вводящий условное предложение, опускается.



**Examples:**

Were the judge more experienced he would notice some changes in the defendant's behavior.

Если бы судья был более опытным, то он бы заметил некоторые изменения в поведении подсудимого.

He been in the courtroom then, he would have heard the sentence pronounced by the judge.

Если бы он был тогда в суде, он бы услышал приговор, вынесенный судьей.

Condition	Subordinate Clause	Principal Clause	Translation
Real	If it looks like rain, If I have more time, If he is working on Friday  Present Ind./Cont.	We'll stay at home I'll come over. he won't be able to go with us  Will + Infinitive	
Unreal	Present/Future  If I were you, If I had more time, If you knew him better, If it were not raining,  Past Ind./Cont.	I would go there. I would come over. You wouldn't think so. I could go out.  Would Could + Infinitive Might	
	Past  If you had gone there, If it hadn't been so hot last summer  Past Perfect	you would have seen him. we could have gone to the South.  Would Could + have + Participle II Might	



### **1. Переведите предложения на русский язык.**

1. It is evident that conventional international law should take any form that the contracting parties agree upon.
2. It is obligatory that agreements should not conflict with the rules of international law.
3. It is necessary that customary law and law made by international agreement should have equal authority as international law.
4. The secretary demanded that the documents should be submitted without delay.
5. I wish general principles common to systems of national law were observed.

### **2. Переведите предложения на английский язык.**

1. Необходимо, чтобы стороны действовали в рамках Венской конвенции.
2. Важно, чтобы соблюдалась Декларация прав человека.
3. Ситуация требует, чтобы суверенные государства объединили свои усилия.
4. Необходимо, чтобы все помнили, что международный договор является главным источником международного права.
5. Жаль, что стороны не пришли к соглашению.

### **3. Переведите предложения на русский язык.**

1. Even if the law is not able to stop the outbreak of war, it will govern the conduct of hostilities.
2. If the laws of a nation-state were applicable in regional agreements there would be no need for supranational law.
3. If the United Nations hadn't developed new advisory standards, there would be no Declaration of Human Rights.
4. Had the circumstances been more favourable the parties would have come to an agreement.
5. If the East African community becomes a political federation, it will be another example of a supranational legal framework alongside with the European Union.

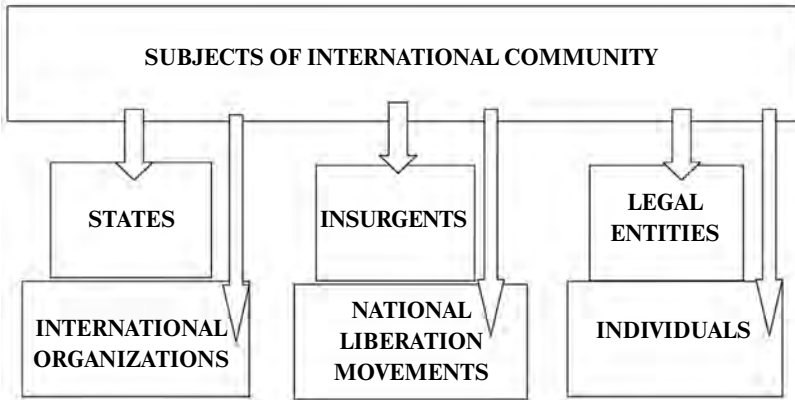
### **4. Переведите предложения на английский язык.**

1. Если бы сопротивление враждующих сторон было преодолено, мир был бы установлен.
2. Если бы не было Венской конвенции, многие международные проблемы было бы трудно разрешить.
3. Если бы не соблюдались принципы международного права, не удавалось бы избегать международных конфликтов.
4. Если мы обратимся к статье 2 Венской конвенции, то найдем там определение договора.

5. Если вы разбираетесь в вопросах международного публичного права, то сможете выступить на конференции.

### UNIT 3. SUBJECTS OF INTERNATIONAL COMMUNITY

На схеме обозначены субъекты международного права. Переведите названия на русский язык и определите, какие из них являются первичными, а какие производными.



#### TEXT

#### Subjects of International Community

#### Vocabulary

1. backbone of the community — основа сообщества
2. to possess full legal capacity — обладать полной правоспособностью
3. to be vested with rights — быть наделенным правами
4. to fall apart — распадаться
5. insurgents — мятежники, повстанцы
6. to assert oneself — самоутверждаться
7. provisional existence — временное существование
8. a fully-fledged state — полностью сложившееся государство
9. to be defeated — потерпеть поражение

#### 2. Прочитайте текст и найдите ответы на следующие вопросы.

1. What are the legal subjects in national systems? Which of them are primary?
2. What are the primary subjects in the international community?
3. How are states defined in international law?
4. What does “full legal capacity” mean?

5. Are states of the international community equal?
6. Who are insurgents?
7. Which subjects of the international community are traditional and which are relatively new?
8. Which subjects of the international community possess “limited legal capacity”?

National systems comprise very many legal subjects: citizens, foreigners residing in the territory of the State, corporate bodies and State institutions (if endowed with legal personality). Individuals are the primary subjects in national legal systems. In contrast, the legal subjects of the international community are relatively few. In addition, the fundamental or primary subjects are not individuals, but States. They are entities which, besides controlling territory in a stable and permanent way, exercise the principal lawmaking and executive functions proper of any legal order. All other subjects either exercise effective authority over territory for a limited period of time only or have no territorial basis whatsoever. States, therefore, are the backbone of the community. They possess full legal capacity, that is, the ability to be vested with rights, powers, and obligations. Were they to disappear, the present international community would either fall apart or change radically. For historical reasons, there are at present about two hundred States including a few mini-States. In principle, all States are equal. However, one particular class, a handful of States with strong economic and military systems, holds authority in the international community.

There is another category of international subjects, namely, insurgents, who come into being through their struggle against the State to which they belong. They are born from a wound in the body of a particular State and are not, therefore, easily accepted by the international community unless they can prove able to exercise some of the sovereign rights typical of States. They assert themselves by force and acquire international status proportionate to their power and authority. However, their existence is by definition provisional: they either win and turn into fully fledged States or are defeated and disappear.

States and insurgents are traditional subjects of the international community in the sense that they have been the principal actors on the international scene since its inception. In the twentieth century and increasingly after the Second World War, other poles of interest and activity have gained international status. They are: international organizations, national liberation movements and individuals. The emergence of these relatively new subjects is a distinct feature of modern international law.

Unlike States, all the other international subjects just mentioned, on account of their inherent characteristics (e.g. lack of permanent or at least stable authority over a territory, etc.) possess a limited capacity in the area of international rights and obligations. They also have a limited capacity to act, that is, to put into effect their rights and powers, in judicial and other proceedings or to enforce their rights.

**3. Найдите в тексте английские эквиваленты русских словосочетаний.**

- 1) главные субъекты права
- 2) правопорядок
- 3) осуществлять эффективную власть над
- 4) обладать правоспособностью
- 5) быть признанным международным сообществом
- 6) повстанцы, мятежники
- 7) быть наделенным правами и полномочиями
- 8) самоутверждаться
- 9) временное существование
- 10) превратиться в полноценное государство
- 11) получить международный статус
- 12) национально-освободительное движение
- 13) отличительная черта современного права
- 14) отсутствие постоянного контроля над территорией
- 15) претворять в жизнь права и полномочия

**4. Заполните пропуски словами из рамки.**

Citizen, foreigner, individual, insurgent, subject

1. ... is a person born in another country and speaking another language.
2. ... is a freeman, enfranchised member of a State.
3. ... is a member participating in rebel.
4. ... is a person owing allegiance to government or ruling power.
5. ... is a single member of the class or group.

**5. Заполните пропуски словами из текста.**

1. ... assert themselves by force and acquire international status proportionate to their power and authority.
2. ... are the primary subjects in national legal systems.
3. States and insurgents are traditional ... of the international community.
4. ... possess full legal capacity, that is, the ability to be vested with rights, powers and obligations.

**6. Выразите согласие/несогласие со следующими утверждениями.**

1. The legal subjects of the international community are numerous.
2. Individuals are the primary subjects of international law.
3. States are entities which, besides controlling territory in a stable and permanent way, exercise the principal lawmaking and executive functions proper of any legal order.
4. Insurgents are easily accepted by the international community.
5. States and insurgents are traditional subjects on the international scene.

6. National liberation movements possess unlimited legal capacity in the area of international rights and obligations.

**7. Переведите на английский язык, используя слова и словосочетания из текста Subjects of International Community.**

Субъекты занимают центральное положение в международном праве, которое призвано регулировать их взаимоотношения. Особенность положения субъектов международного права состоит в том, что они не только выступают носителями прав и обязанностей, но и играют главную роль в создании и реализации международно-правовых норм. Субъект международного права — это носитель международных прав и обязанностей, возникших в соответствии с общими нормами международного права либо международно-правовыми предписаниями.

Существует две категории субъектов международного права: первичные (суверенные) и производные.

Государства являются первичными субъектами международного права в силу присущего им национального суверенитета и признаются носителями международных прав и обязанностей. Суверенитет делает их независимыми от других субъектов международного права и предопределяет возможность самостоятельного участия в международных отношениях.

Государства выступают наиболее полновластными и организованными субъектами международного права, имеющими решающие средства воздействия на международные отношения и обладающими универсальным правом участвовать в любых международно-правовых действиях.

Государство характеризует три элемента: население, территория и суверенная власть. Территориально-организационная структура государства может быть различной.

**8. Переведите на русский язык следующие предложения. Определите, к какому типу условных предложений они относятся.**

1. Were states to disappear, the present international community would either fall apart or change radically.

2. Insurgents are born from a wound in the body of a particular State and are not, therefore, easily accepted by the international community unless they can prove able to exercise some of the sovereign rights typical of States.

3. Had a State, or group of States, proved strong enough to claim and enforce the exclusive rights to use that thereof, it would have had no hesitation in depriving other members of the international community of access thereto.

4. If the insurrection is widespread and protracted in time, and rebels come to acquire stable control over a part of the territory, the central authorities or third States may grant the recognition of belligerency.

**9. Самостоятельная работа. Используя схему (упр. 1), выберите один из субъектов международного права и подготовьте презентацию.**

## UNIT 4. THE LAW OF TREATIES

### TEXT 1

#### Treaties

##### Vocabulary

1. instrument — (международный) договор
2. common title — общее название
3. preamble — преамбула, вступление
4. in simplified form — в упрощенной форме
5. to be cloaked with (authority) — быть наделенным (властью)
6. syn. to be vested with
7. to set forth (the rights and obligations) — излагать (права и обязанности)
8. to comprise provisions — содержать положения
9. to enter into force — вступать в силу
10. entry into force — вступление в силу
11. termination of the treaty — прекращение действия договора
12. accession — присоединение (к международному договору)
13. seal — печать
14. to clarify — прояснять
15. to be authentic — зд. быть основным
16. mutual relations — взаимоотношения
17. to conclude a treaty — заключить договор
18. to distinguish between — делать различие между

#### 1. Прочитайте и переведите текст.

Over the past centuries, state practice has developed a variety of terms to refer to international instruments by which states establish rights and obligations among themselves. "Treaty" is the most common title of an international agreement but the following are also used: convention, act, general act, protocol, agreement, *modus vivendi*, concordance, charter, declaration, and compromise. Although there is no officially correct form, treaties generally comprise four parts: the title, the preamble, the main body, and the final part.

a. Title: A description of the type of treaty and the subject matter, the title often also includes the names of the contracting parties. Treaties concluded in simplified form do not usually have titles.

b. Preamble: Following the title and serving as an introduction, the preamble states the reasons for the treaty, the names of the negotiating representatives, and the authority with which the representative is cloaked.

c. Main body: This sets forth the rights and obligations of the parties.

d. Final part: The final part comprises the provisions setting forth the guidelines for entry into force, termination of the treaty, revisions, accessions, reservation, publication, and languages in which the text will be

written. The treaty finally concludes with the date and place of conclusion and the signatures and seals of the contracting parties.

**Language:** There is no universal rule as to what language or what number of languages must be utilized for the text of the treaty. Rather, the language of the treaty is selected by the contracting parties. When a treaty is published in more than one language, the treaty itself should clarify which text is to be the authentic and authoritative one.

Although these instruments differ from each other by title, they all have common features and international law has applied basically the same rules to all of these instruments. These rules are the result of long practice among the States, which have accepted them as binding norms in their mutual relations. Therefore, they are regarded as international customary law. Since there was a general desire to codify these customary rules, two international conventions were negotiated. The 1969 Vienna Convention on the Law of Treaties (“1969 Vienna Convention”), which entered into force on 27 January 1980, contains rules for treaties concluded between States. The 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations (“1986 Vienna Convention”), which has still not entered into force, added rules for treaties with international organizations as parties. Both the 1969 Vienna Convention and the 1986 Vienna Convention do not distinguish between the different designations of these instruments. Instead, their rules apply to all of those instruments as long as they meet certain common requirements.

The Vienna Convention on the Law of Treaties defines a treaty as “an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument, or in two or more related instruments and whatever its particular designation”.

## **2. Переведите следующие слова и словосочетания из текста.**

- 1) subject matter
- 2) negotiating representatives
- 3) customary rules
- 4) modus vivendi
- 5) international instrument
- 6) to establish rights
- 7) contracting parties
- 8) to enter into force
- 9) accession
- 10) to comprise provisions

## **3. Найдите в тексте английские эквиваленты русским словосочетаниям.**

- 1) международный договор
- 2) состоять из 4 частей
- 3) служить предисловием
- 4) права и обязанности сторон
- 5) прекращение действия договора

- 6) оговорка
- 7) общие черты
- 8) являться результатом
- 9) кодифицировать правовые нормы
- 10) в письменном виде

#### **4. Прочитайте текст еще раз и ответьте на вопросы.**

1. What is the most common title of an international agreement?
2. What other titles of “treaty” are listed in the text?
3. How many parts does a treaty comprise? What are they?
4. Which part of a treaty sets forth the rights and obligations of the parties?
5. Are there any rules as to what language or what number of languages must be utilized in a treaty?
6. How does the Vienna Convention define a treaty?

#### **5. Замените русские слова и выражения в скобках соответствующими английскими эквивалентами.**

- 1) “Treaty” is the most common title of (международного договора).
- 2) Treaties generally comprise the title, the preamble, the main body and (заключительную часть).
- 3) The main body of the agreement sets forth (права и обязанности сторон).
- 4) The treaty finally concludes with the date and place of conclusion and (подписями и печатями) of the contracting parties.
- 5) The rules are the result of long practice among the States, which (приняли) them as binding norms in their mutual relations.
- 6) These binding norms (считаются) as international customary law.
- 7) Since there was a desire (кодифицировать) these customary rules, two international conventions were negotiated.
- 8) The 1969 Vienna Convention on the Law of Treaties (вступила в силу) on 27 January 1980.
- 9) Both Conventions (не делают различия между) the different designations of the instruments used.
- 10) The rules apply to all the instruments as long as they meet certain (общие требования).

## **TEXT 2**

### **The Classification of Treaties**

#### **6. Прочитайте текст.**

There exist different classifications of treaties. Political treaties include alliances, peace settlements, disarmament agreements, and territorial settlements. Commercial treaties deal with tariffs, fishing rights, navigation,



and the opening of consulates and offices of tourism. Some treaties are constitutional or administrative documents. The United Nations Charter is an example. Such treaties establish and regulate international organizations and specialized agencies. There are treaties that deal with criminal justice, that define international crimes such as terrorism, and that provide for extradition, or the process by which one state surrenders to another an individual for trial. Treaties pertaining to civil law are conventions for the protection of human rights and for the enforcement of trade mark and copyright laws. The codifying of international law also comes within the scope of treaties. These include rules for the conduct of war and the settlement of disputes. A single treaty often embraces several of these elements.

The principle that treaties must be observed — *pacta sunt servanda*—constitutes the foundation of the law of treaties. The Vienna Convention on the Law of Treaties states this as follows: “Every treaty in force is binding upon the parties to it and must be performed by them in good faith”. This means that each treaty that is legitimately in force is legally binding on all signatories. It must be carried out in good faith, i.e. not formally but honestly; each signatory State has the duty to take all measures necessary to carry out the treaty’s provisions in accordance with its aims and principles. The principle of good faith prohibits abuses of treaty rights — that is, their use to the disadvantage of the legitimate rights and interests of other States. Finally, an important substantive element of the principle that “treaties must be observed” is that a State may refuse to implement a treaty or limit its implementation only on the basis of international law. A signatory State does not have the right to refer to its own domestic law to justify the non-execution of treaties.

**7. Найдите в тексте английские эквиваленты следующим словам и словосочетаниям и составьте с ними предложения.**

- 1) установление мира
- 2) урегулирование территориальных споров
- 3) соглашение о разоружении
- 4) торговый договор
- 5) заниматься уголовным судопроизводством
- 6) предусматривать выдачу преступника властям
- 7) иметь отношение к гражданскому праву
- 8) защищать авторские права
- 9) товарный знак
- 10) урегулировать споры
- 11) соблюдать договор
- 12) являться обязательным
- 13) добросовестно выполнять обязательства
- 14) подписавшаяся сторона
- 15) злоупотребление договорными правами

## 8. Передайте краткое содержание текста на английском языке.

9. Переведите положения, изложенные в таблице, на английский язык и расскажите об основном принципе международного договорного права *pacta sunt servanda*.

	ПАСТА SUNT SERVANDA
	1. Добросовестное выполнение своих международных обязательств всеми государствами.
	2. Неукоснительное выполнение своих международных обязательств независимо от внутренних и внешних условий.
	3. Нарушение договора не может оправдываться ссылкой государства на свое внутреннее право.
	4. Договоры, заключаемые государством, не должны противоречить друг другу.
	5. Государство не вправе произвольно прекращать или пересматривать свои договоры.
	6. Форма договора не умаляет его обязательств.
	7. Разрыв дипломатических отношений государствами не препятствует соблюдению ими договоров.

### ТЕХТ 3

#### The Conclusion of Treaties

## 10. Прочитайте текст и озаглавьте части (В—Н).

### A. Stages in the Conclusion of Treaties

The conclusion of an international treaty consists of two stages:

a) the first stage is a harmonizing of wills of States or of other subjects of international law with regard to rules of conduct, i.e. concerning the text of the treaty. In concluding bilateral treaties this includes negotiations between parties and arriving at accord on the text of the treaty. In concluding multilateral treaties this stage consists in the drafting and adoption of the text of the treaty by the corresponding international conference or organ of an international organization. At multilateral conferences the text of the treaty is adopted by a two-thirds majority of the participants unless other provisions are made.

b) the second stage concerns a harmonizing of the wills of States concerning their recognition of the norms of the treaty as binding and

consists of individual actions by States that may differ depending on the relevant terms of specific treaties (signing, ratification, etc).

B.

Although the Vienna Convention itself does not provide a definition, “adoption” is generally defined as the formal act signifying that the form and content of the treaty have been agreed upon. Adoption signifies that the negotiations have been completed, disputed points have been resolved, and the wording of the final document agreed.

C.

The signing of the treaty may, by itself, signify the state’s definitive consent to be bound when: the treaty states that the signature is a signal of the state’s definitive consent; it is otherwise established by the contracting parties; or intent that the signature establishes definitive consent is indicated from the “full powers” document or otherwise expressed during the negotiations.

D.

Historically, ratification was the process of verifying the authority given the representatives who had negotiated and signed a treaty, but the modern understanding in many states is that ratification is a check on the treaty-making powers of the executive branch by passing the treaty through the parliamentary/legislative branch of government. Ratification provides an additional opportunity to carefully consider the rights and obligations of a treaty before consenting to be bound by its terms. The law of treaties, as reflected in the Vienna Convention, does not require ratification for a state to be bound by a treaty, and many informal international agreements bind parties on the basis of a signature alone.

E.

Accession is the process by which a state which was not a signatory of the treaty may nevertheless become a party to the treaty and be bound to its terms. Parties to a treaty are not given different treatment according to the manner in which they became parties.

F.

Article 14 of the Vienna Convention refers to “acceptance” as “an expression of consent to be bound either without a signature or after a non-binding prior signature.” Acceptance is not so much an actual method of consent as it is a term seen in treaty provisions, the meaning of which varies according to the context.

G.

The term “approval” was introduced into international law to correspond to the internal procedures of states which call for the “approval” of treaties.

H.

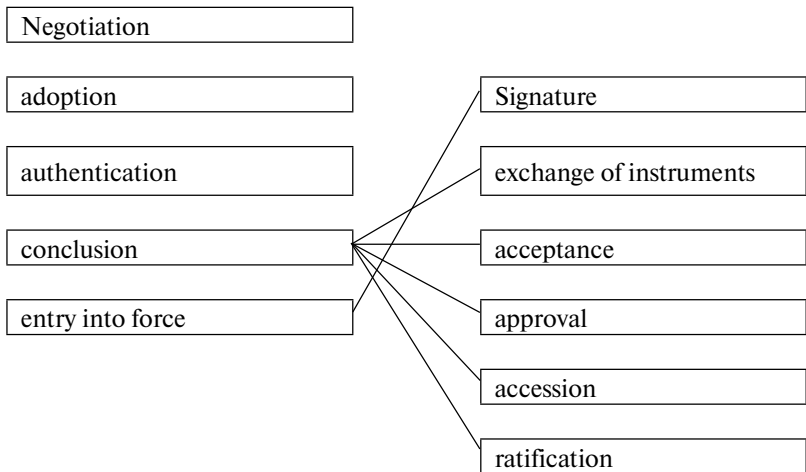
Entry into force is the actual implementation of the treaty’s terms and in the Vienna Convention is governed by article 24. Entry into force often occurs when specific requirements laid out in the treaty have been met.

**11. Закончите следующие предложения, используя необходимую информацию из текста.**

1. Consent may be expressed in many ways: ... .
2. “Adoption” is generally defined as ... .
3. Ratification is a check on the treaty-making powers of the executive branch by passing the treaty through ... .
4. Accession is the process by which a state which was not a signatory of the treaty may ... .
5. “Acceptance” is an expression of consent to be bound either without a signature or after ... .
6. Entry into force often occurs when specific requirements ... .

**12. Расскажите о договорном процессе, используя таблицу.**

**Treaty process**



**UNIT 5. INTERNATIONAL LEGAL PROTECTION OF THE ENVIRONMENT**

**TEXT**

**The Concept of International Legal Protection of the Environment**

**Vocabulary**

1. (natural) environment — окружающая среда  
to protect the environment — защищать окружающую среду

2. productive forces — зд. промышленное производство
3. to intensify the impact on — усиливать воздействие на
4. economic activities — экономическая деятельность
5. intervention in natural processes — вмешательство в природу
6. natural resources — природные ресурсы
- rational utilization of natural resources — разумное использование природных ресурсов
7. to bring to the brink of ecological crisis — привести на грань экологической катастрофы
8. urgent problem — проблема, требующая безотлагательного решения
9. pollution of the planet's biosphere — загрязнение биосферы планеты  
syn. contamination  
radioactive contamination — радиоактивное загрязнение
10. animal and plant world — животный и растительный мир
11. to adopt a resolution — принимать резолюцию

### **1. Прочитайте и переведите текст.**

The revolution in science and technology and the rapid development of the productive forces of society have intensified the impact of man's economic activities on the natural environment, and have considerably widened the sphere of his intervention in natural processes. The intensive utilization of natural resources and the pollution of the planet's biosphere have brought the human race to the brink of a serious ecological crisis. Consequently, the protection of the environment and the rational utilization of natural resources have become urgent global problems of the modern age.

Naturally, these problems cannot be solved by the efforts of individual States alone. National measures to protect the environment must be combined with wide international cooperation at the global and regional levels. International law is called upon to play a leading role in establishing and developing such cooperation and regulating the measures undertaken by various States to protect the environment.

The international legal protection of the environment is a relatively new but rapidly developing part of modern international law. At the present time, there are a number of international treaties of different kind governing various aspects of the protection of the environment and the rational utilization of natural resources. These agreements primarily concern the following:

- 1) the prevention of the pollution of maritime waters, the protection and rational utilization of the sea's living resources;
- 2) the protection of the waters and resources of international (multinational) rivers;
- 3) the protection of the Earth's atmosphere and outer space from pollution and other unfavourable influences;
- 4) the protection and rational utilization of the animal and plant world on land;

5) the protection of unique natural objects and complexes and of individual ecological systems;

6) the protection of the Earth's environment from radioactive contamination.

The international legal regulation of the environment protection measures undertaken by different states has unquestionably been influenced by the many universal international treaties which either contain important provisions relating to the protection of the environment, or else are directly or indirectly contributing to the improvement of the planetary environment.

In addition to international treaties, international custom also plays an important role in the protection of the environment.

An important role in the development of the international legal protection of the environment is played by resolutions adopted by international organizations, and above all by the United Nations and its specialized agencies.

## **2. Переведите следующие словосочетания из текста.**

- 1) rapid development of the productive forces
- 2) man's economic activities
- 3) intervention in natural processes
- 4) natural resources
- 5) ecological crisis
- 6) urgent global problems
- 7) to intensify the impact on the environment
- 8) rational utilization of natural resources
- 9) unfavourable influences
- 10) pollution of maritime waters

## **3. Найдите в тексте английские эквиваленты русским словосочетаниям.**

- 1) вносить вклад в
- 2) окружающая среда
- 3) загрязнение биосферы планеты
- 4) защищать окружающую среду
- 5) принять меры
- 6) предотвращение загрязнения
- 7) неблагоприятное влияние
- 8) радиоактивное загрязнение
- 9) расширять сотрудничество
- 10) насущные мировые проблемы

## **4. Ответьте на вопросы.**

1. What has intensified the impact of man's economic activities on the natural environment?

2. What has brought the human race to the brink of a serious ecological crisis?
3. What are the most urgent global problems of the modern age?
4. Can these problems be solved by the efforts of individual States alone?
5. That must national measures to protect the environment be combined with?
6. Is the international legal protection of the environment a relatively new part of modern international law?
7. What do modern international treaties on the protection of the environment concern?
8. What is the role of the United Nations in the development of the international legal protection of the environment?

**5. Замените русские слова и выражения в скобках соответствующими английскими эквивалентами.**

1. The intensive (использование природных ресурсов) and (загрязнение биосферы планеты) have brought the human race to the brink of a serious ecological crisis.
2. National measures (защиты окружающей среды) must be combined with wide (международным сотрудничеством) at the global and regional levels.
3. There are a number of (международных договоров) governing various aspects of (защиты окружающей среды).
4. The protection of (загрязнение мирового бассейна) is a very important task.
5. (Защита атмосферы земли) is one of the most urgent global problems.
6. (Рациональное использование животного и растительного мира) is essential.
7. (Радиоактивное загрязнение) is a great threat to global security.
8. Rapid development of (промышленного производства) has widened the sphere of intervention in natural processes.

**6. Самостоятельная работа. Выберите одну из тем и подготовьте презентацию.**

1. International law and the protection of natural environment.
2. The basic principles of international legal protection of the environment.
3. Armed conflicts and environmental protection as addressed by international environmental law.
4. The issues of utilization of natural resources in international environmental law.
5. The role of the United Nations and other international organizations in the development of the international legal protection of the environment.

## GLOSSARY

- acceptance — официальное принятие к сведению  
accession — присоединение (к международному договору)  
to acquire (territory) — приобретать  
acquisition — приобретение  
to adopt (a resolution) — принимать  
adoption — принятие  
bilateral — двусторонний  
commitment — обязательство  
to enter into legal commitments — вступать в договорные обязательства  
conflict — конфликт, противоречие  
to be in conflict with — находиться в противоречии  
to govern conflicts — урегулировать конфликты  
conflict of laws — коллизионное право  
contamination — загрязнение  
radioactive contamination — радиоактивное загрязнение  
custom — обычай  
customary law — обычное право  
entity — самостоятельное образование  
legal entity — юридическое лицо  
to enter into force — вступать в силу  
entry into force — вступление в силу  
environment — окружающая среда  
to protect the environment — защищать окружающую среду  
extradition — выдача (преступника)  
instrument — (международный) договор  
an insurgent — мятежник, повстанец  
law — право  
public international law — международное публичное право  
private international law — международное частное право  
supranational law — наднациональное право  
conventional law — договорное право  
to maintain — поддерживать  
to maintain peace and security — поддерживать мир и безопасность  
multilateral — многосторонний  
a party — сторона (в договоре)  
parties to an agreement  
syn. contracting parties  
peremptory (norm) — императивный  
pollution — загрязнение (окружающей среды)  
ratification — ратификация, скрепление подписью  
to settle — урегулировать



settlement — урегулирование

peaceful settlement — мирное урегулирование

settlement of disputes — урегулирование споров

signatory — подписывающая сторона

source — источник

(binding) source of law — (обязательный) источник права

termination — прекращение (срока действия договора)

treatment (of) — обращение с

treaty — договор

to conclude a treaty — заключить договор

to be vested with — быть наделенным (властью)

## ЗАКЛЮЧЕНИЕ

Успешное овладение дисциплиной «Английский язык в сфере юриспруденции» способствует формированию и совершенствованию межкультурной коммуникативной компетенции в сфере профессионального общения, развитию языковых навыков и речевых умений на основе межкультурного подхода, самостоятельному применению этих знаний в разнообразных ситуациях межкультурного общения, а также при продолжении дальнейшего обучения выпускников-бакалавров.

В результате изучения дисциплины «Английский язык в сфере юриспруденции» у выпускников-бакалавров формируются орфографическая, орфоэпическая, лексическая, грамматическая и стилистическая нормы изучаемого языка в пределах программных требований и умение их правильного использования во всех видах речевой коммуникации.

Успешное овладение дисциплиной «Английский язык в сфере юриспруденции» способствует более полному формированию у выпускников-бакалавров профессиональных компетенций в сферах нормотворческой, правоприменительной и правоохранительной деятельности благодаря расширению возможностей использовать аутентичные источники и приобретенным ими умениям и навыкам общения на английском языке.

Благодаря умению извлекать и использовать информацию из иноязычных источников овладение дисциплиной «Английский язык в сфере юриспруденции» расширяет возможности изучения всех других последующих учебных дисциплин Основной образовательной программы бакалавриата.