Учреждение образования
«Брестский государственный университет имени А.С. Пушкина»

Л. М. Калилец

АНГЛИЙСКИЙ ЯЗЫК

Электронный учебно-методический комплекс
для студентов специальности 6-05-0421-01 «Правоведение»

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В издании представлены материалы для обучения различным видам чтения, навыкам профессионального общения, письменной речи, а также аннотированию иноязычных текстов по специальности. ЭУМК состоит из введения, содержания курса, практического раздела, структура и содержание которого соответствуют определенным модулям обучения, раздела контроля знаний, вспомогательного раздела, содержащего глоссарий и перечень учебных изданий и информационно-аналитических материалов, рекомендуемых для изучения учебной дисциплины.

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СОДЕРЖАНИЕ

Введение

Настоящий ЭУМК предназначен для студентов дневной и заочной формы получения образования юридических специальностей и составлен в соответствии с требованиями Образовательного стандарта Республики Беларусь для специальности 1-24 01 02 Правоведение.

Практическая цель иноязычного обучения в вузе заключается в приобретении студентами коммуникативной компетенции, уровень которой позволяет использовать иностранный язык практически в профессиональной деятельности и для дальнейшего самообразования как средство повышения профессиональной компетенции и личностно-профессионального развития студентов. Кроме того, обучение иностранному языку на неязыковых факультетах вуза позволяет расширить кругозор студентов, повысить их общий культурный и образовательный уровень, реализовать такие аспекты профессиональной деятельности, как своевременное ознакомление с новыми технологиями, открытиями и тенденциями в развитии выбранной специальности, а также формировать готовность специалистов содействовать налаживанию межкультурных и научных связей, представлять свою страну на международных конференциях, относиться с уважением к духовным ценностям других стран и народов.

Изучение иностранного языка в учреждении высшего образования ставит целью дальнейшее развитие и совершенствование сформированной иноязычной коммуникативной компетентности в единстве всех ее составляющих: речевой, языковой, социокультурной, компенсаторной и учебно-познавательной компетентностей, обеспечивающих использование иностранного языка как средства профильной ориентации и самоопределения студента в рамках университетского профиля.

Достижение главной цели предполагает комплексную реализацию познавательной, развивающей, воспитательной и практической целей.

В качестве стратегической интегративной компетенции в процессе обучения иностранным языкам выступает коммуникативная компетенция в единстве всех составляющих: языковой, речевой, социокультурной, компенсаторной, учебно-познавательной компетенций.

Языковая компетенция – совокупность языковых средств (фонетических, лексических, грамматических), а также правил их использования в коммуникативных целях.

Речевая компетенция – совокупность навыков и умений речевой деятельности (говорение, письмо, аудирование, чтение), знание норм речевого поведения, способность использовать языковые средства в связной речи в соответствии с ситуацией общения.

Социокультурная компетенция – совокупность знаний о национально-культурной специфике стран изучаемого языка и связанных с этим умений корректно строить свое речевое и неречевое поведение.

Компенсаторная компетенция – совокупность умений использовать дополнительные вербальные средства и невербальные способы решения коммуникативных задач в условиях дефицита имеющихся языковых средств.

Учебно-познавательная компетенция – совокупность общих и специальных учебных умений, необходимых для осуществления самостоятельной деятельности по овладению иностранным языком.

Общие требования к уровню освоения содержания

В результате изучения дисциплины студент должен **знать:**

- особенности системы изучаемого иностранного языка в его фонетическом, лексическом и грамматическом аспектах (в сопоставлении с родным языком);
- социокультурные нормы бытового и делового общения, а также правила речевого этикета, позволяющие специалисту эффективно использовать иностранный язык как средство общения в современном поликультурном мире;

- историю и культуру страны изучаемого языка.

Студент должен **уметь**:

- вести общение социокультурного и профессионального характера в объеме, предусмотренном типовой учебной программой;
- читать и переводить литературу по специальности обучаемых (изучающее, ознакомительное, просмотровое и поисковое чтение);
- письменно выражать свои коммуникативные намерения в сферах, предусмотренных типовой учебной программой;
- понимать аутентичную иноязычную речь на слух в объеме программной тематики.

Требования к практическому владению видами речевой деятельности

Рецептивные умения

Аудирование

Студент должен **уметь**:

- воспринимать на слух иноязычную речь в естественном темпе в объеме программной тематики;
- воспроизводить услышанное при помощи повторения, перефразирования, пересказа.

Чтение

Студент должен **уметь**:

- владеть всеми видами чтения (изучающее, ознакомительное, просмотровое, поисковое), предполагающими разную степень понимания прочитанного;

- полно и точно понимать содержание профессионально ориентированных аутентичных текстов, используя двуязычный словарь (изучающее чтение);
- понимать общее содержание текста (70 %), определять не только круг затрагиваемых вопросов, но и то, как они решаются (ознакомительное чтение);
- получать общее представление о теме, круге вопросов, которые затрагиваются в тексте (просмотровое чтение);
- найти конкретную информацию (определение, правило, цифровые и другие данные), о которой заранее известно, что она содержится в данном тексте (поисковое чтение).

Тексты, предназначенные для просмотрового, поискового и ознакомительного чтения, могут включать до 10 % незнакомых слов.

За время обучения студенты должны усвоить лексический материал в объеме 1500 лексических единиц (продуктивно), из них 300 – терминологическая лексика.

Продуктивные умения

Говорение

Монологическая речь

Студент должен **уметь**:

- продуцировать развернутое подготовленное и неподготовленное высказывание по проблемам социокультурного и профессионального общения, перечисленным в типовой учебной программе;
- резюмировать полученную информацию;
- аргументированно представлять свою точку зрения по описанным фактам и событиям, делать выводы.

Примерный объем высказывания 15 фраз.

Диалогическая речь

Студент должен **уметь**:

- вступать в контакт с собеседником, поддерживать и завершать беседу, используя адекватные речевые формулы и правила речевого этикета;
- обмениваться профессиональной и непрофессиональной информацией с собеседником, выражая согласие/несогласие, сомнение, удивление, просьбу, совет, предложение и т. п.;
- участвовать в дискуссии по теме/проблеме, аргументированно отстаивать свою точку зрения;
- сочетать диалогическую и монологическую формы речи. Примерное количество реплик – 8–10 с каждой стороны.

Письмо

Студент должен **уметь**:

- выполнять письменные задания к прослушанному, увиденному, прочитанному, логично и аргументированно излагать свои мысли, соблюдая стилистические и жанровые особенности;
- реферировать и аннотировать профессионально ориентированные и общенаучные тексты с учетом разной степени смысловой компрессии.

Методические указания

Учебно-методический комплекс ориентирован на формирование у студентов иноязычной коммуникативной компетенции будущего специалиста, позволяющей использовать иностранный язык как средство профессионального и межличностного общения. Такие виды речевой деятельности, как говорение, аудирование, письмо используются на протяжении всего курса. Данный подход учитывается в содержательной структуре данного УМК.

В основу структурирования содержания учебного материала положен принцип модульного подхода, который предполагает разбивку учебного материала на относительно самостоятельные модули курса. Структура содержания учебной дисциплины включает модуль социального общения, модуль профессионального общения, модуль контроля.

Аудиторная работа студента под руководством преподавателя осуществляется путем групповых занятий различного характера (установочных, практических, контрольно-закрепительных).

Учебно-методический комплекс по английскому языку для студентов юридической специальности направлен на практическое использование английского языка, расширение языковой, лингвострановедческой и социокультурной компетенций, формирование знаний и умений по основным аспектам и темам, а также обучение профессионально-ориентированному речевому общению и самостоятельному повышению своей профессиональной квалификации при помощи английского языка. Его основной целью является “обеспечение практического владения студентами английским языком как средством формирования и формулирования мыслей в социально-обусловленных и профессионально-ориентированных сферах общения”.

Структура и содержание ЭУМК соответствуют этапам обучения студентов физико-математических специальностей.

ЭУМК состоит из

- введения,
- методических указаний,
- учебной программы,
- содержания курса,
- практического раздела, структура и содержание которого соответствуют определенным модулям обучения,
- раздела контроля знаний,
- вспомогательного раздела, содержащего методические указания по написанию аннотации, глоссарий, математические символы и перечень учебных изданий и информационно-аналитических материалов, рекомендуемых для изучения учебной дисциплины,
- требований, предъявляемых к студентам на итоговом экзамене (Приложение).

Практический раздел комплекса соответствует двум разделам обучения иностранному языку. Разделы социально-бытового и социально-политического общения содержат текстовый материал, а также задания, обучающие различным видам чтения. Этот раздел ЭУМК ориентирован на формирование у студентов умения самостоятельно читать иноязычные тексты с целью извлечения необходимой информации и обогащения словарного запаса по темам «Моя учёба в вузе», «Университет», «Беларусь», и «Англоговорящие страны».

Модуль профессионального общения содержит аутентичный текстовый и лексический материал, соответствующий принципам

профессиональноориентированного обучения. Целью данного раздела является развитие навыков чтения и более свободного употребления в речи терминологии, клише и выражений, характерных для литературы по юридическим специальностям. Части данного раздела содержат профессионально направленный материал, соответствующий специальностям юридического факультета, по темам «Понятие права, его значение, признаки, функции», «Противоправное, общественно опасное, виновное деяние (действие или бездействие) личности», «Моя будущая профессия», «Основные правовые системы современности», «Судебная система Республики Беларусь». Основным материалом для аудиторной и последующей самостоятельной работы в каждом разделе предусмотрен базовый текст.

Предтекстовые упражнения направлены на выработку умений работы со специальной литературой, которые необходимы студентам для успешной сдачи курсового экзамена по иностранному языку, так как здесь имеются все виды заданий, начиная от лексико-грамматического теста, письменного перевода, аннотации прочитанного до пересказа некоторых устных тем, входящих в экзаменационный перечень.

Послетекстовые упражнения направлены на проверку понимания прочитанного текста, формирование умения извлекать информацию, связно и логично излагать его содержание и выразить собственное суждение с опорой на языковой материал текста. Многотекстовость позволяет использовать разноцелевое чтение, что способствует расширению у обучаемых практических и профессиональных знаний по специальности.

Трудности, связанные с терминологической лексикой и переводом, снимаются с помощью глоссария, индивидуальная самостоятельная работа над которым предполагает углубленное изучение специального терминологического словаря юридического профиля.

Раздел контроля знаний представляет собой модуль контроля. Данный модуль обеспечивает промежуточный и итоговый контроль усвоения содержания модуля

социального общения и модуля профессионального общения. Он предназначен для обобщения и систематизации пройденного учебного материала по всем аспектам языка и видам речевой деятельности.

Промежуточный контроль осуществляется:

1. по устным темам – в форме монологического высказывания, диалогов, беседы с преподавателем;

2. по текстам – в форме разработанных комплексных заданий, составления аннотаций и рефератов, выборочного письменного перевода;

3. по лексике и грамматике – в виде выполнения лексических и грамматических упражнений по изученным темам и тестов.

Итоговый контроль знаний, умений и навыков студентов осуществляется в форме зачетов и экзамена в конце всего курса.

Раздел контроля знаний включает лексико-грамматические тесты, которые служат для итогового контроля усвоения программного материала в конце каждого этапа обучения; список вопросов к зачетам; образец экзаменационных материалов (лексико-грамматический тест; профессионально-ориентированный текст для чтения и письменного перевода; аутентичный текст для реферирования; подготовленные ситуации предметно-тематического содержания для беседы с преподавателем в рамках данной ситуации (по предметно-тематическому содержанию дисциплины)).

Вспомогательный раздел включает методические рекомендации для работы с данным учебно-методическим комплексом, а также методические рекомендации по организации и выполнению самостоятельных работ студентов по учебной дисциплине. Перечень учебных изданий и информационно-аналитических материалов, рекомендуемых для изучения учебной дисциплины, поможет

обучающимся ориентироваться в источниках информации по предмету и включает список рекомендуемой литературы, список электронных ресурсов удаленного доступа, список сетевых видеоресурсов и список электронных образовательных ресурсов.

СОДЕРЖАНИЕ КУРСА

1. **Социальное общение.**

   1.1. Брестский государственный университет: история создания, факультеты, студенческая жизнь. Рабочий день студента. Социальная и научная деятельность студента. Грамматика: существительное: множественное число существительных, притяжательный падеж.

   1.2. Система высшего образования. Система образования в стране изучаемого языка и в Беларуси: сравнительный анализ. Грамматика: определенный, неопределенный, нулевой артикль. Артикли и предлоги.

   1.3. Республика Беларусь: история, природные условия, культурные обычаи, экономика, политическое устройство. Минск столица Республики Беларусь: героическое прошлое и прогрессивное настоящее. Великие люди Беларуси: искусство, политика, наука. Грамматика: местоимение: личные, притяжательные, указательные, относительные, вопросительные, неопределенные.

   1.4. Страна изучаемого языка: история, природные условия, культурные обычаи, экономика, политическое устройство. Столица страны изучаемого языка - географический, политический, экономический, культурный центр. Великие люди страны изучаемого языка: искусство, политика, наука. Грамматика: наречие, степени сравнения наречий.

   1.5. Экологические проблемы современности. Трагические уроки прошлого. Экологическая культура в Республике Беларусь и в стране изучаемого языка. Окружающая среда и здоровье. Грамматика: формальные признаки сказуемого: позиция в предложении (повествовательном, вопросительном)

2. Профессиональное общение

2.1. Понятие юриспруденции. Этимология понятия. Историческое развитие юриспруденции. Сущность юриспруденции. Цели и задачи юриспруденции. Грамматика: временная система изъявительного наклонения.

2.2. Понятие права, его значение, признаки, функции. Право как неотъемлемая принадлежность индивида, субъективное право. Грамматика: временная система изъявительного наклонения.

2.3. Происхождение права, взаимосвязь права с государством. Основные источники права- правовой обычай, прецедент, нормативный договор, нормативно-правовой акт. Грамматика: временная система изъявительного наклонения.

2.4. Правосознание и правовая культура. Понятие, признаки и функции правосознания. Структура правосознания. Виды правосознания. Правовой нигилизм. Понятие правовой культуры. Грамматика: временная система изъявительного наклонения.

2.5. Теория государства и права. Общие закономерности возникновения, развития и функционирования государства и права. Отрасли права.

2.6. Противоправное, общественно опасное, виновное деяние (действие или бездействие) личности: объект правонарушения, субъективная сторона правонарушения, объективная сторона правонарушения. Грамматика: Согласование времен изъявительного наклонения.

2.7. Виды юридической ответственности. Уголовная, административная, дисциплинарная, уголовно-ответственная ответственность.

2.8. Основные правовые системы современности. Англо-саксонская, романо-германская, система традиционного (обычного права). Грамматика:

условное наклонение.

2.9. Система органов государственной власти Республики Беларусь: законодательная, исполнительная, судебная власть. Грамматика: условное наклонение.

2.10. Система органов государственной власти в странах изучаемого языка: законодательная, исполнительная, судебная власть.

2.11. Законность и правопорядок: единство, верховенство закона, целесообразность, реальность. Гарантии законности. Грамматика: неличные формы глагола: причастия настоящего и прошедшего времени, отглагольное прилагательное, деепричастие.

2.12. Правовое регулирование хозяйственной деятельности. Разрешение хозяйственных споров. Грамматика: Строевые слова – средства связи между элементами предложения.

2.13. Понятие гражданского права. Гражданское законодательство. Предмет регулирования гражданского права. Грамматика: Долженствование / необходимость / желательность.

2.14. Физические лица. Правоспособность. Дееспособность гражданина. Юридические лица. Дифференциация юридических лиц. Грамматика: Причинно-следственные отношения – придаточные предложения (причины, следствия).

2.15. Понятие договора. Заключение договора, общие положения. Изменение и расторжение договора. Грамматика: Долженствование / необходимость / желательность / возможность действия – модальные глаголы .

2.16. Судебная система Республики Беларусь. Судебная система стран изучаемого языка. Уголовное право: понятие, предмет, метод, задачи,

система. Грамматика: побуждение к действию/просьба – глагол в повелительной форме.

2.17. Сферы профессиональной юридической деятельности. Основные виды юридической профессии. Профессиональные навыки юриста.

ПРАКТИЧЕСКИЙ РАЗДЕЛ

МОДУЛЬ СОЦИАЛЬНОГО ОБЩЕНИЯ

OUR UNIVERSITY

Brest State University was founded in 1945. It was called the Teachers' Training Institute then. In 1995 it became a university. Its full name is Brest State University named after Alexander Pushkin.

The University occupies several academic buildings: an old building at the crossing of Savetskaya and Mickevich's Streets, the Sports Complex with gymnasiums, a swimming pool, several lecture halls and tutorial rooms, and a seven-storeyed building in Kasmanautau Boulevard with a canteen, a library, reading halls, laboratories, lecture halls and subject rooms. At the disposal of students there are four hostels, a winter garden, a garden of successive blossoming, an agricultural and biological station. The University has three museums: of biology, of geology, and of physical culture and sport.

The University educates about 4,500 students at the day-time department and about 4,000 students acquire higher education at the correspondence department. There are 12 faculties at the University: Language and Literature, Foreign Languages, Psychology and Pedagogics, Social Pedagogics, Geography, Biology, Mathematics, Physics, Physical Education, History, Law, and Pre-University Preparation. Students are educated in 50 specialities.

Teaching is maintained at a high level. About 600 professors, associate professors and tutors at 55 chairs teach students at the University.

The course of study lasts four-five years. Each year consists of two terms (autumn and spring) with examination periods at the end of each term. The term is divided between theoretical and practical work: students have a few weeks of lectures followed by seminars. When students have seminars they spend a lot of time in the reading room revising the material, fortunately the Internet helps now a lot.

Students do not only study, they are also engaged in various forms of research work. They write course papers and diploma theses, participate in scientific conferences and publish their articles. This work helps them to better understand the subjects they study and the current requirements of the national economy, to see the results of their work put into practice.

Answer the questions

1. What is the full name of the University you study at? How old is the University?
2. How many students are educated at Brest State University?
3. At what faculty do you study? At what faculties do your friends study?
4. How many specialities are students educated in?
5. What do students have at their disposal at the University?
6. How is teaching maintained at the University?
7. In what way is the academic year organized?

THE IMAGE OF BELARUS

The Republic of Belarus lies in the centre of Europe. It occupies an area of 208 thousand square kilometers. Belarus shares its border with five states: the Russian Federation, Lithuania, Poland, the Ukraine, and Latvia. The population of Belarus is about 10 mln.

Belarus has a cool continental climate moderated by maritime influences from the Atlantic Ocean.

The first written documents of the Belarusian statehood go as far back as 980 AD when Prince Rogvold began his reign on Polotsk lands, which are the historic and religious center of Belarusian nation and culture. From the 13^{th} till the 16^{th} century the territory of contemporary Belarus was the center of a medieval polyethnic state – the Grand Duchy of Litva. The lands of contemporary Belarus, Lithuania, the Ukraine and a part of Russia comprised this state. In 1569 the Grand Duchy of Litva and the Polish Kingdom established a political union according to which the Litva – Poland confederation – Rzecz Pospolita – emerged. As a result of three divisions of Rzecz Pospolita in 1772, 1793 and 1795 between three empires – Russia, Austria and Prussia – the Belarusian lands were incorporated into the Russian Empire.

On March 9, 1918 Belarus was declared a democratic Peoples' Republic. On January 1, 1919 the Belorussian Soviet Socialist Republic was created. On December 30, 1922 the Communist governments of Belarus, Russia, the Ukraine and Caucasus created the Union of Soviet Socialist Republics. In August 1991 Belarus declared its independence.

Now Belarus is a presidential republic. State power in the Republic of Belarus is formed and realized through three main branches – legislative, executive and judicial.

According to the Constitution of 1994 and its modifications of 1996, a two-chamber parliament is the supreme standing and exclusive legislative body of state power in the Republic of Belarus. The President of the Republic of Belarus is the chief of the state. The executive branch is represented by the Council of ministers headed by the Prime

Minister, Courts perform the judicial power in the republic.

The present National Emblem and Flag of the Republic of Belarus symbolize historical adherence of the Belarusian people to constructive labor, their faith in the triumph of justice and attainment of a worthy place in the world community.

The sources of Belarusian culture come from the pre-Christian times and have a lot of common with traditions of the other Indo-European cultures, Traditional rites, music and art elements are widely used in contemporary cultural life, thus illustrating symbols of the old and young Belarusian culture.

Belarus is rather a highly developed industrial country. The main branches of Belarusian industry are machine building, instrument making, chemical, wood processing, light and food industries. Over 100 large enterprises are the basis of Belarusian economy.

Minsk, the capital of Belarus, is one of the most beautiful and significant cities. It is first mentioned in chronicles as a fortress in the Principality of Polotsk in connection with the battle on the river Nemiga in 1067.

People of Belarus are proud of their country. The proverb says, "what you give returns to the giver. Love for love, trust for trust". Belarus entrusted itself to the people and they in their turn enjoy its beauty and glory.

Answer the following questions

1. Where does the Republic of Belarus lie?
2. What is the territory of Belarus?
3. What countries does Belarus share its border with?
4. What is state power in the Republic of Belarus realized through?
5. What are the main branches of Belarusian industry?

POLITICAL AND SOCIAL PORTRAIT OF GREAT BRITAIN

Great Britain has a parliamentary government based on the party system. Parliament has two parts: the House of Commons and the House of Lords. Members of the House of Commons are elected by the voters of 650 constituencies. The Prime Minister, or leader of the Government, is a Member of Parliament (MP), usually the leader of the political party with a majority in the House of Commons. The chief officer of the House of Commons is the Speaker. The House at the beginning of each Parliament elects him. His chief function is to preside over the House in its debate. When elected the Speaker must not belong to any party.

The House of Lords is composed of about 1,200 members. They are the Lords Spiritual, and the Lords temporal, consisting of all hereditary peers, all life peers and 21 law lords, to assist the House in its judicial duties, because for a long time the House of Lords was the highest court of law in the land, and it still is the supreme court of appeal.

A Cabinet of about twenty other ministers advises the Prime Minister. The Cabinet includes the ministers in charge of major government departments or ministries. Civil servants, who are permanent officials, run departments and ministries. Even if the Government changes after an election, the same civil servants are employed. In the performance of its functions the Cabinet makes considerable use of a system of committees. The Cabinet is the centre of the political power of the United Kingdom at the present time. Normally it meets for about two hours once or twice a week during parliamentary sitting.

The main political parties in the UK are the Conservative party (right wing), the Labour party (left wing) and the Liberal Democrats (centre).

The Conservative party believes in free enterprise and the importance of capitalist economy, with private ownership preferred to state control. The Labour party believes that private ownership and enterprise should be allowed to flourish, but not at the expense of their traditional support of the public services. The Liberal Democrats believe that

the state should have some control over the economy, but that there should be individual ownership.

Great Britain is a constitutional monarchy, and the Crown is a permanent and continuous institution. The Queen is the official Head of State and, for many people, a symbol of the unity of the nation. According to the Constitution the powers of the Crown are very great. Every action of the government is carried in its name. But the Queen cannot act independently. She reigns but does not rule. Although the Queen is deprived of actual power, she has retained many important, though formal functions.

Answer the questions

1. What is the principle of the election to the House of Commons in the UK?
2. Who composes the House of Lords?
3. Who does the Cabinet include?
4. What are the main political parties in the UK?
5. What are the main objectives of the Conservative party?
6. What does the Labour party believe in?
7. What is the role of the Queen in the country?

WHAT IS LAW

The English word “law” refers to limits upon various forms of behaviour. Some laws are descriptive: they simply describe how people, or even natural phenomena, usually behave. An example is the rather consistent law of gravity; another is the less consistent law of economics. Other laws are prescriptive - they prescribe how people ought to behave. For example, the speed limits imposed upon drivers are laws that prescribe how fast we should drive. They rarely describe how fast we actually do drive, of course.

In all societies relations between people are regulated by prescriptive laws. Some of them are customs - that is, informal rules of social and moral behaviour. Some are rules we accept if we belong to particular social institutions, such as religious, educational and cultural groups. And some are precise laws made by nations and enforced against all citizens within their power.

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 criticise the player and try to persuade him to apologise 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.

What motives do governments have in making and enforcing laws? Social control is one purpose. Public laws establish the authority of the government itself, and civil laws provide a framework for interaction among citizens. Without laws, it is argued, there would be anarchy in society.

Another purpose is the implementation of justice. Justice is a concept that most people feel is very important but few are able to define. Sometimes a just decision is simply a decision that most people feel is fair. But will we create a just society by simply observing public opinion? If we are always fair to majorities, we will often be unfair to minorities. If we do what seems to be fair at the moment, we may create unfairness in the future. What should the court decide, for example, when a man kills his wife because she has a painful illness and begs him to help her die? It seems unjust to find him guilty of a crime, yet if we do not, isn't there a danger that such mercy-killing will become so widespread that abuses will occur?

Sometimes laws are simply an attempt to implement common sense. It is obvious to most people that dangerous driving should be punished; that fathers should provide financial support for their children if they desert their families; that a person should be compensated for losses when someone else breaks an agreement with him or her. But in order to be enforced, common sense needs to be defined in law, and when definitions are being written, it becomes clear that common sense is not such a simple matter.

Answer the questions

1. What is law?
2. Give definition of descriptive and prescriptive law.
3. What laws regulate relations between people?

4. What are customs?

5. What motives do governments have in making and enforcing law?

6. What does public law establish?

7. What is the role of civil laws?

8. What does the term “justice” mean?

9. What do you think about “mercy-killing”?

LAW IN BELARUS

Each country in the world has its own system of law. There are two main traditions of law in the world. One is based on English Common law. The other tradition is known as Continental, or Roman law.

The origin of the legal system in Belarus dates back to the 14–15th centuries and reflects the influence of Byzantine secular and canon law and of Roman law via the civil-law tradition of Western Europe. At that time a lot of cities were given the right to self-govern, the so-called Magdeburg law which was a part of legislature of Grand Duchy of Litva. But the most important event in the development of feudal law of Grand Duchy of Litva was the adoption of Statutes in 1529, 1566 and 1588 years. The latter was a comprehensive and elaborate state code of laws that stood above the local legal norms. Written in the Belarusian language it was the only full code of laws in Europe since the Roman law and until the Napoleonic Code adopted in 1804. In 1830 the use of the Grand Duchy of Litva Statute was banned on the territory of Belarus as a result of the Russian expansion to the west.

Since 1922 the Belarusian Republic has established a legal system of civil and criminal courts that remained basically unchanged throughout the history of the country. In accordance with the results of the national referendum conducted in November 1996 the National Assembly is the supreme legislative body of Belarus. It is comprised of two chambers – the Council of the Republic and the House of Representatives.

The National Assembly acts independently in the framework of the mandate defined by the Belarusian Constitution. Its main function is legislative activity reflected in adoption of codes and laws, including those regarding main directions of domestic and foreign policy. All the legislative activities in Belarus are based on the principles of provision of citizens' rights, freedoms and responsibilities. The National Assembly approves state budget, adopts changes and amendments to the current legislative acts including provisions of the Constitution. Members of both chambers have the right of

legislative initiative which allows them to introduce draft of a law.

Courts perform the judicial power in the republic. The Constitution of Belarus (Articles 151–161) provides the system of election of judges and People's assessors and the collective order of trying criminal and civil cases in courts. The Constitutional Court fulfills the control over the constitutional compliance of normative acts in the country. The supervision of the exact and uniform execution of laws by all the bodies of state management, local councils and other legal and also physical persons is carried out by the General Public Prosecutor of the Republic of Belarus. The Supreme Economic court has judicial power and can supervise the activity of different economic structures in the republic while the Supreme Court supervises legislative activity of general courts of the Republic of Belarus. In general the court system is divided into three stages – district (municipal) People's courts; regional courts and Minsk city court and the highest – the Supreme Court of the Republic of Belarus. Criminal and civil courts can be distinguished as courts of first and second instances. Courts of first instance pronounce a verdict in criminal cases and pass judgement in civil cases after trial. Courts of second instance are courts of appeal and can control the legality and justification of verdicts or judgement pronounced by courts of first instance.

Answer the questions

1. What is the origin of Belarusian law?
2. What document was the most comprehensive state code of law in Belarus in the 16th century?
3. What body is the supreme legislative one in Belarus?
4. What are the main legislative functions of the National Assembly?
5. What are the matters the Constitutional Court deals with?

6. What does the Supreme Economic Court do?

LAW IN GREAT BRITAIN

British law is based on the common law tradition – a system of "judge made" law which has continuously developed over the years through the decisions of judges in the cases brought before them. These judicial precedents are an important source of law in the English legal system. English judges have an important role in developing case law and stating the meaning of Acts of Parliament.

British law is divided into two parts – civil and criminal. A criminal case is a legal action by the government against a person charged with committing a crime. Civil laws regulate relations between individuals or groups of individuals. There are also two types of courts – dealing with civil jurisdiction and the other, with criminal jurisdiction. The law of Britain distinguishes offences into main categories: a) indictable offences and b) non-indictable offences. Indictable offences are the more serious crimes, which must be tried before a jury. Non-indictable offences are all the rest and they are tried by the Magistrates' Court. However, nowadays there are many offences which may either be treated on indictment by a jury or by a Magistrates' Court. When a person is brought before the Magistrates' Court charged with one of the overlapping offences, the court may in many cases treat the charge as being for a non-indictable offence. The principal courts of ordinary criminal jurisdiction in England and Wales include:

a) Magistrates' Courts, which try the less serious offences and conduct preliminary inquiries into the more serious offences. They are presided over by Justices of the Peace;

b) Quarter Sessions which take place at least four times a year. They deal with more serious offences and are presided over either by a legally qualified chairman with a group of magistrates or by a single lawyer;

c) Assizes which are branches of the High Court and are presided over by High Court Judges. They deal with the most serious offences and cases presenting special difficulties.

New legislation in Britain usually starts in the House of Lords. In each house a bill is considered in three stages, called readings. The first reading is purely formal, to introduce

the bill. The second reading is usually the occasion for debate. After the second reading the bill is examined in detail by a committee.

The bill is then returned to one of the houses for the report stage, when it can be amended. If passed after its third reading, it goes to the other house. Amendments made to a bill by the House of Lords must be considered by the Commons. If the House of Commons does not agree, the bill is altered and sent back to the Lords. In the event of persistent disagreement between the two houses, Commons prevails.

Finally, the bill goes to the reigning monarch for the royal assent. Nowadays the royal assent is merely a formality. In theory the queen could still refuse her consent, but the last monarch to use this power was Queen Anne, who vetoed the unpopular Scottish Militia Bill in 1707.

Answer the questions

1. What is the main principle of Anglo-American law?
2. What are the main distinctive divisions of British law?
3. Give main characteristics of the principal courts in England and Wales.
4. Where does new legislation start in Great Britain?
5. What is the procedure of bringing and passing the bill in England?
6. Which House is the main in passing the bill?

LAW IN THE USA

The judicial power of the United States is the third branch of the Federal Government. It consists of a system of courts spread throughout the country and is headed by the Supreme Court of the United States. The Congress has the authority to create and abolish federal courts, as well as to determine the number of judges in the federal judicial system. However, the Congress cannot abolish the Supreme Court.

The United States has two systems of law, state and federal. It means that in addition to federal courts each state has its own judicial system including its own Supreme Court.

The federal judges are appointed by the President for life, in practice, until they die, retire or resign. They can be removed from the office only for misconduct and after trial in the Congress.

Federal courts have judicial power over cases arising out of the Constitution, laws and treaties of the United States, maritime cases, and cases dealing with foreign citizens or governments and cases arising between states. Usually federal courts do not hear cases arising out of the laws of individual states.

The federal and states courts have the power to declare legislative acts unconstitutional, that is in violation of the Constitution. By Constitution the courts have the power to hear and decide the two classes of cases – criminal and civil.

The Supreme Court, the highest court in the country and the head of the judicial branch of the US Government, consists of a Chief Justice and eight associate Justices appointed for life by the President with the approval by the Senate.

One of the most important duties of the Supreme Court justices is to decide whether laws passed by the Congress agree with the Constitution. If the Supreme Court decides that the Constitution does not give Congress the power to passes a certain law, the Court will declare that law to be unconstitutional. Such a law will never come into force. Decisions of the Court are taken by a simple majority. The legal quorum of Justices, participating in the decision, is six (out of nine).

Immediately below the Supreme Court stand the courts of appeals, created in 1891 to hear most of the appeals growing out of district court actions. Only the Supreme Court reviews the decisions of the appeals courts.

Below the courts of appeals are the district courts. The 50 states are divided into 89 districts. Additionally, there is one in the District of Columbia and one in Puerto Rico, which is not a state, but part of the USA. Each state has at least one district court.

Most cases start in district courts. Cases begun in state courts are occasionally transferred to them. Almost all accused of committing federal crimes are tried in the district courts.

The Constitution gives Congress the authority to establish other courts for special purposes. One of the most important of these special courts is the Court of Claims, which was established in 1855. It deals with monetary claims against the federal Government. Usually claims are for unpaid salary, property taken for public use, contractual obligation, etc. Another important special court is the Customs Court, which have exclusive jurisdiction over cases, connected with taxes or quotas on important goods. The United States has the most complex judicial system in the world.

Answer the questions

1. What branch is the third of the Federal Government?
2. Which two systems of law are there in the USA? What does it mean?
3. What cases do federal courts deal with?
4. Which court is the highest court in the country? What does it consist of?
5. How many district courts are there in the USA?
6. Name the most important special courts. What cases do they deal with?

CRIME

Once a crime has been committed, criminal law defines every phase of procedure from the investigation, through the trial, to the type and length of punishment if there is a conviction. In the investigation phase the police play a primary role in the pretrial stage. They are responsible for the arrest of suspects, searching and investigating suspects' and victims' homes for evidence, the questioning of witnesses, and the carrying out of searches and seizures. A warrant empowers the police to arrest a suspect or to search premises and seize property to obtain evidence.

Once a suspect is in custody, charges are brought against him by a prosecuting attorney or by a grand jury. The suspect is normally granted a pretrial hearing before a judge, at which time the charges against him are read. At this hearing the judge determines whether there is sufficient evidence to justify further action.

All defendants have the right to legal representations from the time of their arrest. The defense lawyer takes part in all procedures from the pretrial hearing to the post-conviction stage.

Private citizens have the right to bring charges against a person they think have committed a crime. This is most often done by contacting the police. There are some offenses for which there is no prosecution unless the victim decides in favor of prosecution.

Defendants in criminal trials have the right to a jury. But they can choose to be tried before a judge only. Some nations do not have the jury system; it has been almost entirely abandoned in Europe, surviving only in Austria, Belgium, Norway, and parts of Switzerland. If a defendant admits before a court to being guilty, there is no need to call a jury.

In Anglo-American law evidence is presented by both the prosecution and the defense. The function of the judge is to enforce the rules regarding evidence and to ask questions to clarify the facts. In European procedures one of the main tasks of the judge is to get evidence by questioning witnesses and experts. Defendants do not have the right to take

the stand to testify in their behalf as they do in British and American trials. Instead they are questioned by the presiding judge, but they may choose to keep silent.

A basic rule of criminal law is that guilt must be established beyond a reasonable doubt. The burden of proof rests upon the prosecution. This is the basis of the often-heard "A person is innocent until proven guilty". American law generally requires that every person on a jury must agree on a person's innocence or guilt before they reach a verdict, but in European law a two- thirds majority of the judges is sufficient for the verdict. Once a defendant has been found guilty, the sentencing takes place at a special hearing before a judge. In crimes that can be punished by death, a jury may be asked to pass the sentence or at least express an advisory opinion.

After a conviction, or verdict of guilty, the defense lawyer may ask for a new trial.

Answer the questions

1. What are the phases of procedure in criminal law?
2. What are the functions of the police in the investigation phase?
3. Who is responsible for charges against a suspect?
4. What rights does a defendant have?
5. Who is responsible for the right of a defendant to legal representation?
6. What are the differences between the presentation of evidence in Anglo-American and European law?
7. What is a basic rule of criminal law?
8. What is the ground for appealing to a higher court?

PUNISHMENT AND ITS PURPOSE

The main object of Criminal Law is to punish the wrong-doer. The nature of punishment is an important aspect of the Criminal Law. Punishment has as its objects both justice (retribution) and deterrence both of the wrong-doer and other potential criminals.

The punishment should fit the crime. Penalty must be imposed first of all according to the gravity of the crime committed, the personality of an offender, the nature of his guilt and other circumstances relevant to the case in hand. But no form of punishment can ever be totally rational - there will inevitably be a large element of subjective judgement.

The courts now have a wide range of different types of sentences they may pass. They range from the life sentence to community service orders.

Offences themselves and therefore the punishments for those offences are graded according to social danger. The heaviest penalties are for premeditated murder, robbery, theft, bribe taking, large scale embezzlement, and grave offences committed by individuals with a past record of serious crimes.

If a person is found guilty of a fairly small offence, and has no previous convictions, he may receive no punishment at all, but be told that if he does wrong again the first offence will be taken into account along with the next.

Apart from imprisonment there is a range of noncustodial sentences that the courts can impose. Suspended sentences can only be applied to an offence which carries a maximum sentence of two years' imprisonment or less. During the period that the sentence stays suspended, the offender is obliged to remain of good behaviour - that is not to commit another offence.

A different form of supervision is the probation order. No sentence is in-volved in this case; the offender is left at liberty, but is obliged to report regularly to a probation officer, who is a trained professional worker. A probation order will be for a period of between one and three years.

A further variation within non-custodial sentencing is that of Community Service Order. The court may order any offender over the age of 16 to undertake specific, unpaid work that will be of benefit to the community over a period of twelve months for a minimum of 40 hours and a maximum of 240. Any break of the order by the offender will make him liable to fines or other punishments of course; the common form of non-custodial punishment is that of monetary deprivation – the fine. The courts may attach a number of conditions to fines for example, the offender may be required to have a regular sum deducted from the weekly or monthly earnings; he or she may be supervised by a probation officer. The offender may also be made the subject of a compensation order for injury or damage suffered by another person as a result of his or her wrong-doing) or a restoration order (returning stolen goods or goods bought out of the proceeds of stolen property).

Punishment by the state can only be justified if there are in its objective two key elements, namely the reduction of crime and the promotion of respect for the criminal code.

Answer the questions

1. Why is the main object of Criminal Law to punish the offender?
2. Why should the punishment fit the crime?
3. What type of sentences may the court pass?
4. When is a person found guilty of a fairly small offence?
5. What is meant under “suspended sentence”?
6. What are the actions of the offender during the probation order?
7. When does a person receive no punishment?

BRANCHES OF LAW

Law can be divided into two main branches: private law and public law. Private law deals with the rights and obligations people have in their relations with one another. Public law concerns the rights and obligations people have as members of society and as citizens. Both private and public law can be subdivided into several branches. However, the various branches of public and private law are closely related, and in many cases they overlap.

Private law determines a person's legal rights and obligations in many kinds of activities that involve other people. Such activities include everything from borrowing or lending money to buying a home or signing a job contract.

The great majority of lawyers and judges spend most of their time dealing with private law matters. Lawyers handle most of these matters out of court. But numerous situations arise in which a judge or jury must decide if a person's private-law rights have been violated.

Private law can be divided into six major branches according to the kinds of legal rights and obligations involved. They are: contract and commercial law, tort, property law, inheritance law, family law, and company law.

Contract and commercial law deals with the rights and obligations of people who make contracts. A wide variety of business activities depend on the use of contracts.

A tort is a wrong or injury that a person suffers because of someone else's action. The action may cause bodily harm; damage a person's property, business, or reputation; or make unauthorized use of a person's property. The victim may sue the person or persons responsible. The law of tort deals with the rights and obligations of the persons involved in such cases. Many torts are unintentional, such as causing damage in traffic accidents. But if a tort is deliberate and involves serious harm, it may be treated as a crime.

Property law governs the ownership and use of property. The law ensures a person's right to own property. However, the owner must use the property lawfully. People also

have the right to sell or lease their property and to buy or rent the property of others. Property law determines the rights and obligations involved in such dealings.

Inheritance law, or succession law, concerns the transfer of property upon the death of the owner. Nearly every country has basic inheritance laws, which list the relatives or other persons who have first rights of inheritance. But in most Western nations, people may will their property to persons other than those specified by law. In such cases, inheritance law also sets the rules for the making of wills.

Family law determines the legal rights and obligations of husbands and wives and of parents and children. It covers such matters as marriage, divorce, adoption, and child support.

Company law governs the formation and operation of business corporations or companies. It deals mainly with the powers and obligations of management and the rights of shareholders. Company law is often classed with contract and commercial law as business law.

Public law involves government directly. It defines a person's rights and obligations in relation to government. Public law also describes the various divisions of government and their powers.

Public law can be divided into four branches: criminal law, constitutional law, administrative law, and international law.

Criminal law deals with crimes- that is, actions considered harmful to society. Crimes range in seriousness from disorderly conduct to murder. Criminal law defines these offences and sets the rules for the arrest, the possible trial, and the punishment of offenders.

A constitution is a set of rules and principles that define the powers of a government and the rights of the people. The principles outlined in a constitution form the basis of constitutional law. The law also includes official rulings on how constitution principles are to be interpreted and carried out.

Administrative law centers on the operations of government departments.

Administrative law is one of the most complicated branches of law. Administrative law consists chiefly of the legal powers granted to administrative departments by the legislature and the rules that the departments make to carry out their powers.

International law deals with the relationships among nations both in war and in peace. It concerns trade, communications, boundary disputes, methods of warfare, the uses of the ocean, and many other matters.

Answer the questions

1. What are the main branches of law?
2. What does private law deal with?
3. What is the difference between private and public law?
4. What are the main branches of private law and public law?
5. Give the definitions of any branch of public law.
6. What does the constitution define?

COURT SYSTEM

Court is a person or body of persons having judicial authority to hear and determine disputes in particular cases: civil, criminal or military. Court is also a large room in a building where trials and other legal cases happen.

English courts are divided by certain features. The first distinction is between courts trying criminal cases and courts trying civil cases. The second distinction is made between the inferior courts, or courts of first instance, in which the first hearing of any judicial proceeding takes place, and the superior courts, or courts of appeal, in which the judgement of the first courts are brought under review. The court of appeal is the main appeal court, whose decision may be reviewed by the House of Lords in important points of law.

The legal system also includes juvenile courts (which deal with offenders under seventeen) and coroners' courts (which investigate violent, sudden or unnatural deaths). There are administrative tribunals, which make quick, cheap and fair decisions with much less formality. Tribunals deal with professional standards, disputes between individuals, and disputes between individuals and government departments (e.g. over taxation).

The American court system is complex. It functions as part of the federal system of government. Each state runs its own court system, and no two are identical. The federal courts coexist with the state courts.

Individuals fall under the jurisdiction of two different court systems, their state courts and federal courts. They can sue or be sued in either system, depending mostly on what their case is about. The vast majority of cases are resolved in the state courts.

The federal courts are organised in three tiers, like a pyramid. At the bottom of the pyramid there are the U.S. district courts, where litigation begins. In the middle there are the U.S. courts of appeals. At the top there is the U.S. Supreme Court. To appeal means to take a case to a higher court. The courts of appeals and the Supreme Court are appellate courts, with few exceptions; they review cases that have been decided in lower

courts. Most federal courts hear and decide a wide array of cases; the judges in these courts are known as generalists.

Belarusian courts are judicial organs of government, which resolve disputes of civil and criminal cases on the territory of Belarus. The Constitution of Belarus (Articles 151-161) provides the system of election of judges and People's assessors and the collective order of trying criminal and civil cases in courts. In general the court system is divided into three stages – district (municipal) People's courts, regional courts and Minsk city court and the highest one – the Supreme Court of the Republic of Belarus. Criminal and civil courts are distinguished as courts of first and second instances. Courts of first instance pronounce verdicts in criminal cases and pass judgement in civil cases after trial. Courts of second instance are courts of cassation and can control the legality and justification of verdicts or judgement pronounced by courts of first instance.

Answer the questions

1. What is court in a wide sense of the word?
2. How are English courts divided?
3. In what way are the federal courts in the USA organized?
4. Where does litigation begin?
5. What is the hierarchy of the Belarusian court system?
6. What functions do the courts of first and second instance have?

LEGAL PROFESSION

Although many kinds of people working in or studying legal affairs are referred to as lawyers, the word really describes a person who has become officially qualified to act in certain legal matters because of examinations he has taken and professional experience he has gained. Most countries have different groups of lawyers who each take a particular kind of examination in order to qualify to do particular jobs. In Japan, a lawyer must decide whether he wants to take the examination to become an attorney, a public prosecutor or a judge. In England, the decision is between becoming a barrister or a solicitor. Barristers specialize in arguing cases in front of a judge and have the right to be heard, the right of audience, even in the highest courts. They are not paid directly by clients, but are employed by solicitors. Judges are usually chosen from the most senior barristers, and once appointed they cannot continue to practice as barristers. Solicitors do much of the initial preparation for cases which they then hand to barristers, as well as handling legal work which does not come before a court, such as drawing up wills, and dealing with litigation which is settled out of court. In general, it can be said that a barrister spends most of his time either in a courtroom or preparing his arguments for the court and a solicitor spends most of his time in an office giving advice to clients, making investigations and preparing documents.

In the United States attorneys often specialize in limited areas of law such as criminal, divorce, probate (доказывание завещания), or personal injury, though many are involved in general practice. The duties of an attorney are to act with diligence and fidelity to one's client and to show average prudence, knowledge, and skill in professional dealings. Most towns in the United States have small firms of attorneys who are in daily contact with ordinary people, giving advice and acting on matters such as consumer affairs, traffic accident disputes and contracts for the sale of land. Some may also prepare defenses for clients accused of crimes. The main administrators of federal law enforcement are the ninety-four U.S. attorneys, who are appointed by the President with the advice and

consent of the Senate.

In Belarus the chief distinction is between lawyers, notaries and advocates. Lawyers are widely used as advisers to government bureaus but have far less scope in representing individuals. Notaries have exclusive rights to deal with such office work as marriage settlements and wills.

The main functions of Belarusian advocates are to consult citizens, plead the cause of another in a court of law and take part in investigation and trial in criminal cases There are also legal counsellors who give advice on various legal problems and are often employed by business firms.

In continental European countries the judge has greater responsibility for investigation of the facts. At trial he plays an active role in taking evidence, questioning witnesses, and framing the issues. Continental lawyers suggest lines of factual inquiry to the judge and advance legal theories and argue the law in accord with the interests of their clients.

Answer the following questions

1. How is the word “lawyer” defined in the text?
2. What names can a lawyer have in Japan according to the examinations he takes?
3. What is the difference between barristers and solicitors in England?
4. What are the main functions of barristers and solicitors?
5. What are the main duties of attorneys in the United States?
6. What are the main duties of notaries in Belarus?

MY FUTURE PROFESSION

I am a student of Brest State University Law Faculty. In a several years I'll graduate from the University and become a professional lawyer. To become a good lawyer one must know much. So at the University we are taught various general and special subject: Roman Law, Labour Law, Family Law, Constitutional and Administrative Law, Civil Law, Criminal Law, Law of Procedure, etc.

The profession of a lawyer is quite diversified. The graduates of our faculty can work as investigators, judges, defence counsels, legal consultants.

I think that now the profession of a lawyer is one of the most important in the law-governed state which we are creating now. Lawyers have to solve many problems that still exist in our society. The duty of lawyers is not only to punish people for various crimes: hooliganism, stealing, murder, traffic violation and so on but they must do their best to prevent crimes, to fight against evil in our society. They should help those people who committed an error to find the right road in their life. The lawyers protect the rights and legal interests of citizens, institutions and organizations. All the citizens are equal before the law. Judges are elected for a term of five years. Not only professional lawyers but the representatives of the population hear all criminal and civil cases having equal authority. The defendants are guaranteed the right to defence.

In our country justice is exercised on the principles of equality of citizens before the law and the court, regardless of social position, property or official standing, nationality or race. The court's mission is not just to meter out punishment, but rather to educate people in the spirit of strict observance of all laws, of labour discipline, appreciation of their duty to the state and society, respect for the rights and integrity of fellow citizens and of the norms of behaviour.

Proceedings of all courts are open. All people before the court are presumed innocent, until the court, having observed all procedural guarantees, finds them guilty. Only then is the sentence pronounced. An appeal can be made against the ruling to a higher court,

right up to the Supreme Court.

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Answer the questions

1. What subjects are you taught at Law Department?
2. Why do you think the profession of a lawyer is diversified?
3. What are the main duties of a lawyer in our society?

4. Who has the right to hear criminal and civil cases?

5. What are the main principles the justice is exercised in our country?

6. What is the mission of the court?

ADDITIONAL MATERIAL

HOME READING

LAW

Law is the body of official rules and regulations, generally found in constitutions, legislation, judicial opinions, and the like, that is used to govern a society and to control the behavior of its members. The nature and functions of law have varied throughout history. In modem societies, some authorized body such as a legislature or a court makes the law. It is backed by the coercive power of the state, which enforces the law by means of appropriate penalties or remedies.

Formal legal rules and actions are usually distinguished from other means of social control and guides for behavior such as morality, public opinion, and custom or tradition. Of course, a lawmaker may respond to public opinion or other pressures, and a formal law may prohibit what is morally unacceptable.

Law serves a variety of functions. Laws against crimes, for example, help to maintain a peaceful, orderly, relatively stable society. Courts contribute to social stability by resolving disputes in a civilized fashion. Property and contract laws facilitate business activities and private planning. Laws limiting the powers of government help to provide some degree of freedom that would not otherwise be possible. Law has also been used as

a mechanism for social change; for instance, at various times laws have been passed to inhibit social discrimination and to improve the quality of individual life in matters of health, education, and welfare.

Some experts believe the popular view of law overemphasizes its formal, coercive aspects. They point out that if a custom or norm is assured of judicial backing, it is, for practical purposes, law. On the other hand, a statute that is neither obeyed nor enforced is empty law. Social attitudes toward the formal law are a significant part of the law in process. The role of law in China and Japan, for example, is somewhat different from its role in Western nations. Respect for the processes of law is low, at least outside matters of business and industry Tradition looms much larger in everyday life. Resort to legal resolution of a dispute is truly a last resort, with conciliation being the mechanism that is preferred for social control.

Development of Law

Law develops as society evolves. Historically, the simplest societies were tribal. The members of the tribe were bonded together initially by kinship and worship of the same gods. Even in the absence of courts and legislature there was law - a blend of custom, morality, religion, and magic. The visible authority was the ruler, or chief; the ultimate authorities were believed to be the gods whose will was revealed in the forces of nature and in the revelations of the tribal head or the priests. Wrongs against the tribe, such as sacrilege or breach of tribal custom, were met with group sanctions including ridicule and hostility, and, the tribe members thought, with the wrath of the gods. The gods were appeased in ritualistic ceremonies ending perhaps in sacrifice or expulsion of the wrongdoer. Wrongs against individuals, such as murder, theft, adultery, or failure to repay a debt, were avenged by the family of the victim, often in actions against the family of the wrongdoer. Revenge of this kind was based on tribal custom, a major component of early law.

Tribal society gradually evolved into territorial confederations. Governmental structures emerged, and modem law began to take shape. The most significant historical

example is Roman law, which influenced most of the legal systems of the world. In the 8th century BC the law of Rome was still largely a blend of custom and interpretation by magistrates of the will of the gods. The magistrates later lost their legitimacy because of gross discrimination against the lower (plebeian) class. The threat of revolution led to one of the most significant developments in the history of law: the Twelve Tables of Rome, which were engraved on bronze tablets in the 5th century B. C. They were largely a declaration of existing custom concerning such matters as property, payment of debts, and appropriate compensation or other remedies for damage to persons. The Twelve Tables serve as a historical basis for the widespread modem belief that fairness in law demands that it be in written form. These tables and their Roman successors, including the Justinian Code, led to civil-law codes that provide the main source of law in much of modem Europe, South America, and elsewhere.

The common-law systems of England, and later of the U.S., developed in a different manner. Before the Norman Conquest (1066), England was a loose confederation of societies, the laws of which were largely tribal and local. The Anglo-Norman rulers created a system of centralized courts that operated under a single set of laws that superseded the rules laid down by earlier societies. This legal system, known as the common law of England, began with common customs, but over time it involved the courts in lawmaking that was responsive to changes in society.

Modern legislatures and administrative agencies produce a much greater quantity of formal law, but the judiciary remains very important because of the continued vitality of the common law approach even in matters of constitutional and statutory interpretations. Increasingly in civil-law countries, the subtleties of judicial interpretation and the weight of judicial precedents are recognized as involving the courts in significant aspects of lawmaking. What is law used to? Where can law be found?

1. What are the main functions of law?

2. What did law look like in tribal societies? Who were the wrongs against individuals avenged by?

3. Which law influenced most of the legal systems of the world? What were the most significant developments in the history of law?

4. What cases did The Twelve Tables concern?

5. How did the common-law systems of England develop? What did the common law of England begin with?

PART I

Ancient Greece

The earliest people who could be described as "lawyers"were probably the orators of ancient Athens. Athenian orators faced serious structural obstacles. First, there was a rule that individuals were supposed to plead their own cases, which was soon bypassed by the increasing tendency of individuals to ask a "friend"for assistance. However, around the middle of the fourth century, the Athenians disposed of the perfunctory request for a friend. Second, a more serious obstacle, which the Athenian orators never completely overcame, was the rule that no one could take a fee to plead the cause of another. This law was widely disregarded in practice, but was never abolished, which meant that orators could never present themselves as legal professionals or experts. They had to uphold the legal fiction that they were merely an ordinary citizen generously helping out a friend for free, and thus they could never organize into a real profession – with professional associations and titles and all the other pomp and circumstance – like their modern counterparts. Therefore, if one narrows the definition to those men who could practice the legal profession openly and legally, then the first lawyers would have to be the orators of ancient Rome.

Early Ancient Rome

A law enacted in 204 BC barred Roman advocates from taking fees, but the law was widely ignored. The ban on fees was abolished by Emperor Claudius, who legalized advocacy as a profession and allowed the Roman advocates to become the first lawyers who could practice openly – but he also imposed a fee ceiling of 10,000 sesterces. This was apparently not much money; the Satires of Juvenal complain that there was no money in working as an advocate.

Like their Greek contemporaries, early Roman advocates were trained in rhetoric, not law, and the judges before whom they argued were also not law-trained. But very early

on, unlike Athens, Rome developed a class of specialists who were learned in the law, known as jurisconsults (iuris consulti). Jurisconsults were wealthy amateurs who dabbled in law as an intellectual hobby; they did not make their primary living from it. They gave legal opinions (responsa) on legal issues to all comers (a practice known as publice respondere). Roman judges and governors would routinely consult with an advisory panel of jurisconsults before rendering a decision, and advocates and ordinary people also went to jurisconsults for legal opinions. Thus, the Romans were the first to have a class of people who spent their days thinking about legal problems, and this is why their law became so "precise, detailed, and technical."

1. What sort of earliest people in Ancient Greece could be considered "lawyers".
2. What obstacles did they have to face?
3. Where and when was the profession of a lawyer legalized?
4. What does the word jurisconsult mean?
5. What is publice respondere?

PART II

During the Roman Republic and the early Roman Empire, jurisconsults and advocates were unregulated, since the former were amateurs and the latter were technically illegal. Any citizen could call himself an advocate or a legal expert, though whether people believed him would depend upon his personal reputation. This changed once Claudius legalized the legal profession. By the start of the Byzantine Empire, the legal profession had become well-established, heavily regulated, and highly stratified. The centralization and bureaucratization of the profession was apparently gradual at first, but accelerated

during the reign of Emperor Hadrian At the same time, the jurisconsults went into decline during the imperial period.

By the fourth century, advocates had to be enrolled on the bar of a court to argue before it, they could only be attached to one court at a time, and there were restrictions (which came and went depending upon who was emperor) on how many advocates could be enrolled at a particular court. By the 380s, advocates were studying law in addition to rhetoric (thus reducing the need for a separate class of jurisconsults); in 460, Emperor Leo imposed a requirement that new advocates seeking admission had to produce testimonials from their teachers; and by the sixth century, a regular course of legal study lasting about four years was required for admission. Claudius's fee ceiling lasted all the way into the Byzantine period, though by then it was measured at 100 solidi. Of course, it was widely evaded, either through demands for maintenance and expenses or a sub rosa barter transaction. The latter was cause for disbarment.

The notaries (tabelliones) appeared in the late Roman Empire. Like their modern-day descendants, the civil law notaries, they were responsible for drafting wills, conveyances, and contracts. In Roman times, notaries were widely considered to be inferior to advocates and jurisconsults. Roman notaries were not law-trained; they were barely literate hacks who wrapped the simplest transactions in mountains of legal jargon, since they were paid by the line.

Middle Ages

After the fall of the Western Roman Empire and the onset of the Early Middle Ages, the legal profession of Western Europe collapsed. However, from 1150 onward, a small but increasing number of men became experts in canon law but only in furtherance of other occupational goals, such as serving the Roman Catholic Church as priests. From 1190 to 1230, however, there was a crucial shift in which some men began to practice canon law as a lifelong profession in itself.

The legal profession's return was marked by the renewed efforts of church and state to regulate it. In 1231 two French councils mandated that lawyers had to swear an oath

of admission before practicing before the bishop's courts in their regions, and a similar oath was promulgated by the papal legate in London in 1237. During the same decade, Frederick II, the emperor of the Kingdom of Sicily, imposed a similar oath in his civil courts. By 1250 the nucleus of a new legal profession had clearly formed. The new trend towards professionalization culminated in a controversial proposal at the Second Council of Lyon in 1275 that all ecclesiastical courts should require an oath of admission. Although not adopted by the council, it was highly influential in many such courts throughout Europe. The civil courts in England also joined the trend towards professionalization; in 1275 a statute was enacted that prescribed punishment for professional lawyers guilty of deceit, and in 1280 the mayor's court of the city of London promulgated regulations concerning admission procedures, including the administering of an oath.

1. Who could call himself an advocate During the Roman Republic?
2. How had the rules about the legal profession changed by the fourth century?
3. What rules had been introduced by the sixth century?
4. What were the responsibilities of the notaries in the late Roman Empire?
5. What was the main change in the legal profession in the Middle Ages?

THE ELEMENTS OF CRIME

It is generally agreed that the essential ingredients of any crime are (1) a voluntary act or omission (actus reus), accompanied by (2) a certain state of mind (mens rea). An act may be any kind of voluntary behavior. Movements made in an epileptic seizure are not acts, nor are movements made by a somnambulist before awakening, even if they result in the death of another person. Criminal liability for the result also requires that the harm done must have been caused by the accused. The test of causal relationship between conduct and result is that the event would not have happened the same way without direct participation of the offender.

Criminal liability may also be predicated on a failure to act when the accused was under a legal duty to act and was reasonably capable of doing so. The legal duty to act may be imposed directly by statute, such as the requirement to file an income tax return, or it may arise out of the relationship between the parties, as the obligation of parents to provide their child with food.

The mental element

Although most legal systems recognize the importance of the guilty mind, *or mens rea,* the statutes have not always spelled out exactly what is meant by this concept. The American Law Institute's Model Penal Code has attempted to clarify the concept by reducing the variety of mental states to four. Guilt is attributed to a person who acts "purposely", "knowingly", "recklessly", or "negligently". Broadly speaking, these terms correspond to those used in continental European legal theory. Singly or in combination, they appear largely adequate to deal with most of the common *mens rea* problems. Their general adoption would clarify and rationalize the substantive law of crimes.

Liability without mens rea

Some penal offenses do not require the demonstration of culpable mind on the part of the accused. These include statutory rape, in which knowledge that the child is below the age of consent is not necessary to liability. There is also a large class of "public welfare

offenses", involving such things as economic regulations or laws concerning public health and safety. The rationale for eliminating the *mens rea* requirement in such offenses is that to require the prosecution to establish the defendant's intent, or even recklessness, would render such regulatory legislation largely ineffective and unenforceable. Such cases are known in Anglo-American law as strict liability offenses and in French law as *infractions purement materielles* (фр. собственно материальные правонарушения). In German law, they are excluded because the requirement of *mens rea* is considered a constitutional principle.

There has been considerable criticism of statutes that create liability without actual moral fault. To expose citizens to the condemnation of a criminal conviction without a showing of moral culpability raises issues of justice. In many instances, the objectives of such legislation can more effectively be achieved by civil sanctions, as, for example, suits for damages, injunctions, and the revocation of licenses.

Ignorance and mistake

In most countries the law recognizes that a person who acts in ignorance of (lie facts of his action should not be held criminally responsible. Thus, one who lakes and carries away the goods of another person, believing them to be his own, does not commit larceny, for he lacks the intent to steal. Ignorance of the law, on the other hand, is generally held not to excuse the actor; it is no defense that he was unaware that his conduct was forbidden by criminal law. This doctrine is supported by the proposition that any reasonable adult may recognize criminal acts as harmful and immoral. The matter is not so clear, however, when the conduct is not obviously dangerous or immoral; a substantial body of opinion would permit mistakes of law to be asserted in defense of criminal charges in such cases, particularly when the defendant has in good faith made reasonable efforts to discover what the law is. In West Germany, the Federal Court of Justice in 1952 adopted the proposition that if a person engages in criminal conduct but is unaware of its criminality he cannot be fully charged with a criminal offense, this has since been incorporated as rule in the German criminal code. Law and practice in Switzerland are quite similar. In

Austria mistake of law is a legal defense.

Answer the questions

1. What are the elements of crime? In what cases human behaviour is not considered to be criminal?
2. What person's mental states are supposed to find him guilty?
3. Which penal offences do not require the presence of criminal mental state?
4. Which cases are known to be strict liability offenses?
5. How does the principle of ignorance of the law act?
6. Why is the doctrine of ignorance of the law thought to be complicated?

COMMON LAW AND CODE LAW

Important differences exist between the criminal law of most English- speaking countries and that of other countries. The criminal law of England and the United States derives from the traditional English common law of crimes and has its origins in the judicial decisions embodied in reports of decided cases.

England has consistently rejected all efforts toward comprehensive legislative codification of its criminal law; even now, there is no statutory definition of murder in English law. Some Commonwealth countries, however, notably India, have enacted criminal codes that are based on the English common law of crimes. The criminal law of the United States, derived from the English common law, has been adapted in some respects to American conditions. In the majority of the U.S. states, the common law of crimes has been repealed by legislation. The effect of such statutes is that no person may be tried for any offense that is not specified in the statutory law of the state. However, even in these states the common-law principles continue to exert influence, for the criminal statutes are often simply codifications of the common law, and their provisions are interpreted by reference to the common law. In the remaining states, prosecutions for common-law offenses not specified in statutes do sometimes occur. In a few states the so-called penal, or criminal, codes are simply collections of individual provisions with little effort made to relate the parts to the whole or to define or implement any theory of control by penal measures.

In Western Europe, the criminal law of modem times has emerged from various codifications. By far the most important were the two Napoleonic codes, the *Code d'Instruction Criminelle* (фр.-Уголовно- исправительный кодекс) of 1808 and the *Code Punal* (фр. Уголовный кодекс) of 1810. The latter constituted the leading model for European criminal legislation throughout the first half of the 19th century, after which, although its influence in Europe waned, it continued to play an important role in the legislation of certain Latin-American and Middle Eastern countries. The German codes of

1871 (penal code) and 1877 (procedure) provided the models for other European countries and have had significant influence in Japan and South Korea, although after World War II the U.S. laws of criminal procedure were the predominant influence in the latter countries. The Italian codes of 1930 represent one of the technically most developed legislative efforts in the modem period. English criminal law has strongly influenced the law of Israel and that of the English-speaking African states. French criminal law has predominated in the French-speaking African states. Italian criminal law and theory have been influential in Latin America. In the last few decades, the movement for codification and law reform has made considerable progress everywhere. The American Law Institute's Model Penal Code stimulated a thorough reexamination of both federal and state criminal law, and new codes were enacted in most of the states. England has enacted several important reform laws (including those on theft, sexual offenses, and homicide), as well as modem legislation on imprisonment, probation, suspended sentences, and community service. Sweden enacted a new strongly progressive penal code in 1962. In West Germany (Federal Republic of Germany), a revised version of the criminal code was published in 1975 and subsequently often amended. In the same year, a new criminal code came into force in Austria. New criminal codes have also been published in Portugal (1982) and Brazil (1984). France enacted important reform laws in 1958, 1970, 1975, and 1982, as did Italy in 1981 and Spam in 1983. Other reforms have been under way in Finland, the Netherlands, Belgium Switzerland, and Japan. The Soviet Union's constituent republics began enacting revised criminal codes in 1960, as did Czechoslovakia and Hungary (1961), East Germany (German Democratic Republic), Bulgaria, and Romania (1968), and Poland (1969). After Yugoslavia became a federal state in 1974, a number of local penal codes came into force in addition to the federal code of 1977.

Comparisons between the systems of penal law developed in the western European countries and those having their historical origins in the English common law must be stated cautiously. Substantial variations exist even among the nations that adhere generally to the Anglo-American system or to the law derived from the French, Italian,

and German codes. In many respects, however, the similarities of the criminal law in all states are more important than the differences. Certain forms of behavior are everywhere condemned by law. In matters of mitigation and justification, the continental law tends to be more explicit and articulate than the Anglo-American law, although modem legislation in countries adhering to the latter has reduced these differences. Contrasts can be drawn between the procedures of the two systems, yet even here, there is a common effort to provide fair proceedings for the accused and protection for basic social interests.

1. Does England have a legislative codification of its criminal law?
2. What is the effect of the repealing of common law of crimes in some of the U.S. states?
3. What were the main sources of the criminal law of Western Europe?
4. What countries has English criminal law influenced?
5. Which reform laws and legislation have been recently enacted by Great Britain?
6. Which law is more explicit in matters of mitigation and justification?

ROMANO-GERMANIC LAW

Romano-Germanic law is the law of continental Europe, based on an admixture of Roman, Germanic, ecclesiastical, feudal, commercial, and customary law. European civil law has been adopted in much of Latin America as well as in parts of Asia and Africa and is to be distinguished from the common law of the Anglo-American countries.

The term civil law has other meanings not employed in this article. The *termjus civile*; meaning "civil law", for example, was used in ancient Rome to distinguish the law found exclusively in the city of Rome from the *jus gentium*, the law of all nations, found throughout the empire. The phrase has also been used to distinguish private law, governing the relations among individuals, from public law and criminal law. Finally, the national law of a country is sometimes called civil law, in contrast to international law.

Until the 5th-century invasions of the Roman Empire by Germanic tribes, Roman law prevailed in Western Europe. The laws of the Franks, Burgundians, Goths, and Lombards largely replaced it. Several hundred years later, as universities came into being, scholars rediscovered Roman law. Its study and application spread, first throughout northern Italy, then into Germany and the Netherlands, all territories of the Holy Roman Empire. The Holy Roman (or German) emperors regarded themselves as the successors of imperial Rome. They therefore accepted the *corpus juris civile*; the code established by the Byzantine emperor Justinian in the 6th century, as being still in effect.

The old Germanic feudal and ecclesiastical laws were not completely replaced, however, but were fused with the Roman laws. In the system thus formed, Roman law was strongest in such matters as contracts, whereas church law dominated marital questions; and a fusion of both with Germanic tradition governed property and the succession to titles and estates. This system took the Latin *name jus civile*, or civil law, and was one of the chief factors underlying the unity that prevailed in Western Europe until the Reformation.

The Reformation and the rise of nationalism led to a series of codifications of civil

law along national lines, beginning in the 17th century. The most significant of these codifications were the French (the Code Napoleon, established in 1804) and the German. These codes each serve as the model for a major division of the civil-law system. The French group includes, in addition to France and its former possessions overseas, The Netherlands, Belgium, Luxembourg, Italy, Spain, and many Latin-American countries. The German group includes Germany, Austria, Switzerland, the Scandinavian countries, and certain countries outside Europe, such as Japan, that have westernized their legal systems.

The French Revolution established the idea that the basis of law is statute, not custom. Customs were to be tolerated as the basis of laws only until they were replaced by statutes. The civil code that Napoleon enacted sought to express all laws in written language comprehensible to the average citizen. It also sought to avoid ruptures with tradition where possible. The code is expressed in short articles arranged in a comprehensive and logical manner. It remained almost unchanged until 1875, when the Third Republic introduced many new statutes reflecting the social and economic changes that had taken place since the time of Napoleon. Even more amendments have taken place in the 20th century. The civil code exercises firm jurisdiction over marriage, divorce, inheritance, ownership of real estate and of movable property, and gifts. Contracts and torts are dealt with very briefly in the code, leaving the courts considerable latitude in these matters. The civil law in Germany is largely based on the Juristenrecht, a system worked out by the legal profession over a long period from the 15th century until 1896, when the German civil code was proclaimed. The German system attempts to be more precise than the French do and to be more detailed in areas in which the French code is cursory. Its wording is more subdued and its tone less didactic. As modified for conditions in Germany today, the code is aimed at preserving social democracy.

Notes

rupture- разрыв

1. What is the origin of Romano-Germanic law?

2. What is the difference between the meanings "civil law" and “private law” used in the article?
3. What counties were included into the Holy Roman Empire?
4. When did the codifications of civil law begin?
5. What countries does the French civil law group include?
6. What countries does the German civil law group include?
7. What jurisdiction does the civil code of Napoleon exercise?
8. What is the difference between the civil law in Germany and the one in France?

LAWYERS AT WORK

Practicing law means advising and representing clients as a private practitioner or in a law firm. In most countries, law graduates need to undergo some sort of apprenticeship, membership in a professional organization and a licence.

The name for this profession is lawyer or attorney in most of English-speaking world, and advocate in many other countries.

In civil law countries and some common law jurisdictions there is one Law society for all lawyers who want to provide services to the public. But in the United Kingdom and some of its former colonies, there are two quite separate kinds of lawyers providing legal services to the public.

Solicitors advise clients, draft contracts for them and represent them in lower courts of law. Barristers, also called counsels, are court specialists, who traditionally do not come into contact with their lay clients, but are instructed by solicitors. There is only about a 10% of barristers in most common law jurisdictions. People, who study, organize, teach, and through that also create law, often working at universities, are called jurists. In civil law countries, their role is greater, because they draft codes, which are major laws that govern whole areas of law. In common law countries, the creation and interpretation of law has traditionally been the domain of judges.

Many people believe the distinction between barristers and solicitors should be eliminated in England, as has already happened in Australia. The government is considering various proposals, but there are arguments for maintaining, as well as removing, the division.

Range of work

Even lawyers with the same qualifications and professional title may be doing very different kinds of work. Most towns in the United States, for example, have small firms of attorneys who are in daily contact with ordinary people, giving advice and acting on matters such as consumer affairs, traffic accident disputes and contracts for the sale of

land. Some may also prepare defences for clients accused of crimes. However, in both the United States and other industrialized countries, lawyers are becoming more and more specialized. Working in small films, lawyers now tend to restrict themselves to certain kinds of work, and lawyers working in large law firms or employed in the law department of a large commercial enterprise work on highly specific areas of law. One lawyer may be employed by a mining company just to prepare contracts for the supply of coal. Another may work for a newspaper advising the editors on libel matters. Another may be part of a Wall Street firm of over a hundred lawyers who specialize in advising stockbrokers on share transactions.

As well as the type of work, the working conditions and pay among members of the legal profession also vary greatly. For some people, the image of a lawyer is someone who leads a very wealthy and comfortable life. However, it should not be forgotten that there are also lawyers whose lives are not so secure. The Wall Street attorney probably earns a high salary, but the small firm giving advice to members of the public on welfare rights or immigration procedures may have to restrict salaries in order to stay in business. There are lawyers in developing countries whose business with fee-paying clients subsidizes the work they agree to do for little or no payment for citizens' rights groups. Lawyers involved in human rights may even find their profession is a dangerous one. Amnesty International research shows that more than 60 lawyers investigating cases against people accused of political crimes were murdered in 1990. In countries where the government ensures that all people have access to a lawyer in an emergency, there are firms that specialize in dealing with people who would not be able to pay for legal services out of their own pocket. For example, in England anyone facing criminal prosecution is entitled to choose' a firm of lawyers to represent him. If his income is below a certain level he will not be asked to pay: the firm will keep a record of its costs and will apply to the government-funded Legal Aid Board for payment.

Entering the profession

How does someone become a lawyer? As with doctors and other professionals enjoying

a high level of trust because of the specialized knowledge, lawyers are subject to standardized examination and other controls to regulate their competence. In some countries in order to practice as a lawyer it is necessary to get a university degree in law. However, in others, a degree may be insufficient; professional examinations must be passed. In Britain, it is not in fact necessary to have a degree, although nowadays most people entering the profession do. The main requirement is to pass the Bar Final examination (for barristers) or the Law Society Final examination (for solicitors). Someone with a university degree in a subject other than law needs first to take a preparatory course. Someone without a degree at all may also prepare for the final examination, but this will take several years. In most countries, lawyers will tell you that the time they spent studying for their law finals was one of the worst periods of their life! This is because an enormous number of procedural rules covering a wide area of law must be memorized. In Japan, where there are relatively few lawyers, the examinations are supposed to be particularly hard: less than 5 percent of candidates pass. Even after passing the examination, though, a lawyer is not necessarily qualified. A solicitor in England, for example, must then spend two years as an articled cleric, during which time his work is closely supervised by, an experienced lawyer, and he must take further courses. A barrister must spend a similar year as a pupil.

Answer the questions

1. What are the two types of lawyers in the United Kingdom of Great Britain?
2. What are the main functions of solicitors and barristers in Great Britain?
3. What is the range of work for attorneys in the United States?
4. Why may the work of a lawyer be dangerous?
5. How can a person become a lawyer?

6. What is the main requirement to become a specialist in law in Great Britain?

Sentencing

The sentence passed on an offender is entirely a matter for the courts, subject to the maximum penalty enacted by Parliament for each offence. The Government ensures that the courts have available and adequate range of sentences to suit the circumstances of each case and that they are well informed about the purpose and nature of each available sentence. The Court of Appeal issues guidance to the lower courts on sentencing issues when points of principle have arisen on individual cases which are the subject of appeal

Custody

The Government believes that custody should be a sanction of last resort' used only when the gravity of the offence means that there is a positive justification for a custodial sentence, or where the public needs to be protected from a dangerous offender. The Court of Appeal has stated that sentencers in England and Wales should examine each case in which custody is necessary to ensure that the term imposed is as short as possible, consistent with the courts' duty to protect the interests of the public and to punish and deter the criminal. A magistrates' court in England and Wales cannot impose a term of more than six months' imprisonment for each offence tried summarily, but may impose consecutive sentences subject to an overall maximum of 12 months' imprisonment. If an offence carries a higher maximum penalty, it may commit the defendant for sentence at the Crown Court, which may impose — within the permitted statutory maximum — any other custodial penalty. As in the rest of Britain there is a mandatory sentence of life imprisonment for murder: this is also the maximum penalty for a number of serious offences such as robbery, rape, arson and manslaughter.

The death penalty has been repealed for almost all offences. It remains on the statute book for the offences of treason, piracy with violence and some other treasonable and mutinous offences; it has, however, not been used for any of these offences since 1946.

In Scotland the maximum penalty is determined by the status of the court trying the

accused unless the sentence is limited by statute. In trials on indictment, the High Court may impose a sentence of imprisonment for any term up to life, and the sheriff court any term up to three years but may send any person to the High Court for sentence if the court considers its powers are insufficient. In summary cases, the sheriff may normally impose up to three months' imprisonment or six months for some repeated offences, although his powers are extended by statute in some exceptional cases. In the district court the maximum term of imprisonment is 60 days.

In Northern Ireland the position is generally the same as for England and Wales.

A magistrates' court, however, cannot commit an offender for sentencing at the Crown Court if it has tried the case; for certain summary offences, a magistrates' court may impose a term of imprisonment for up to 12 months. There are also other circumstances when a magistrates' court can impose imprisonment of more than six months.

Fines

The most common sentence is a fine, which is imposed in more than 80 per cent of cases. There is no limit to the fine which may be imposed on indictment; on summary conviction the maximum limit, except in certain exceptional circumstances, is £2,000 in England, Wales and Northern Ireland, and in Scotland £2,000 in the sheriff court and £1,000 in the district court.

Probation

At present in the United Kingdom the number of offenders subject to supervision in the community considerably exceeds the number in custody. The purpose of probation is to protect society by the rehabilitation of the offender, who continues to live a normal life in the community while subject to the supervision of a probation officer. Before placing an offender on probation, which may last from six months to three years, the court must explain the order in ordinary language, ensuring that the offender consents to die requirements of the order and understands that a failure to comply with them will make him or her liable to a penalty or to be dealt with for the original offence. In England and Wales such an order can be made only for offenders aged 17 years or more. In Scotland the

minimum age is 16 years and in Northern Ireland 10 years. About 17 per cent of orders in England and Wales contain a variety of additional requirements concerning place of residence, attendance at day centres or treatment for mental illness.

The probation service in England and Wales also administers supervision orders, the community service scheme and parole. In addition, social work services are provided in custodial establishments.

In England and Wales the cost of the probation service is shared between central and local government and it is administered locally by probation committees of magistrates and members co-opted from the local community. In Scotland probation services are integrated with local authority social work departments and in Northern Ireland the service is administered by a probation board, whose membership is representative of the community and which is funded by central government.

The probation service provides and maintains day centers and hostels together with schemes and programmes designed to meet the needs of a broad range of offenders, and, if possible, drawing the community into partnership in responding to offending.

1. Найдите в тексте ответы на следующие вопросы

1. In what way should the sentencers in England and Wales (according to the statement of the Court of Appeal) examine each case?
2. Which sentences may the Crown Court impose?
3. What are the peculiarities of the court in Scotland?
4. What is the most common sentence in Great Britain?
5. What is the purpose of probation?
6. Who is the probation service administered by?

BONNIE AND CLYDE

PART I

Clyde Barrow and Bonnie Parker were nothing like the characters portrayed in the film Bonnie and Clyde. They were illiterate, unfeeling killers, who spread terror through Texas, Oklahoma, Kansas, Missouri and other states, stealing and earning a reputation as lethal killers who enjoyed taking lives. Lawmen quickly learned that to attempt to reason with them was to invite dearth. For a period of about two years, 1932–34, the Barrow gang, never more than five or six members, became the terror of the Southwest. They preyed upon small store owners, filling stations, and travelers driving along remote roads. They lived in the country for the most part, renting small, cheap cabins, often sleeping in the cars they stole. They were thieves with high-powered weapons.

The reckless manner, in which the Barrows operated, their utter disregard for the law, and their contempt for their own violent ends, pointed to only one rationale that held the band together – they intended to be killed as they had killed, with the gun, inside a storm of violence. In short, the Barrows were fanatically suicidal. Both Clyde and Bonnie recorded their almost every moment together, taking photographs of each other, writing long letters to their families in which they portrayed themselves as persecuted, misunderstood, young people and sending even longer missives (and even poems) to the newspapers-letters that glorified their robberies.

Clyde was an expert killer who practiced his marksmanship (искусство стрельбы) every day he lived outside of prison, firing all manner of weapons: submachine guns, shotguns, rifles, automatics and revolvers. He taught Bonnie to fire all these weapons too, and she, in turn, devised a special trick pocket for Clyde, one where his right trouser was zippered so that he could carry a sawed-off shotgun next to his leg and then, employing the break-away zipper, whip the gun out and fire in one motion.

Born in Texas, on March 24, 1909, Clyde was one of eight children, and early on he aped (стал подражать) his older brother Ivan Marvin Barrow, called Buck, a troubled

and unruly boy who taught Clyde how to steal turkeys and later cars. By the age of ten, Clyde was impossible for his parents to handle; he was an incorrigible petty thief and a runaway.

In January 1930, after robbing a few stores, Clyde walked into Marco's Café in Dallas where he met a twenty-year-old blonde-haired waitress, Bonnie Parker. Since that time they spent time together practicing their marksmanship, and Bonnie soon became an expert with automatics, pistols, and submachine guns.

There were robberies, a lot of them. Mostly Bonnie drove the car and Clyde ran into cafes or grocery stores, quickly cleaning out the till while holding proprietors and customers at bay with a shotgun or a pistol. He would then dash outside and leap into the already moving car Bonnie was driving.

1. How big was the Barrow gang?
2. What was the intention of the gang that held the members together?
3. How and what for did Clyde use his trick pocket?
4. What was Clyde's background?
5. Where did Clyde meet Bonnie Parker?

PART II

Sometime in early 1930, Bonnie and Clyde robbed a Waco, Texas, store and Clyde left his fingerprints behind. He was identified and tracked down to the Dallas apartment. Clyde was convicted of robbery and given a two-year sentence in the Waco jail but he was not behind bars for long. After Clyde heard that his brother Buck had escaped the Eastham Prison Farm he sent word to Bonnie to visit him in the Waco jail and "bring me a pick-me-up (поддержка)." His reference was to a gun. In the first week of March

1930, Bonnie arrived at the jail and smuggled a .38-caliber Colt with a handle so thin it could be slipped through the bars of Clyde's cell. This was strapped to Bonnie's thigh, and when the guard was not looking she passed the weapon to Clyde.

Clyde forced his way out of the Waco jail that night and stole a car, driving northward. He abandoned the car, stole another, and repeated this process several times until jumping a freight train. He was arrested in the freight yard of Middleton, Ohio, as he jumped from a cattle car. Clyde was sent to Eastham Prison Farm, but soon released. When Clyde stepped from the prison farm, his parole in his hand, Bonnie was waiting for him. They stole a car a few days later but were seen driving off and police were soon on their trail, closing in on them at Mabank, Texas, where, in the wild pursuit, Clyde lost control of the car and crashed into a tree. As he had done with his brother Buck years earlier, he jumped from the car, running across the open fields, leaving Bonnie to be captured by police. She was jailed for three months, but on her release she went straight back to Clyde and they resumed their robbery career. They slept like gypsies, mostly on the seats of their cars. They ate cold sandwiches but sometimes stopped at picnic grounds where they roasted hot dogs over open fires-their favorite meal. Bonnie Parker was a celebrity and did all she could to perpetuate the image of the gun-tough mob girl who kept pace with her frantic killer-lover. The Barrows then consisted of five members.

On January 20, 1934, the gang, now swollen by the three escaped convicts, robbed the bank in Lancaster, Texas taking a small amount. The barrow gang was the most sought-after group of criminals in the country. Clyde was already credited with killing between fifteen to twenty persons, and lawmen knew he would not hesitate to murder at any time. An army of lawmen made several attempts to catch the gang and once they managed to wound four members; Buck Barrow was in the worst shape.

At last on May 23, 1934, the story of Bonnie and Clyde came to an end. The lawmen saw a fast moving car on the road. Clyde was at the wheel, wearing dark glasses and driving in his socks. Bonnie sat beside him wearing a new red dress and red shoes she had purchased some weeks earlier. Under Bonnie's front seat were fifteen stolen license

plates (these were changed each day to avoid detection) and behind her, in the back seat on the floor, was an arsenal consisting of eleven pistols, a revolver, a shotgun, three Browning Automatic Rifles, and more than 2,000 rounds of ammunition. The lawmen let loose a terrifying fusillade which poured into Clyde's car, like heavy rain falling , a thunderous blast of rapid-fire weapons that caught the bandits full force, riddling the outlaws.

1. What was Clyde accused of?
2. How did Bonnie manage to pass the gun to Clyde?
3. What was the life style of Bonnie and Clyde?
4. When and how did the story of Bonnie and Clyde come to an end?

NATURAL LAW

Natural law in philosophy is a system of right or justice held to be common to all humankind and derived from nature rather than from the rules of society, or positive law. Throughout the history of the concept, there have been disagreements over the meaning of natural law and over its relation to positive law.

Aristotle held that what was "just by nature"was not always the same as what was "just by law"; that there was a natural justice valid everywhere with the same force and "not existing by people's thinking this or that"; and that appeal could be made to it from the positive law. He drew his instances of the natural law, however, chiefly from his observation of the Greeks in their city-states, with their subordination of women to men, of slaves to citizens, and of barbarians to Hellenes. The Stoics, on the other hand, conceived an entirely egalitarian law of nature in conformity with the "right reason,"or Logos, inherent in the human mind.

Some scholastic philosophers, for instance John Duns Scotus, William of Ockham, and, especially, Francisco Suárez, emphasized the divine will instead of the divine reason as the source of law. This "voluntarism"influenced the Roman Catholic jurisprudence of the Counter-Reformation.

The epoch-making appeal of Hugo Grotius to the natural law belongs to the history of jurisprudence. Grotius insisted on the validity of the natural law "even if we were to suppose . . . that God does not exist or is not concerned with human affairs."A few years later Thomas Hobbes was arguing not from the "state of innocence"in which man had lived in the biblical Eden but from a savage "state of nature"in which men, free and equal in rights, were each one at solitary war with every other. After discerning the right of nature (jus naturale) to be "the liberty each man hath to use his own power for the preservation of his own nature, that is to say, of life,"Hobbes defines a law of nature (lex naturalis) as "a precept of general rule found out by reason, by which a man is forbidden to do that which is destructive of his life"and then enumerates the elementary rules on

which peace and society can be established. Grotius and Hobbes thus stand together at the head of that "school of natural law"which, in accordance with the tendencies of the Enlightenment, tried to construct a whole edifice of law by rational deduction from a fictitious "state of nature"followed by a social contract. In England, John Locke departed from Hobbesian pessimism to the extent of describing the state of nature as a state of society, with free and equal men already observing the natural law. In France, where Montesquieu had argued that natural laws were presocial and were superior to those of religion and of the state, Jean-Jacques Rousseau postulated a savage who was virtuous in isolation and actuated by two principles "prior to reason,"self-preservation and compassion (innate repugnance against the sufferings of others).

The Declaration of Independence of the United States refers only briefly to "the Laws of Nature". The French Declaration of the Rights of Man and of the Citizen asserts liberty, property, security, and resistance to oppression as "imprescriptible natural rights."The philosophy of Immanuel Kant renounced the attempt to know nature as it really is, yet allowed the practical or moral reason to deduce a valid system of right with its own purely formal framework; and Kantian formalism contributed to the 20th-century revival of naturalistic jurisprudence.

1. What is natural law in philosophy?
2. Where did Aristotle get his examples of natural law?
3. What was Hugo Grotius's point of view concerning natural law?
4. What were the attitudes to natural law in England and France?
5. How do the Declaration of Independence and Declaration of the rights of Man and of the Citizen refer to the Laws of Nature?

CRIMINAL COURTS

There are many different types of courts and many ways to classify and describe them. Basic distinctions must be made between civil and criminal courts, between courts of general jurisdiction and those of limited jurisdiction, and between trial and appellate courts.

Criminal courts deal with persons accused of crime, deciding whether they are guilty and, if so, determining the consequences they shall suffer. Prosecution is on behalf of the public, represented by some official such as a district attorney, prosecutor, or a police officer.

In civil-law countries a more active role is assigned to the judge. In the common-law courts, in which the «adversary» procedure prevails, the lawyers for both sides bear responsibility for producing evidence and they do most of the questioning of witnesses.

In civil-law countries, «inquisitorial» procedure prevails, with judges doing most of the questioning of witnesses and having an independent responsibility to discover the facts.

If a person has been found guilty, he is sentenced, again according to law and within limits fixed by legislation. The objective is not so much to wreak vengeance upon the offender as to rehabilitate him and deter others from following his example. Hence the most common sentences are fines, short terms of imprisonment, and probation (which allows the offender to remain at large but under supervision).

In extremely serious cases, the goal may be to prevent the offender from committing further crimes, which may call for a long term of imprisonment or even capital punishment. The death penalty, however, is gradually disappearing from the criminal codes of civilized nations.

Civil courts deal with “private” controversies, as where two individuals (or corporations) are in dispute over the terms of a contract or over who shall bear responsibility for an auto accident. Ordinarily the public is not a party as in criminal

proceedings, for it has no interest beyond providing just rules for decision and a forum where the dispute can be impartially and peacefully resolved.

The objective of civil actions is not punishment or correction of the defendant or the setting of an example to others but rather to restore the parties so far as possible to the positions they would have occupied had no legal wrong been committed. The most common civil remedy is a judgment for money damages.

There are, however, areas of overlap, for a single incident may give rise to both civil liability and criminal prosecution. Two separate actions must be brought, independent of each.

1. What is the main distinction in qualifying court system?
2. What do criminal courts deal with?
3. What is the role of the judge in civil-law countries?
4. What is the objective of dealing with the offender in criminal cases?
5. What is the objective of civil actions?

КАК НАПИСАТЬ АННОТАЦИЮ

Аннотация (от лат. annotatio – замечание) – краткая характеристика содержания произведения печати или рукописи.

Она представляет собой предельно сжатую описательную характеристику первоисточника. В ней в обобщенном виде раскрывается тематика публикации без полного раскрытия ее содержания. Аннотация дает ответ на вопрос, о чем говорится в первичном источнике информации. Работа начинается с того, что после знакомства с общим содержанием Вам необходимо ещё раз внимательно прочитать текст для того, чтобы найти ключевые фрагменты. Текст аннотации должен начинаться фразой, в которой сформулирована главная тема статьи. Одним из проверенных вариантов аннотации является краткое повторение в ней структуры статьи, включающей введение, цели и задачи, методы, результаты, заключение.

При выписывании ключевых фрагментов необходимо учитывать следующие моменты: а) выписываются или подчёркиваются, как правило, не целые высказывания, а их части, отдельные словосочетания; б) формы, в которых выписываются фрагменты, могут не совпадать с вариантами в оригинале. Так, именное словосочетание может быть записано в ином падеже, причастный оборот трансформируется в инфинитив, порядок следования фрагментов произволен и может не совпадать с изначальным текстом.

В тексте аннотации следует употреблять синтаксические конструкции, свойственные языку научных и технических документов, избегать сложных грамматических конструкций. Он должен быть лаконичен и четок, без лишних вводных слов, общих формулировок.

Приступая к написанию аннотации, старайтесь придерживаться следующего алгоритма:

1) Ознакомьтесь с аннотируемым текстом. Просмотрите дополнительные источники по теме (статьи, книги). Это позволит вам самим сориентироваться в

уникальности и отличительных особенностях текста.

2) Определите смысловые блоки и элементы текста. Выделите основные мысли, выводы автора. Сформулируйте основные мысли кратко, своими словами передайте суть поставленной проблемы, вопроса. Используйте констатирующие глаголы (доказывает, анализирует) или пассивные конструкции (в статье обосновывается, излагается и т.п.).

3) Проанализируйте убедительность доводов автора, используемые приемы для решения проблем, и оцените их. Можете использовать оценочные словосочетания: «автор уделяет особое внимание», «тщательно разбирает», «художественно описывает».

4) Сформулируйте аннотацию в двух логических частях. В первой опишите затрагиваемую автором текста тему, во второй – основные положения текста. Оцените приложенные автором усилия, значимость и отличительные особенности текста. Используйте сформулированные ранее оценки. При этом сохраняйте нейтральность изложения.

Задача составления краткого изложения содержания оригинала значительно облегчается, если Вы располагаете примерным списком языковых клише. Среди всего многообразия клише можно выделить следующие:

ANNOTATION PLAN

1. The title of the article.	The article is headlined... The headline of the article I have read is... As the title implies the article describes ...
2. The author of the article, where and when the article was published.	The author of the article is... The author's name is ... The article is written by... It was published in ... (***on the Internet***).

3. The main idea of the article.

The main idea of the article is...
The article is about...
The article is devoted to...
The article deals (***is concerned***) with...
The article touches upon the issue of...
The purpose of the article is to give the reader some information on...
The aim of the article is to provide the reader with some material on...

4. The contents of the article. Some facts, names, figures.	The author starts by telling (the reader) that... The author (of the article) writes (***reports, states, stresses, thinks, notes, considers, believes, analyses, points out, says, describes***) that... / ***draws reader's attention to***... Much attention is given to... According to the article... The article goes on to say that... It is reported (***shown, stressed***) that ... From what the author says it becomes clear that... The article gives a detailed analysis of... Further the author reports (***writes, states, stresses, thinks, notes, considers, believes, analyses, points out, says, describes***) that... / ***draws reader's attention to***... In conclusion the author writes (***reports, states, stresses, thinks, notes, considers, believes, analyses, points out, says, describes***) that... / ***draws reader's attention to***... The author comes to the conclusion that... The following conclusions are drawn: ...
5. Your opinion.	I found the article (rather) interesting (important, useful) ***as / because***... ***I think / In my opinion*** the article is (rather) interesting (important, useful) ***as / because***...

TEXTS FOR ANNOTATION

SAMPLE

CESARE LOMBROSO

Since the 18th century, various scientific theories have been advanced to explain crime. One of the first efforts to explain crime on scientific, rather than theological, grounds was made at the end of the 18th century by the German physician and anatomist Franz Joseph Gall, who tried to establish relationship between skull structure and criminal proclivities. This theory, popular during the 19th century, is now discredited and has been abandoned.

A more sophisticated theory – a biological one-was developed late in the 19th century by the Italian criminologist Cesare Lombroso, who asserted that crimes were committed by persons who are born with certain recognizable hereditary physical traits. Lombroso's theory was disproved early in the 20th century by the British criminologist Charles Goring. Goring's comparative study of jailed criminals and law-abiding persons established that so-called criminal types do not exist. Recent scientific studies have tended to confirm Goring's findings.

Another approach was initiated by French political philosopher Montesquieu, who attempted to relate criminal behaviour to natural or physical environment. His successors have gathered evidence to show that crimes against persons, such as homicide, are more numerous in warm climates, whereas crimes against property, such as theft, are more

frequent in colder regions.

ANNOTATION

The text “Cesare Lombroso deals with the explanation of crime and can be divided into three chapters. The first chapter discusses an important problem of explaining crime by the German physician and anatomist Franz Joseph Gall at the end of the 18th century. He tried to establish relationship between skull structure and criminal proclivities.

In the second chapter the author points out that the Italian criminologist Cesare Lombroso asserted that crimes were committed by persons who were born with certain recognizable hereditary physical traits. Lombroso’s theory was disproved early in the 20th century by the British criminologist Charles Goring.

In conclusion the text reads that French political philosopher Montesquieu attempted to relate criminal behaviour to natural or physical environment.

HISTORY OF LAW

Legal history or the history of law is the study of how law has evolved and why it changed. Legal history is closely connected to the development of civilizations and is set in the wider context of social history. Among certain jurists and historians of legal process it has been seen as the recording of the evolution of laws and the technical explanation of how these laws have evolved with the view of better understanding the origins of various legal concepts, some consider it a branch of intellectual history. Twentieth century historians have viewed legal history in a more contextualized manner more in line with the thinking of social historians. They have looked at legal institutions as complex systems of rules, players and symbols and have seen these elements interact with society to change, adapt, resist or promote certain aspects of civil society. Such legal historians have tended to analyze case histories from the parameters of social science inquiry, using statistical methods, analyzing class distinctions among litigants, petitioners and other players in various legal processes. By analyzing case outcomes, transaction costs, number of settled cases they have begun an analysis of legal institutions, practices, procedures and briefs that give us a more complex picture of law and society than the study of jurisprudence, case law and civil codes can achieve.

HISTORY OF ASIAN LAW

The eastern Asia legal tradition reflects a unique blend of secular and religious influences. Japan was the first country to begin modernizing its legal system along western lines, by importing bits of the French, but mostly the German Civil Code. This partly reflected Germany's status as a rising power in the late nineteenth century. Similarly, traditional Chinese law gave way to westernization towards the final years of the Ch'ing dynasty in the form of six private law codes based mainly on the Japanese model of German law. Today Taiwanese law retains the closest affinity to the codifications from that period, because of the split between Chiang Kai-shek's nationalists, who fled there, and Mao Zedong's communists who won control of the mainland in 1949. The current legal infrastructure in the People's Republic of China was heavily influenced by soviet Socialist law, which essentially inflates administrative law at the expense of private law rights. Today, however, because of rapid industrialization China has been reforming, at least in terms of economic (if not social and political) rights. A new contract code in 1999 represented a turn away from administrative domination. Furthermore, after negotiations lasting fifteen years, in 2001 China joined the World Trade Organization.

LEGAL SYSTEM OF THE REPUBLIC OF BELARUS

The Statutes of the Grand Duchy of Lithuania were a great achievement of Belarusian Law. They were written during the 16th century in Belarusian and are among first European constitutions and codes. They have served later as model to other European nations. The Statutes of the Grand Duchy of Lithuania are considered to be one of the main treasures of Belarusian, Lithuanian and Polish culture.

The modern legal system of the Republic of Belarus is included in the Romano-German legal family, forming together with the countries of CIS, the independent "Euroasian"group. The basic sources of law in Belarus are: a) Constitution (supreme law of the country); b) Codes; c) Decrees and Edicts of the President; d) Laws of the Parliament; e) Decisions of Government.

International treaties are an important source of law. The Republic of Belarus recognizes the principles of the international law and provides conformity with them in its legislation.

The most important codes of Belarus are based on the modeling legislation approved by Inter Parliamentary Assembly of the States of the participants of CIS. The new Civil Code was accepted in 1998. The Civil Code includes the law of obligations (contract and tort), property law, law of intellectual property, inheritance law and international private law. The Code of Land is the main source of land law, the Family Code adjusts the family relations and the Labor Code regulates labor relations.

JUDICIAL SYSTEM OF THE REPUBLIC OF BELARUS

In accordance with the Constitution of the Republic of Belarus of 1994 the courts exercise judicial power in the Republic of Belarus. The Basic Law stipulates one of the most fundamental democratic principles of the state structure – principle of separation of powers on legislative, executive and judicial. Accordingly, judicial power is independent branch of power and consists of the system of general and economic courts and the Constitutional Court of the Republic of Belarus.

Judicial system is based upon the principles of territorial delineation and specialization. Judicial power in the Republic of Belarus is executed only by judges of the courts and by people's assessors which are joined to the administration of justice in the general courts. Judicial power is realized by means of constitutional, civil, criminal, economic and administrative proceedings. Judicial power is independent; it interacts with legislative and executive powers.

Judicial system of the Republic of Belarus, as it was mentioned before, comprise of:

1. The Constitutional Court of the Republic of Belarus – body of judicial control of the constitutionality of the normative legal acts in the State, which exercise judicial power through the constitutional proceedings;

2. General courts, which exercise justice by way of civil, criminal and administrative proceedings;

3. Economic courts, which exercise justice through economic and administrative proceedings.

THE HISTORY OF SCOTLAND YARD

The task of organizing and designing the “New Police” was placed in the hands of Colonel Charles Rowan and Sir Richard Mayne. These two Commissioners occupied a private house at 4, Whitehall Palace, the back of which opened on to a courtyard, which had been the site of a residence owned by the Kings of Scotland and known as “Scotland Yard”. Since the place was used as a police station, the headquarters of the Metropolitan Police became known as Scotland Yard.

These headquarters were removed in 1890 to premises on the Victoria Embankment and became known as “New Scotland Yard”; but in 1967, because of the need for a larger and more modern headquarters building, a further removal took place to the present site at Victoria Street 910 Broadway), which is also known as “New Scotland Yard”.

The Force suffered many trials and difficulties in overcoming public hostility and opposition. But, by their devotion to duty and constant readiness to give help and advice coupled with kindliness and good humor, they eventually gained the approval and trust of the public. This achievement has been fostered and steadily maintained throughout the history of the Force, so that today its relationship with the public is established on the firmest foundation of mutual respect and confidence.

PRISON

Most offences have a fixed maximum prison sentence, but usually the offender will receive less than the maximum period.

Generally, a magistrates' court cannot impose a sentence of more than six months per offence, although the magistrates can sometimes get around this by committing the prisoner to the crown court for sentence in the hope that that the judge will pass a longer sentence. If the accused is being sentences for several offences, the maximum magistrates' court prison term is a total of twelve months.

If a prisoner is sentences to prison for several offences at the same trial, the judge will say whether the sentences are to run concurrently or consecutively. This is best explained by an example: if a prisoner receives two sentences of one year each, he or she will serve only one year if the sentences run concurrently, but will serve two years if the sentences are to be consecutive. Most prison sentences are concurrent.

Prison should be seen as the last resort when sentencing an offender, partly because prison is not generally regarded as a reforming influence and also the cost of keeping someone in crowded prisons is very high.

CASE LAW IN COMMON LAW SYSTEMS

In the common law tradition, courts decide the law applicable to a case by interpreting statutes and applying precedent which record how and why prior cases have been decided. Unlike most civil law systems, common law systems follow the doctrine of *stare decisis*, by which most courts are bound by their own previous decisions in similar cases, and all lower courts should make decisions consistent with previous decisions of higher courts. For example, in England, the High Court and the Court of Appeal are each bound by their own previous decisions, but the Supreme Court of the United Kingdom is able to deviate from its earlier decisions, although in practice it rarely does so.

Generally speaking, higher courts do not have direct oversight over day-to-day proceedings in lower courts, in that they cannot reach out on their own initiative at any time to reverse or overrule judgments of the lower courts. Normally, the burden rests with litigants to appeal rulings (including those in clear violation of established case law) to the higher courts. If a judge acts against precedent and the case is not appealed, the decision will stand.

A lower court may not rule against a binding precedent, even if the lower court feels that the precedent is unjust; the lower court may only express the hope that a higher court or the legislature will reform the rule in question. If the court believes that developments or trends in legal reasoning render the precedent unhelpful, and wishes to evade it and help the law evolve, the court may either hold that the precedent is inconsistent with subsequent authority, or that the precedent should be distinguished by some material difference between the facts of the cases. If that judgment goes to appeal, the appellate court will have the opportunity to review both the precedent and the case under appeal, perhaps overruling the previous case law by setting a new precedent of higher authority.

THE JURY IN CRIMINAL CASES

Although juries are very important in the criminal justice system, they actually deal only in a minority of the cases. Criminal offences are classified into three categories. "Summary"offences are the minor offences and less serious and are triable only in the magistrate's courts. For example minor traffic offences. The most serious kind of offences is "indictable only"which must be tried in the Crown Court. Between these extremes kinds there is another kind of offences called as "triable either way."Such cases, as it is clear from the name, can be tried either in the magistrate's courts if the magistrates are willing to hear the case and the defendant consents or in the Crown Court. In these cases, the defendant has the right to insist on being tried in the Crown Court, so either the magistrates or the defendant can opt for trial in the Crown Court. Jury can try a case in the Crown Court and if the defendant pleads not guilty, and the trial proceeds further, he or she will be tried before a jury. The majority of the criminal cases are summary only because they are least serious and commonly committed, and as a result 95% of the cases are heard in the magistrates courts, where the juries have no role (this also includes those cases in which accused pleads guilty in either way offences). Out of the remaining 5% of the cases heard in the Crown Court, in majority of the cases either defendant pleads guilty, so there is no need of a jury or the judge directs the jury that law demands that they acquit the defendant. As a result the juries actually decide only around 1% of criminal cases. But on the other hand this 1% amounts to 30,000 trials and these are the most serious ones come before the court.

Property law

Property law governs ownership and possession. Real property, sometimes called 'real estate', refers to ownership of land and things attached to it. Personal property refers to everything else: movable objects, such as computers, cars, jewelry or intangible rights, such as stocks and shares. A right *in rem* is a right to a specific piece of property, contrasting to a right *in personam* which allows compensation for a loss, but not a particular thing back. Land law forms the basis for most kinds of property law, and is the most complex. It concerns mortgages, rental agreements, licences, covenants, easements and the statutory systems for land registration. Regulations on the use of personal property fall under intellectual property, company law, trusts and commercial law. An example of a basic case of most property law is *Armory v Delamirie* [1722]. A chimney sweep's boy found a jewel encrusted with precious stones. He took it to a goldsmith to have it valued. The goldsmith's apprentice looked at it, sneakily removed the stones, told the boy it was worth three halfpence and that he would buy it. The boy said he would prefer the jewel back, so the apprentice gave it to him, but without the stones. The boy sued the goldsmith for his apprentice's attempt to cheat him. Lord Chief Justice Pratt ruled that even though the boy could not be said to own the jewel, he should be considered the rightful keeper until the original owner is found. In fact the apprentice and the boy both had a right of *possession* in the jewel (a technical concept, meaning evidence that something *could* belong to someone), but the boy's possessory interest was considered better, because it could be shown to be first in time. Possession may be nine tenths of the law, but not all.

This case is used to support the view of property in common law jurisdictions, that the person who can show the best claim to a piece of property, against any contesting party, is the owner. By contrast, the classic civil law approach to property is that it is a right good against the world. Obligations, like contracts and torts, are conceptualised as rights good between individuals. The idea of property raises many further philosophical

and political issues. Locke argued that our "lives, liberties and estates"are our property because we own our bodies and mix our labour with our surroundings.

UNIT 1 WHAT IS LAW

For Study

1. ***Vocabulary.***

- **law** *n* – право, закон, профессия юриста, суд
  e.g. Stealing is against the law.
  breach of law-нарушение права
  follow (to go in for) the law – избрать профессию юриста
  make law- устанавливать правовые нормы
- **enforce** *v* – осуществлять (принудительно)
  e.g. In many countries both police and army enforce the law.
  law enforcement agency – судебный или полицейский орган
- **crime** *n* – преступление
  e.g. It is the business of the police to prevent crimes and of the law courts to punish.
  to commit crime - совершать преступление
  e.g. Uncle Steven was prosecuted for committing crime.
  syn. offence
- **abuse** *v* – злоупотреблять
  e.g. Don't abuse confidence they have placed in you.
  abuse *n* – злоупотребление
  e.g. Abuse of the drug or other substance may lead to severe psychological and physical dependence.
  abuse of authority (power) - злоупотребление властью, превышение власти

- **penalty** *n* – наказание, карательная мера

  e.g. Sometimes crimes are so terrible that the death penalty is the only suitable punishment.

- **justice** *n* – справедливость, правосудие, судья

  e.g. The system of justice in this country consists of a series of law courts at different levels.

- **evidence** *n* – улика, свидетельское показание

  to give evidence – давать показания

  e.g. There wasn't enough evidence to prove that the man had committed crime.

2. ***Supply the sentences with the missing words, given in brackets below.***

(crime, abusing, evidence, penalty, enforced, court, law)

1. The court weighed all the ... and proved the man had committed a crime.
2. The criminal courts are to determine whether a person has committed a ... and to punish him.
3. The new... comes into force next month.
4. The law made by governments is ... equally against all members of the society.
5. The young man has been ... drugs for a long time and that has fully destroyed his health.
6. There was a large crowd of reporters gathered outside the....
7. A ... must be clearly stated before it can be enforced.

Reading Practice

Read the text and say whether there are sound differences between a prescriptive and descriptive law. What kind of law is stricter?

The Essence of Law

1. The English word "law"refers to limits upon various forms of behaviour. Some laws are descriptive: they simply describe how people, or even natural phenomena, usually behave. An example is the rather consistent law of gravity; another is the less consistent law of economics. Other laws are prescriptive – they prescribe how people ought to behave. For example, the speed limits imposed upon drivers are laws that prescribe how fast we should drive. They rarely describe how fast we actually do drive, of course.

2. In all societies relations between people are regulated by prescriptive laws. Some of them are customs – that is, informal rules of social and moral behaviour. Some are rules we accept if we belong to particular social institutions, such as religious, educational and cultural groups. Moreover, some are precise laws made by nations and enforced against all citizens within their power.

3. Customs need not be made by governments, and they need not be written down. We learn how we are expected to behave in society through the instruction of family and teachers, the advice of friends, and our experiences in dealing with strangers. Sometimes, we can break these rules without suffering any penalty. However, if we continually break the rules, or break a very important one, other members of society may ridicule us, criticize us, act violently toward us or refuse to have anything to do with us. The ways in which people talk, eat and drink, work, and relax together are usually guided by many such informal rules which have very little to do with

laws created by governments.

4. However, when governments make laws for their citizens, they use a 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. However, the general nature of the law is that it is enforced equally against all members of the nation.

5. What motives do governments have in making and enforcing laws? Social control is undoubtedly one purpose. Public laws establish the authority of the government itself, and civil laws provide a framework for interaction among citizens. Without laws, it is argued, there would be anarchy in society (although anarchists themselves argue that human beings would be able to interact peacefully without laws if there were no governments to interfere in our lives).

6. Another purpose is the implementation of justice. Justice is a concept that most people feel is very important but few are able to define. Sometimes a just decision is simply a decision that most people feel is fair. But will we create a just society by simply observing public opinion? If we are always fair to majorities, we will often be unfair to minorities. If we do what seems to be fair at the moment, we may create unfairness in the future. What should the court decide, for example, when a man kills his wife because she has a painful illness and begs him to help her die? It seems unjust to find him guilty of a crime, yet if we do not, isn't there a danger that such mercy-killing will become so widespread that abuses will occur? Many philosophers have proposed concepts of justice that are much more theoretical than every day's notions of fairness. Moreover, sometimes governments

are influenced by philosophers, such as the French revolutionaries who tried to implement Montesquieu's doctrine of the Separation of Powers, or the Russian revolutionaries who accepted Marx's assertion that system of law exist to protect the property of those who have political power. In general, governments are guided by more practical considerations such as rising crime rates or the lobbying of pressure groups.

7. Sometimes, laws are simply an attempt to implement common sense. It is obvious to most people that dangerous driving should be punished, that fathers should provide financial support for children if they desert their families, that a person should be compensated for losses when someone else breaks an agreement with him or her. Nevertheless, in order to be enforced, common sense needs to be defined in law, and when definitions are being written, it becomes clear that common sense is not such a simple matter. Instead, it is a complex skill based upon long observation of many different people in different situations. Laws based upon common sense do not necessarily look much like common sense when they have been put into words.

Comprehension Check

1. ***Look through the text and say whether the following statements are true or false?***

   1. Customs are written rules and regulations made by governments.

   2. We can break the rules of social institutions without suffering any penalty.

   3. Some laws are made by governments and nations and enforced against all citizens within their power.

   4. Unlike social customs, laws are usually international.

2. ***Look through paragraph I and give your own examples of a descriptive and prescriptive law.***

3. ***Read paragraphs 2 and 3 and say what their theme is. Find out the definition and sources of customs. Find the sentences devoted to different ways of punishment for breaking customs.***

4. ***Scan paragraph 4 to find the proof that the law in some cases is not enforced against someone.***

5. ***Reread paragraphs 5 and 6 and name four possible influences on a government when it is making a law.***

6. ***On the basis of paragraph 7, try to prove that some laws appear to differ from common sense.***

7. ***On the basis of the text, match the terms and their definitions. Consult the glossary if necessary.***

1. Crime	a) that which tends to prove the existence or non-existence of some fact;
2. Abuse	b) (a large room in) a building where trials and other legal cases happen, or the people present in such a room, esp. the officials and those deciding whether someone is guilty;
3. Penalty	c) an act committed in violation of a law;
4. Evidence	d) a punishment fixed by law, as for a crime;
5. Court	e) to use or treat (someone or something) wrongly or badly, esp. in a way that is to your own advantage.

8. ***Pick out from the text all the word combinations with the following words (terms) and give their Russian equivalents.***

-laws	-justice
-to break	-court
-crime	-rule

Written Practice

1. In order to retell the text it's always necessary to compress the information contained in paragraphs. So make the following sentences shorter retaining the main idea.

Model: *The ways in which people talk, eat, drink, work and relax together are usually guided by many such informal rules which have very little to do with laws created by governments. The ways people behave are guided by informal rules, which are not made by governments.*

1. We learn how we are expected to behave in society through the instruction of family and teachers, the advice of friends, and our experiences in dealing with strangers.
2. The rules of social institutions tend to be more formal than customs, carrying precise penalties for those who break them.
3. If we continually break the rules, or break a very important one, other members of society may ridicule us, criticize us, act violently toward us or refuse to have anything to do with us.
4. In order to be enforced, common sense needs to be defined in law, and when definitions are being written, it becomes clear that common sense is not such a simple matter.
5. Anarchists themselves argue that human beings would be able to interact peacefully without laws if there were no governments to interfere in our lives.

2. Translate the following text in written form.

Одна из общих характеристик права заключается в том, что оно – метод социальной регуляции. В различные исторические периоды те или иные социальные или политические структуры посредством понятия "право" стремятся утвердить в своих интересах определённые социальные отношения, принципы, действия, нормы и идеалы.

Исторически первым источником права явился правовой обычай. Основой для него послужили обычаи, утвердившиеся в обществе. Однако они уже не повторялись в своём прежнем виде, а видоизменялись в соответствии с новыми потребностями общественного развития. Правовым обычаем в настоящее время считается такой обычай, на который делается ссылка в соответствующей статье нормативного акта.

Discussion Points

1. "Law exists to protect the property of those who have political power". If you do not agree with the statement, prove the opposite with your own examples.
2. "Mercy killing should not be punished". Give points for and against this statement.
3. "Every law has a loophole (лазейка). Explain this proverb and if you agree – give your example to prove it.

Extra Activity

1. Read the following newspaper article and say what your verdict would be in the similar case.

Good Excuse for Speeding

INDIANAPOLIS (UPI) – A driver who claimed he was driving too fast because he was trying to kill a bee has won an award for his arresting officer for offering the most creative excuse for speeding in Indiana.

The Police League of Indiana on Thursday awarded the prize to Marion County Sherriff's Lt. Lee Hyland, who told of stopping the speeder.

Hyland, who heads Marion County's traffic control division, said the driver claimed he was allergic to bees and was afraid of the stinging insects.

The lieutenant said the driver even offered a dead bee as evidence – but Hyland noticed it had dust on its wings.

"The guy admitted he had been carrying that bee around in his pocket for months in case he ever got stopped Hyland said.

The driver, who was not named, told Hyland the story had worked in the past. Hyland gave him a speeding ticket.

The league chose from more than 150 entries from across the state.

Robert Williams, league president and a Sheibyville police detective, awarded Hyland a police scanner for relating "the most humorous"excuse.

(The Mainichi Daily News, Tokyo)

2. Read the story and answer the question.

“Mr Grey?” inquired Shadow,” I’m afraid I have some bad news for you. Your brother-in- law is dead and I have reason to believe he was murdered.”

“Oh no!” replied Grey. “I just saw Sam a couple days ago. I’ll tell you the truth though, I’m not surprised. Sam did have a big mouth and quite a few enemies. In fact, both of my sisters’ husbands and Sam had a big fight over a business deal that went wrong. Then there was a friend of my brother’s who lent Sam a lot of money and never got it back. Another person is my wife’s brother who just got out of jail. He accused Sam of framing him. He swore he would get even.” As Grey talked on about Sam’s enemies, Shadow got out the handcuffs and arrested him on suspicion of murder. Why?

Read for Enjoyment

A lawyer was cross-examining a witness. He said: “And you say you called on Mrs. Jones May second. Now will you tell the jury what she said?”

“I object to the question”, interrupted the lawyer of the other side. There was nearly an hour’s argument between councils and finally the judge allowed the question.

“And as I was saying”, the first lawyer began again, “on May second you called on Mrs. Jones. Now, what did she say?”

“Nothing”, replied the witness. “She was not at home.”

* * *

He was the only witness to the car accident. The police officer asked his name.

“John Smith,” he said.

“Give me your real name,” ordered the police officer.

“Well,” said the witness, “put me down as William Shakespeare.”

“That’s better, said the policeman, “you can’t fool me with that Smith stuff.”

UNIT 2 SOURCES OF MODERN LAW

For Study

1. ***Vocabulary.***

- **statute** *n* – статут (международный коллективный акт конститутивного характера); законодательный акт

  e.g. Statute law is the body of law contained in Acts of Parliament.

- **precedent** *n* – прецедент

  judicial precedent – судебный прецедент

  to set precedent – устанавливать прецедент

  e.g. The judicial precedents are an important source of law in the English legal system.

- **guilt** *n* – 1. вина; 2. наказуемость

  guilty, adj. – виновный

  to plead (not) guilty – (не) признавать себя виновным

  e.g. The guilt of the accused man was in doubt.

  ant. innocent

- **equity** *n* – право справедливости

  court of equity – суды, решающие дела, основываясь на праве справедливости

  e.g. The court of equity made the wrongdoer accept a contract.

- **fraud** *n* – обман, мошенничество

  positive fraud – фактический, умышленный обман, прямой обман

  e.g. The man was trying to get money by fraud.

2. ***Supply the sentences with the missing words, given in brackets below.***

(precedent, statute, equity, fraud, guilty)

1. ... law is the body of law contained in Acts of Parliament as opposed to case-law.
2. A judicial ... is an earlier judicial decision, which influences courts in later similar cases.
3. He was found ... of murder and sent to prison.
4. ... is a special area of English law, which supplements the common law when this is necessary for justice in a particular case.
5. Nobody knew business ... to be a crime many years ago.

Reading Practice

Before reading the text, think about the subject in general. Where do laws come from in your legal system? What are the sources of law in your country?

Origin of Law

1. Each country in the world, even each state of the United States, has its own system of law. However, there are two main traditions of law in the world. One is based on English Common law and has been adopted by many Commonwealth countries and most of the United States. The other tradition, sometimes known as Continental, or Roman law, has developed in most of continental Europe, Latin America and many countries in Asia and Africa, which have been strongly influenced by Europe. Continental law has also influenced Japan and several socialist countries.

2. Common law system. Common law, or case law systems, particularly that of England differ from Continental law in having developed gradually throughout history, not as the result of government attempts to define or codify every legal relation. Customs and court rulings have been as important as statutes (government legislation). Judges do not merely apply the law; in some cases, they make law, since their interpretations may become precedents for other courts to follow.

3. Before William of Normandy invaded England in 1066, law was administered by a series of local courts and no law was common to the whole kingdom. The Norman Kings sent travelling judges around the country and gradually a "common law"developed, under the authority of three common law courts in London. Judges dealt with both criminal cases and civil disputes between individuals. Although local and ancient customs played their part, uniform application of the law throughout the country was promoted by the gradual development of the doctrine of precedent.

4. By this principle, judges attempted to apply existing customs and laws to each new

case, rather than looking to the government to write new laws. If the essential elements of a case were the same as those of previous recorded cases, then the judge was bound to reach the same decision regarding guilt or innocence. If no precedent could be found, then the judge made a decision based upon existing legal principles, and his decision would become a precedent for other courts to follow when a similar case arose. The doctrine of precedent is still a central feature of modern common law systems. Courts are bound by the decisions of previous courts unless it can be shown that the facts differ from previous cases. Sometimes governments make new laws-statutes to modify or clarify the common law, or to make rules where none existed before. But even statutes often need to be interpreted by the courts in order to fit particular cases, and these interpretations become new precedents. In common law systems, the law is, thus, found not only in government statutes, but also in the historical records of cases.

5. Another important feature of the common law tradition is equity. By the fourteenth century, many people in England were dissatisfied with the inflexibility of the common law, and a practice developed of appealing directly to the king or to his chief legal administrator, the Lord Chancellor. As the Lord Chancellor's court became more willing to modify existing common law in order to solve disputes, a new system of law developed alongside the common law. This system recognized rights that were not enforced as common law but which were considered "equitable or just, such as the right to force someone to fulfill a contract rather than simply pay damages for breaking it, or the rights of a beneficiary (лицо, в интересах которого осуществляется доверительная собственность) of a trust. The courts of common law and of equity existed alongside each other for centuries. If an equitable principle would bring a different result from a common law ruling on the same case, then the general rule was that equity should prevail.

6. One problem resulting from the existence of two systems of justice was that a person often had to begin actions in different courts in order to get a satisfactory solution. For example, in a breach (breaking) of contract claim, a person had to seek specific performance (an order forcing the other party to do something) in court of equity, and

damages (monetary compensation for his loss) in a common law court. In 1873, the two systems were unified, and nowadays a lawyer can pursue common law and equitable claims in the same court.

7. Although courts continually have to find ways of interpreting existing common law for new cases, legislation has become the most important source of new law. When the government feels that existing common law, equity, or statutes are in need of revision or clarification, it passes new legislation. In this way courts avoid the obligation to follow precedent. Parliament passes hundreds of new laws every year on matters that need to be regulated more precisely than the common law has been able to do and on matters that never arose when the common law was developed. For example, modern society has produced crimes such as business fraud and computer theft, which require complex and precise definitions. Some modern legislation is so precise and comprehensive it is rather like a code in the Continental system.

8. The spread of common law in the world is due both to the once widespread influence of Britain in the world and the growth of its former colony, the United States. Although judges in one common law country cannot directly support their decisions by cases from another, it is permissible for a judge to note such evidence in giving an explanation. Unified federal law is only a small part of American law. Most of it is produced by individual states and reflects various traditions. The state of Louisiana, for example, has a Roman civil form of law, which derives from its days as a French colony. California has a case law tradition, but its laws are codified as extensively as many Continental systems. Quebec is an island of French law in the Canadian sea of case law. In India, English common law has been codified and adopted alongside a Hindu tradition of law. Sri Lanka has inherited a criminal code from the Russian law introduced by the Dutch, and an uncodified civil law introduced by the British.

Comprehension Check

1. ***Scan paragraphs 1 and 2 and explain the difference between English common law and Continental law.***

2. ***Based on paragraph 3 explain the origin of the doctrine of precedent. Do you have the same doctrine or similar one in your country?***

3. ***Reread paragraphs 4 and 5 and give their main points. Use the answers to the following questions:***

    1. What did the judge have to do if no precedent of the case could be found?
    2. What is the reason of making new laws by the government?
    3. When did the tradition of equity start operating? What does it mean?

4. ***Reread paragraphs 3-5 and match the terms and their definitions. Consult glossary if necessary. Translate the definitions.***

1. Precedent	a) an Act of Parliament that sets out legal rules and has been passed by both Houses of Parliament;
2. Case	b) a sum of money awarded by a court as compensation for a breach of contract;
3. Statute	c) the doctrine by which decisions of courts in previous cases are considered as a source of law which will influence courts in later similar cases;
4. Equity	d) a legal action or trial; a set of legal circumstances;
5. Enforce	e) a special area of English law consisting of rules, which supplement the common law when this is necessary for justice in a particular case;
6. Damage	f) to cause or force people to obey a law.

5. ***Reread paragraph 7 and try to formulate its main idea.***

   When does the government pass new legislation?

   What examples of modern crimes can you give existing in your country?

6. ***On the basis of paragraph 8, say whether the following statements are true or false.***

   1. Both California and Louisiana have continental systems of law.
   2. Most of Canada and the United States have common law.
   3. Louisiana and Quebec have some legal traditions.

7. ***Find in the text the English equivalents for the following words and expressions.***

   Общее право, Британское содружество наций, постановления суда, толкование, запротоколированные материалы дела, главный управляющий судебными делами, денежная компенсация, лорд-канцлер Великобритании.

Written Practice

1. ***Make the following sentences shorter retaining the main idea.***

    1. Common law, or case law systems, particularly that of England differ from Continental law in having developed gradually throughout history, not as the result of government attempts to define or codify every legal relation. Customs and court rulings have been as important as statutes (government legislation).
    2. If no precedent could be found, then the judge made a decision based upon existing legal principles, and his decision would become a precedent for other courts to follow when a similar case arose.
    3. By the fourteenth century, many people in England were dissatisfied with the inflexibility of the common law, and a practise developed of appealing directly to the king or to his chief legal administrator, the Lord Chancellor.
    4. One problem resulting from the existence of two systems of justice was that a person often had to begin actions in different courts in order to get a satisfactory solution.

2. ***Translate the following microtext in written form.***

    The British constitution is the product of more than a thousand years of evolution. The constitution is unwritten in that its major rules cannot be found within a single document, but are derived instead from such things as statutes, judicial decisions, parliamentary law, and customs. The key doctrine of the constitution is the sovereignty of the conjoint body of the Crown, the House of Lords, and the House of Commons, which together constitute Parliament. Parliament possesses unlimited legal authority over all matters, persons, and territories within its jurisdiction.

    There are forty-three police authority in England, which correspond to forty-three police forces. Each police authority serves as an advisory body to the respective

police force and, subject to the approval of the home secretary, appoints a chief constable for the force. Police authorities serve to maintain a degree of local autonomy for the police. The police force for London has a separate police authority; the Metropolitan Police of London, founded in 1829, has served as a model for many police departments around the world.

Discussion Points

1. The doctrine of precedent will improve law system in this country.
2. Where do people usually appeal in seeking for equity?
3. "One law for rich and another for the poor". Give points for and against this statement.

Extra Activity

1. Look through the newspaper extract and think of a reason for the young man's arrest. Give your own verdict whether the man is guilty or innocent.

Fag End of the Evening. From UPI in CityplaceDallas

A 35-year-old woman who was awakened by an unknown man crawling into her bed marched him out at gunpoint, only to have him knock on her door a few moments later and ask for a light for his cigarette.

The woman told police she awoke to find a partially clad man crawling into her bed whispering: "I love you". She responded by grabbing a small pistol from her nightstand and telling him: "I'll kill you. I want you out of my house".

The woman said she forced the man out of her apartment at gunpoint, locked the door and called the police. But within seconds, there was a knock on the door. She opened it, its chain still in place, to find her assailant calmly asking her for a light for his cigarette.

The astounded woman said she got her lighter, complied with his request, and re-locked the door.

Police arrived to see the man running from the woman's porch carrying a lighted cigarette, and arrested a 20-year-old suspect a short time later.

2. Read the next article and make comments on it. Who is to blame in the case? Entitle the text

A boy of 15 died in hospital after allegedly being attacked while trying to steal a car.

Detectives launched a murder inquiry following the death of Steven Doherty, who was dumped outside the hospital with severe head injuries three days ago.

Relatives were at his bedside when he lost his fight for life. He had been on a life-support machine since the attack.

Police were last night questioning thee men over the incident. A further three people, including a woman, were released from custody without charge.

Officers were called to University Hospital in Lewisham, South-East London, at around 4am on Bank Holiday Monday.

Steven is believed to have been left there by the occupants of a car, which then drove off.

Detectives are linking his injuries to an attempted theft of a car in New Cross, South-East London, about 35 minutes earlier. They are investigating claims that the teenager, who lived in the area, was punched, kicked and hit over the head with a crowbar (лом) after he was caught trying to steal the vehicle.

In the evening, groups of youths around Steven's age hang around outside a pub on the corner, cycling and walking in the middle of the road.

Speaking before Steven's death, a friend claimed the 15-year-old was hit on the head with a crowbar. The friend, who was in his late teens but refused to give his name, said Steven was one of five or six friends who had gone out to steal a car.

"He was trying to steal a car. He got caught. They chased him and hit him around the head with a crowbar," he said.

"I don't know bow many people were chasing them or that they were but when they realized what they'd done they dumped him at a hospital".

3. Work in pairs. You are a police officer and your partner is a witness or you are a detective and your partner is one of Steven's friends. Ask all possible questions.

Read for Enjoyment

Lawyer: "Now that you have won, will you tell me confidentially if you stole the money?"

Client: "Well, after hearing you talk in court yesterday, I am beginning to think I didn't."

UNIT 3 TRADITIONS OF LAW

For Study

1. ***Vocabulary.***

   - **corrupt** *v* – подкупать judicial corruption - взяточничество судей

     corruption in/of/ blood – лишение гражданских прав лица, осужденного за совершение тяжкого преступления

     e.g. In some countries it would not be difficult to corrupt police because of their wide powers.

   - **bias** *n* – предубеждение, пристрастное отношение

     to be biased against smb. – иметь предубеждение против кого-либо.

     e.g. The rule against bias means the rule against departure from the standard of fair justice required of those who occupy judicial office.

   - **legislature** *n* - законодательная власть

     e.g. In the UK legislature consists of Parliament, i.e. the Crown, the House of Commons, and the House of Lords.

   - **judiciary** *n* - судоустройство, судебная власть

     e.g. The judiciary is a collective term for all judges. In the UK, the Sovereign is head of the judiciary.

   - **violence** *n* – насилие

     crimes of violence - преступления, связанные с насилием над личностью

     e.g. Unlawful imprisonment means violence.

2. ***Supply the sentences with the missing words, given in brackets below.***

(violence, judiciary, corrupt, legislature)

1. To ... a person means to give or offer to a member, officer or a public body any reward.
2. ... is the body having primary power to make written law.
3. To separate the roles of the legislature and ... it was necessary to make laws that were clear and comprehensive.
4. In some countries law courts are political instruments used both to control theft and ... .

Reading Practice

Read the text and point out the main idea of continental system of law.

Continental Systems

1. Continental systems are sometimes known as codified legal systems. They have resulted from attempts by governments to produce a set of codes to govern every legal aspect of a citizen's life. Thus, it was necessary for the legislators to speculate quite comprehensively about human behaviour rather than simply looking at previous cases. In codifying their legal systems, many countries have looked to the examples of Revolutionary and Napoleonic France, whose legislators wanted to break with previous case law, which had often produced corrupt and biased judgments, and to supply new egalitarian social theories to the law. Nineteenth century Europe also saw the decline of several multi-ethnic empires and the rise of nationalism. The lawmakers of new nations sometimes wanted to show that the legal rights of their citizens originated in the state, not in local customs, and thus it was the state that was to make law, not the courts. In order to separate the roles of the legislature and judiciary, it was necessary to make laws that were clear and comprehensive. The model of the canon law of the Roman Catholic Church often influenced the lawmakers, but the most important models were the codes produced in the seventh century under the direction of the Roman Emperor Justinian. His aim had been to eliminate the confusion of centuries of inconsistent lawmaking by formulating a comprehensive system that would entirely replace existing law. Versions of Roman law had long influenced many parts of Europe, including the case law traditions of Scotland, but had little impact on English law.

2. It is important not to exaggerate the differences between these two traditions of law. For one thing, many case law systems, such as California's, have areas of law that have been comprehensively codified. For another, many countries can be said to have belonged to the Roman tradition long before codifying their laws, and large uncodified-perhaps

uncodifiable-areas of the law still remain. French public law has never been codified, and French courts have produced a great deal of case law in interpreting codes that became out of date because of social change. The clear distinction between legislature and judiciary has weakened in many countries including Germany, France and Italy, where courts are able to challenge the constitutional legality of a law made by parliament.

3. Despite this, it is also important not to exaggerate similarities among systems within the Continental tradition. For example, while adopting some French ideas, such as separation of the legislature and judiciary, the late nineteenth century codifiers of German law aimed at conserving customs and traditions peculiar to German history. Canon law had a stronger influence in countries with a less secular ideology than France, such as Spain.

4. Modern Japanese Law. Despite a tradition of private law that more closely resembled English principles of judicial precedent, the lawmakers of Meji Japan decided to adopt criminal and civil codes closely based on the existing French models. However, this rapid import of a new system was to a large extend an attempt to give Japan the appearance of a modernized, even Westernized country, and the way in which justice was actually administered continued to reflect older Japanese principles of refraining wherever possible from formal and open methods of solving disputes. New codes of law developed under the postwar occupation show some influence from Anglo-American common law traditions.

5. Socialist legal systems. According to classical Marxism, legal systems in capitalist and pre-capitalist nations were created to reinforce and justify property relations. Legal relations should not be thought of as in any way independent from political relations, which are based on ownership of property. In other words, the law is on the side of those with economic power. Marx theorized that with the coming of socialism, the state, and thus a state-produced system of law, would become irrelevant to social relations and would disappear.

6. However, socialist countries in the twentieth century have produced very strong

centralized state institutions and complex legal systems alongside them. The leaders of the Soviet Revolution, and hence the governments of many nations that came under Soviet influence, tried to apply socialist ideology to a Continental civil law tradition in as systematic and comprehensive a way as possible. This ideology is clearly stated, and socialist lawmakers criticized both common law and previous Roman civil law systems for masking their own capitalist ideology in apparently neutral unbiased institutions. In China, law courts are still primarily regarded as political instruments used both to control theft violence (still sometimes referred to in China as the remains of the class struggle) and to deal with political opponents. Recently, citizens in some areas have been encouraged to seek legal redress in disputes with other citizens, for example, over consumer matters. Attempts have been made to codify Chinese law comprehensively, but so far, there has been little progress. Even before the rejection of their socialist traditions, the Soviet republics had started to allow an increase in civil law cases, and a long process of revising existing civil and criminal codes had begun. As separatist movements grew in many parts of the Soviet Union, there was also development in Constitutional law, with some republics questioning the legality, both in Soviet and local law, of their obligations to the central government.

Comprehension Check

1. ***Look through the text and say whether the following sentences are false or true.***

    1. There are neither differences nor similarities between common law and continental law systems.
    2. Continental systems have resulted from attempts by judges to make their own rules and regulations.
    3. French public law was codified many years ago.

2. ***Reread paragraph 1 and find the places to prove that***

    a) continental systems are codified legal systems;

    b) many countries improved their legal systems taking the examples of Revolutionary and Napoleonic France;

    c) it was the state that was to make law, not the courts;

    d) the Roman Emperor Justinian's influence was progressive at that time.

3. ***Look through the text and expand the following statements. Add information from the text.***

    1. In codifying their legal systems, many countries have looked to the examples of Revolutionary and Napoleonic France.
    2. It is important not to exaggerate the differences between the two traditions of law.
    3. It is important not to exaggerate similarities among systems.
    4. A process of revising of civil criminal codes had begun in the Soviet Republics.

4. ***Choose the paragraphs and sentences, which you would use if you were to prepare a short report on:***

   a) the historical background of confidential law systems;

   b) the practice of using continental law systems in the world;

   c) the comparative characteristics of common law and continental systems.

5. ***Find in the text the English equivalents for the following words and expressions.***

   Законодатель, обдумывать, прецедентное право, уравнительский, каноническое право, светская идеология, управлять (вести дела), воздерживаться (от совершения действия), оправдывать.

Written Practice

1. ***Make the following sentences shorter retaining the main idea.***

   1. In codifying their legal systems, many countries have looked to the examples of Revolutionary and Napoleonic France, whose legislators wanted to break with previous case law, which had often produced corrupt and biased judgments, and to supply new egalitarian social theories to the law.

   2. The lawmakers were often influenced by the model of the canon law of the Roman Catholic Church, but the most important models were the codes produced in the seventh century under the direction of the Roman Emperor Justinian.

   3. While adopting some French ideas, such as separation of the legislature and judiciary, the late nineteenth century codifiers of German law aimed at conserving customs and traditions peculiar to German history.

   4. As separatist movements grew in many parts of the Soviet Union, there was also development in Constitutional law, with some republics questioning the legality, both in Soviet and local law, of their obligations to the central government.

2. ***Translate the following into English:***

   1. В Англии не применялись континентальное право и его кодификационная техника.

   2. В XIX в. в Англии с ее двойной системой права и процесса, где обычное право применялось в Суде обычного права и право справедливости в Суде лорда-канцлера, ситуация стала крайне тяжелой.

   3. Значение римского права для развития континентально-европейского права было очень велико.

4. Система континентального права сложилась в Европе в результате усилий ученых, которые выработали и развили начиная с XII в. на базе кодификации императора Юстиниана общую для всех юридическую науку.

5. При значительном сходстве с континентальным правом правовые системы социализма имели особенности, обусловленные классовым характером.

Discussion Points

1. Speak about differences and similarities between Common law and Continental systems.
2. Analyse and compare French law, Japanese law and the system of law in Socialist countries.
3. "The main purpose of law is to protect property ownership." Give points for or against this statement.

Extra Activity

Read the following article and be ready to answer the questions.

Prison Cell Forgery of Cheque Books

John Barclay, a prisoner in Maidstone jail, developed what his defence counsel described at Canterbury Crown Court yesterday as "a cottage industry devoted to the bespoke manufacture of cheque books and cheque cards".

Mr Barclay, aged 35, Gordon Lewis, aged 33, of Aylesford, Kent, and Brian Marshall, aged 38, of Chelsea, all admitted conspiracy to defraud (обманные действия).

Mr Marshall also admitted stealing a cheque book, a driving licence and health insurance cards, and Mr Lewis admitted dishonestly handling them.

They were bound over for three years to come up for judgement if called on by the court. Mr Lewis and Mr Marshall were each ordered to pay £100 towards the prosecution costs.

Mr Terry Boston, for the prosecution, said a routine search uncovered photographic copies of cheque cards in Mr Barclay's cell. Police officers later took away a printing outfit which he used to make cheque books. Mr Lewis, who visited Mr Barclay, suggested he could print the books on his equipment.

The police have found that the printing set was posted to Mr Barclay at Maidstone prison, but do not know who sent it or why Mr Barclay was allowed to have it.

(The Time)

1. How many prisoners have taken part in making the forgeries?
2. Who was the main producer of cheque books and cheque cards?
3. What is the punishment the prisoners have got?

Read for Enjoyment

Prisoner: "It is difficult to see how I can be a forger. Why, I can't sign my own name".
Judge: "You are not charged with signing your own name".

* * *

A beautiful blonde walked into a Chicago police station and gave the desk sergeant a detailed description of a man who had dragged her by the hair down three flights of stairs, threatened to choke her to death and finally beat her up.

"With this description we'll have him arrested in no time," said the desk sergeant.

"But I don't want him arrested," the young woman protested. "Just find him for me. He promised to marry me."

UNIT 4 CIVIL AND PUBLIC LAW

For Study

1. ***Vocabulary.***

- **defendant** *n* – подсудимый, обвиняемый

  e.g. A defendant is a person against whom a legal action is brought.

  syn. accused

- **defence** *n* – 1. защита (на суде); 2. обстоятельства, исключающие преступные деяния

  defence counsel – защитник

- **remedy** *n*- средство судебной защиты

  e.g. We have pursued and exhausted all possible legal remedies for this injustice.

- **prosecution** *n* – 1. судебное разбирательство; 2. обвинение (как сторона в уголовном процессе)

  bring a prosecution - возбуждать уголовное преследование

  e.g. Criminal prosecutions are in the name of an individual, usually a police officer, although a private individual may bring a prosecution.

- **plaintiff** *n* - истец

  calling the plaintiff - вызов истца в суд

  to find for the plaintiff - решить в пользу истца

  e.g. At last the judgement was given for the plaintiff.

- **trial** *n* - 1. судебное разбирательство; 2. судебный процесс

to put smb to/on trial, to bring smb for/to trial - привлекать кого-либо к суду

to bring to trial - передавать дело в суд

e.g. The trial lasted a week.

- **damages** *n* - убытки

  to pay the damages - возмещать убытки

  action for /of/ damages - иск о возмещении убытков

  e.g. He claimed £5,000 damages from his employers for the loss of his right arm.

2. ***Supply the sentences with the missing words, given in brackets below.***

(damages, prosecution, defendant, trial, plaintiff)

1. The police have been ordered to pay substantial... to the families of the two dead boys.

2. Any ... has the right to claim for a qualified defence in the court.

3. ... is the process of preparing and presenting the case against a person accused of a crime.

4. During the ... Mr Brian's guilt was fully proved.

5. In a civil law court ... is the person who makes a legal complain about another person.

Reading Practice

Read the text and be ready to speak on the examples of differences between civil and criminal procedures.

Civil and Criminal Procedure

1. One important distinction made in all the countries is between private or civil law and public law. Civil law concerns disputes among citizens within a country, and public law concerns disputes between citizens and the state, or between one state and another. The main categories of English civil law are:

Contracts:	binding agreements between people (or companies);
Torts:	wrongs committed by one individual against another individual's person, property or reputation;
Trusts:	arrangements whereby a person administers property for another person's benefit rather than his own Land Law;
Probate:	arrangements for dealing with property after the owner's death.

The main categories of public Law are:

Criminal Law:	wrongs which, even when committed against an individual are considered to harm the well-being of society in general;
Constitutional Law:	regulation of how the Law itself operates and of the relation between private citizen and government;
International Law:	regulation of relations between governments and also between private citizens of one country and those of another.

In codified systems, there are codes that correspond to these categories, for example, France's Code Civil and Code Penal. Justinian's Roman codes covered such areas of

law as contracts, property, inheritance, torts, the family, unjust enrichment, the law of persons, and legal remedies, but said little about criminal law.

Consequently, most Continental criminal codes are entirely modern inventions.

2. Most countries make a rather clear distinction between civil and criminal procedures. For example, an English criminal court may force a defendant to pay a fine as punishment for his crime, and he may sometimes have to pay the legal costs of the prosecution. However, the victim of the crime pursues his claim for compensation in a civil, not a criminal, action. (In France, however, a victim of a crime may be awarded damages by a criminal court judge.)

3. The standards of proof are higher in a criminal action than in a civil one since the loser risks not only financial penalties but also being sent to prison (or, in some countries, executed). 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 civil case a crime cannot be proved 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. In a civil case, the court will weigh all the evidence and decide what is most probable.

4. Criminal and civil procedure is different. Although some systems, including the English, allow a private citizen to bring a criminal prosecution against another citizen, criminal actions are nearly always started by the state. Individuals, on the other hand, usually start civil actions.

Some courts, such as the English Magistrates Courts and the Japanese Family Court, deal with both civil and criminal matters. Others, such as the English Crown Court, deal exclusively with one or the other.

In Anglo-American law, the party bringing a criminal action (that is, in most cases, the state) is called the prosecution, but the party bringing a civil action is the plaintiff. 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 vs. (=versus, or

against) Sanchez"in the United States and "R. (Regina, that is, the Queen) vs. Sanchez"in England. However, a civil action between Ms.Sanchez and a Mr. Smith would be "Sanchez vs. Smith"if it was started by Sanchez, and "Smith vs. Sanchez"if it was started by Mr.Smith.

5. Evidence from a criminal trial is not necessarily 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. In fact, he may be able to prove his civil case even when the driver is found not guilty in the criminal trial.

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.

6. Nevertheless, there are many points of contact between criminal and civil law. In most countries if the loser of a civil case refuses to comply with the order made against him - for example to pay money to the winner of the action – the procedures for forcing him to comply may result in a criminal prosecution. Disobeying any court may constitute criminal conduct, and the disobedient loser of a civil action may find he or she not only has to pay the damages originally ordered by the court, but a criminal penalty as well.

Although the guilty defendant in a criminal case will not automatically be found liable in a civil action about the same matter, his chances of avoiding civil liability are not good. This is because the standard of proof in the civil case is lower than it was in the criminal case. The plaintiff will therefore make sure any information about a relevant criminal case is passed to the civil court.

It is also possible in English law to bring a civil action against the police. Sometimes this is done by someone who was mistreated when questioned by the police about a criminal case.

Comprehension Check

1. ***Look through the text and say whether the following statements are true or false:***
    1. Both damages and fines are sums of money.
    2. Both damages and fines may benefit the victim of an accident.
    3. Damages are part of the civil system of law.
2. ***Reread paragraph 1. Try to summarize its content in three or four sentences. Answers to the following questions may help you to make the summary.***
    1. What is the principal distinction of law?
    2. What are the main categories of English civil law?
    3. What are the main categories of English public law?
    4. What law systems can you compare with English categories of law?
3. ***Look through paragraphs 2 and 3 and try to analyse the differences between civil and criminal procedures. Write down the list of these differences to compare them with the procedures in your country.***
4. ***In English law, an act of violence against a person may be treated both as a crime and as a civil tort. Based on paragraph 4 try to explain some of the differences between the two procedures.***
5. ***State the main theme of paragraph 6. Give an account of points of contact between criminal and civil law.***
6. ***On the basis of the text match the terms and their definitions.***

1. Defendant	a) a person applying for relief against another person in an action or any other form of court proceeding;
2. Plaintiff	b) the hearing of a civil or criminal case before a court of competent jurisdiction;
3. Prosecution	c) a person against whom court proceedings are brought;
4. Trial	d) the pursuit of legal proceedings, particularly criminal proceedings.

Written Practice

1. ***Make the following sentences shorter retaining the main idea.***

   1. An English criminal court may force a defendant to pay a fine as punishment for his crime, and he may sometimes have to pay the legal costs of the prosecution.

   2. In a civil case, a crime cannot be proved if the person or persons judging it doubt the guilt of the suspect and have a reason for this doubt.

   3. 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.

   4. Disobeying any court may constitute criminal conduct, and the disobedient loser of a civil action may find he or she not only has to pay the damages originally ordered by the court, but a criminal penalty as well.

2. ***Render the following in Russian.***

   In some countries, the family is thought to be so important that there is very little legal intervention in family life. In many Islamic countries, for example, fathers, brothers and sons are allowed considerable authority over the females in their family. As late as the 1970s, the male head of the household in Switzerland was deemed to represent the interests of everyone within that household, and, consequently, none of the women could vote in national elections. In many parts of the world, the law now promotes the rights of individuals within the family unit, and regulates family relations through legislation. Raised from the taxes of the working population as a whole, child benefit is paid directly to the mother, and retirement pensions are paid to grandparents. In Sweden, parents can be prosecuted for physically punishing their children and children have a limited capacity to divorce their parents. In Britain there are special family courts with very strong powers to control and transfer

private property in the interests of children. Much of the work of other courts is also directly relevant to family life.

Discussion Points

1. Compare the principles of “proof beyond reasonable doubt” and “proof on the balance of probabilities”.
2. Speak about the court system in your country. Draw a plan of the court system in your country showing which courts have civil functions and which have criminal functions.

Extra Activity

1. ***Complete this questionnaire. If you would not make any of the choices suggested, then add one of your own.***

   1. You can hear a terrible noise coming from your neighbour’s house. It sounds as though he’s murdering someone. Would you ..... ?

   a) do nothing

   b) call the police

   c) go round yourself and see what was happening

   d) .....

   2. Imagine you are a shop assistant and you notice one of you colleagues stealing from the till (касса). Would you ..... ?

   a) say nothing

   b) tell the person to stop or else

   c) inform the boss

d) .....

3. While you are parking your car, you accidentally scratch the paintwork of a new car next to you. Would you ..... ?

a) leave a note for the owner of the other car

b) hurry off

c) park as though nothing had happened

d) .....

2. ***Here is the crime solved by Detective Shadow. What is the solution?***

Shadow opened the door to Dr Adam Apple's office and looked around him. Dr Apple's head lay on his desk surrounded by a pool of blood. On the floor to his right lay a small handgun. There were powder burns on his right temple, indicating that he had been shot at close range. On his desk was a suicide note, and his right hand held the pen that had written it. Shadow recorded the time as 3.30 pm and ascertained that death had occurred within the past hour. As Shadow was gathering clues, Dr Apple's wife burst into the office and screamed. "Good lord, my husband's been shot!" She ran toward him, saw the note and cried. "Why would he want to kill himself?"

"This was no suicide," said Shadow. "This was clearly a case of murder." How does he know?

Read for Enjoyment

They both were Mistaken

A man could not find his handkerchief and accused his neighbour of stealing it. After some time the man found the handkerchief in his pocket and apologized for having accused the neighbour.

"Never mind," said the man. "You thought I was a thief and I thought you were a gentleman, and we were both mistaken."

UNIT 5 CRIMINAL LAW

For Study

1. ***Vocabulary.***

   - **burglary** *n* - (ночная) кража со взломом
     e.g. The man was accused of burglary and had to pay damages.
   - **robbery** *n* - грабеж, кража
     e.g. There was a bank robbery last night.
   - **malice** *n* - злой умысел
     e.g. Malice is said to be transferred when someone intends to commit crime against one person but in fact commits the same crime against someone else.
     with malice aforethought - с заранее обдуманным (преступным) намерением
     e.g. The prosecution must prove malice aforethought to secure a conviction of murder.
   - **reckless** *adj* - небрежный, неосторожный
     recklessness - неосторожность
     e.g. He is considered to be a reckless driver.
   - Actus Reus - *(лат).* виновное действие (объективная сторона противоправного деяния)
   - Mens Rea - *(лат).* 1. виновная воля; 2. вина

2. ***Supply the sentences with the missing words, given in brackets below.***

(burglary, malice aforethought, robbery, recklessness)

1. Thieves were accused of ... because they broke into the house while the family was away on holiday.

2. ... on the roads is considered to be the main cause of road traffic accidents.

3. The rate of armed ... in some countries is constantly increasing.

4. The murderer pleaded guilty in having ... .

Before reading the text say, what crimes are included in the system of criminal law of your country.

Elements of Criminal Law

1. Crime is categorized as a part of public law-the law regulating the relations between citizens and the state. Crimes can be thought of as acts, which the state considers being wrong and which can be punished by the state. There are some acts, which are crimes in one country but not in another. For example, it is a crime to drink alcohol in Saudi Arabia, but not in Egypt. It is a crime to smoke marijuana in England, but not (in prescribed places) in the Netherlands. It is a crime to have more than one wife at the same time in France, but not in Indonesia. In general, however, there is quite a lot of agreement among states as to which acts are criminal. A visitor to a foreign country can be sure that stealing, physically attacking someone or damaging his or her property will be unlawful. The way of dealing with people suspected of crime may be different from his own country.

2. In many legal systems, it is an important principle that a person cannot be considered guilty of a crime until the state proves he committed it. The suspect himself need not prove anything, although he will of course help himself if he can show evidence of his innocence. The state must prove his guilt according to high standards, and for each crime, there are precise elements, which must be proved. In codified systems, these elements are usually recorded in statutes. In common law systems, the elements of some crimes are detailed in statutes; others, known as "common law crimes,"are still described mostly in case law. Even where there is a precise statute, the case law interpreting the statute may be very important since the circumstances of each crime may be very different.

3. For example, the crime of theft is defined in England under the 1968 Theft Act as: dishonestly appropriating property belonging to another with the intention of permanently depriving the other of it.

There are further definitions of each element of the definition, such as appropriating, which may mean taking away, destroying, treating as your own, and selling. The same Act also defines in detail crimes such as burglary (entering someone's land without permission intending to steal or commit an act of violence) and robbery (using force or threats in order to steal from someone). Although the Theft Act was intended to cover many possible circumstances, it is still often necessary for the courts to refer to case law in order to apply the Act to a new case. For example, in the 1985 case of R.vs.Brown, the defendant argued he couldn't be guilty of burglary since he reached through the window of a house without actually going inside. However, the court decided a person could be judged to have "entered"a building if he gets close enough to be able to remove something from it.

4. There are usually two important elements to a crime: (i) the criminal act itself; and (ii) the criminal state of mind of the person when he committed the act. In Anglo-American law these are known by the Latin terms of (i)Actus Reus and (ii)Mens Rea. The differences between these can be explained by using the crime of murder as an example.

In English law, there is a rather long common law definition of murder: the unlawful killing of a human being under the Queen's Peace, with malice aforethought, so that the victim dies within a year and a day.

5. Malice aforethought refers to the mens rea of the crime and is a way of saying that the murderer intended to commit a crime. Of course, the court can never know exactly what was in the head of the killer at the time of the killing, so it has the difficult task of deciding what his intentions must have been. The judgements in many recent cases show that English law is constantly developing its definition of intent.

6. There is a different definition of mens rea for each crime. Sometimes the defendant must have intended to do a particular thing. In murder, however, it is interesting that the defendant need not have intended to kill, but just to wound someone seriously. He need

not even have had a direct intention; in some cases, a defendant has been found guilty if he killed someone because of recklessness-not caring about the dangers. Several recent cases have considered the problem of whether recklessness means acting even though you know there is a high risk of danger or acting without thinking about risks, which a reasonable person ought to consider. In other crimes, it is enough to have been negligent or careless without any clear intention or even recklessness.

7. The rest of the murder definition refers to the actus reus. The prosecution must show that the suspect did in fact cause the death of someone. It must be an unlawful killing under the "Queen's Peace"because there are some kinds of killing which the state considers lawful-for example, when a soldier kills an enemy soldier in a time of war. A time limit is specified in order to avoid the difficulties of proving a connection between an act and a death that takes place much later. This may be especially relevant in the case of a victim who has been kept alive for many months on a hospital life support machine.

In deciding if the defendant's act caused death, the court must be sure that the act was a substantial cause of the result. In the 1983 case of Pagett the defendant held a girl in front of him to prevent police from firing at him. He himself shot at a police officer and one of the police officers fired back, accidentally killing the girl. The court decided that the defendant could have foreseen such a result when he shot at the police officer from behind the girl, and, as a result, his act was a substantial cause of the death.

In general, if the prosecution fails to prove either actus or mens, the court must decide there was no crime and the case is over. However, there are a small number of crimes for which no mens rea need be proved.

Comprehension Check

1. ***Look through the text and say whether the following statements are false or true.***

   1. In England, a person may be guilty of murder if he killed someone intentionally.

   2. Malice aforethought means that a person killed someone because of recklessness.

   3. The prosecution does not need to prove actus reus and mens rea elements of the crime.

2. ***In paragraph 1 find the sentences to prove that in different countries there are different attitudes towards crime.***

3. ***Reread paragraph 2 and 3 and name the theme, which connects them. Match the terms and their definitions. Consult the glossary if necessary.***

1. Robbery	a) the dishonest appropriation of property belonging to someone else with the intention of keeping it permanently;
2. Burglary	b) an admission in court by an accused person that he has committed the offence;
3. Theft	c) crime of entering a building without the permission of the owner, with the intention of stealing;
4. Guilt	d) the crime of using force or causing fear force in order to steal.

4. ***On the basis of paragraphs 4 and 5 expand the following statements. Add information from the text.***

   1. Actus Reus is the criminal act itself.

   2. Mens Rea is the criminal state of mind.

3. Malice aforethought is the state of mind required for a person to be guilty of murder.

Give your own example for each of these statements.

5. ***Look through paragraphs 6 and 7 and try to answer the following questions.***

   1. In what cases a defendant can be found guilty?

   2. What is recklessness? How is it taken into account during the prosecution in your country?

   3. What is the role of a substantial cause? In what circumstances is the case in the court over?

Written Practice

1. ***Make the following sentences shorter, retaining the main idea.***

   1. A visitor to a foreign country can be sure that stealing, physically attacking someone or damaging his or her property will be unlawful.

   2. Even where there is a precise statute, the case law interpreting the statute

   3. may be very important since the circumstances of each crime may be very different.

   4. The court can never know exactly what was in the head of the killer at the time of the killing, so it has the difficult task of deciding what his intentions must have been.

   5. Several recent cases have considered the problem of whether recklessness means acting even though you know there is a high risk of danger or acting without thinking about risks, which a reasonable person ought to consider.

   6. Render the following into Russian.

What is the Purpose of the Trial?

If the parties cannot agree on how to settle a case on their own, or if a criminal defendant pleads not guilty, the court will decide the dispute through a trial. The purpose of a trial is to find out whether the criminal defendant committed the crime charged or, in a civil case, whether the defendant failed to fulfill a legal duty to the plaintiff.

If the parties choose to have a jury trial, determining the facts is the task of the petit jury. If they decide not to have a jury and to leave the fact-finding task to the judge, the trial is called a bench trial. In either kind of trial, the judge decides

what legal standards to apply. If there is a jury, the judge tells the jury what the law is.

Discussion Points

1. Using your own examples try to explain the differences between Actus Reus and Mens Rea.
2. 'Imprisonment is revenge but not rehabilitation'. Give points for and against this statement.
3. Think of a crime story, involving a crime and the trial and conviction of the offenders.

Extra Activity

1. ***Here is the crime solved by Detective Shadow. What is the solution?***

   "I have the only key to the room containing the jewelry of my late aunt Maggy," said Sid Crook. "Since her death a week ago, neither I nor anybody else has entered this room. I was quite pleased to hear all her jewelry was to be sold and the proceeds to go to charity," continued Crook.

   Shadow removed a huge plant whose broad leaves were turned towards the wall, partially covering the safe. While Crook was opening the combination lock, Shadow crossed the room to sit on the ledge of the large bay window. Crook opened the safe, and removed the bag of jewels. ""I'm sure these jewels will fetch a fortune for charity," said a smiling Sid Crook. "I'll bet these jewels are either fake or there are a few missing," replied Shadow. What made Shadow suspicious?

2. ***Look at the extracts from newspapers given below and match them with the suitable word in the brackets.***

   (robbery, burglary, murder, drug dealing, fraud, terrorism, vandalism)

1. When he opened the door, she shot him three times in the chest. According to the pathologist's report, he died instantly.

2. George Males gave the man $50 in return for a small packet of heroin.

3. The two gunmen left the shop with more than $10,000 worth of watches and jewelry.

4. The telephone box had been smashed and there was graffiti all over the walls.

5. He broke into the flat at 3.00 in the morning and took $3,000 from a cupboard.

6. The bank believed Mrs. Smith to be trustworthy. They had no reason to suspect that she had transferred thousands of pounds to false accounts.

7. It was a beautiful day. The sun was shining and people were sitting outside the cafe enjoying the sunshine. Then the bomb went off.

Respect for Written Word

The judge asked a murderer on trial, “Why did you break into the house and, taking the box with jewels, return to kill the owner?”

“I did it out of respect for the written word”, pleaded the defendant.

“What do you mean?”

“It was written on the box "Open After My Death".

UNIT 6 ENFORCING THE LAW

For Study

1. ***Vocabulary.***

- **offence** *n* - 1. правонарушение; 2. преступление.
  offence at common law - преступление, предусмотренное нормами общего права
  alleged offence - предполагаемое преступление
  minor offence - мелкое правонарушение
  syn. crime
  e.g. You commit an offence if you do something which is against the law.
- **sentence** *n* - 1. наказание; 2. приговор; v. - приговаривать
  capital(death) sentence - смертный приговор
  nominal(suspended) sentence - условный приговор
  to serve a sentence - отбывать наказание
  syn. punishment, penalty
  e.g. The judge sentenced her to life imprisonment.
- **assault** *n* - 1. нападение, нападать; 2. словесное оскорбление и угроза физическим насилием; грозить физическим насилием
  assault and battery - оскорбление действием
  assault in concert - групповое нападение
  e.g. The group of criminals committed an assault which caused very serious injury.
- **suspect** *n* - подозреваемый

- **suspect** *v* - подозревать
  e.g. A lot of suspects were interrogated and all of them gave sound evidences

2. ***Supply the sentences with the missing words, given in brackets below.***

(suspect , offence, sentence, assault)

1. The wrongful act is regarded sometimes as a crime otherwise called an ... .
2. ... must be pronounced in open court by the presiding judge.
3. In the course of interrogation the ... confessed in committing the crime.
4. The maximum penalty for ... in concert is 8 years imprisonment.

Before reading the text think and say with the help of what establishment people in your country are made to obey the law.

Law Implementation

1. Governments have many ways of making sure that citizens obey the law. They make the public aware of what the law is and try to encourage social support for law and order. They use police forces to investigate crimes and catch criminals. They authorize courts to complete the investigation of criminal and civil offences and to pass sentences to punish the guilty and deter others. Moreover, they make efforts to re-educate and reform people who have broken the law. Which of these is most effective in enforcing the law?

The laws of all countries are to be found in written records - the legal codes of countries with continental systems, the statutes and case judgements of common law countries, warnings on official's forms, and notices in public buildings. Many people do not know where to find these records and do not find it easy to read them. Ignorance of the law is almost never a defence for breaking it. 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 have been prosecuted 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 attitude to everyday behaviour. In such cases, a person knows he is breaking the law, even if he does not know exactly which law it is.

2. The police have many functions in the legal process. Though they are mainly concerned with criminal law, they may also be used to enforce judgements made in civil courts. 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

assemblies. In some countries, the police have judicial functions; for example, they may make a decision as to guilt in a driving offence and impose a fine, without the involvement of a court. In Britain, when someone is found in possession of marijuana, the police may confiscate it and issue a formal warning rather than refer the matter to a court.

3. The mere presence of the police is a factor in deterring people from committing offences. In Japan, you are rarely more than a ten-minute walk from a small police station. The city of Tokyo has more police officers than the city of New York. Could this be one reason there is less crime in Japan than in the United States? Comparing the crime figures of different countries is a complex matter. It is necessary to consider not only how many crimes are committed, but also how many are detected and recorded. In 1989,over 13,000 offences were reported in both New Zealand and Sweden for every 100,000 people, compared with less than 200 in Brazil and Argentina, but this does not necessarily mean that South Americans are 650 times more law-abiding. The type of crime is another important factor. Britain has more reported crime in general than Japan but about the same number of murders (1.5 per l00, 000 people compared with 8.6 in the United States and 29 in the Bahamas). Rich countries tend to have more car theft than poor ones.

4. A just legal system needs an independent, honest police force. In countries where the public trusts the police force, they are more likely to report crimes, and it seems that they are also more likely to be law-abiding. Because of their wide powers, it would not be difficult for corrupt police forces to falsify evidence against a suspect, to mistreat someone they have arrested, or to accept bribes in return for overlooking offences. In the United States, illegally obtained evidence is not valid in court, but in Britain, the court decides whether it is fair to accept such evidence on a case-by-case basis. A confession obtained by force would not be allowed, but one obtained by trickery might.

5. Legal systems usually have codes of conduct for the police, limiting the time and the methods, which they can use to question suspects, and guaranteeing the suspects access to independent lawyers. In Britain, however, the Police and Criminal Evidence Act, and especially the Prevention of Terrorism Act, give the police some powers to delay

access to lawyers. The Police Complaints Authority was set up in 1984 to supervise the investigation of allegations of police misconduct. No police officer or former police officer may be appointed to the authority. However, investigations themselves are carried out by police officers. Of course, private legal action can be taken against a police officer as against any other individual. Many people feel it is difficult to gather evidence against the police.

In some countries, police officers are usually armed, whereas in others they only carry guns when engaged in certain kinds of work. Governments may also make use of the army to enforce the law but this is only done on a regular basis when there is political dissatisfaction with the government, either from a large part of the civilian population, or from a well-armed minority (Northern Ireland).

6. It is also important that the public feel the judiciary is independent and unbiased. Americans feel that the best way of ensuring this is to have elected judges. Britons fear this might lead to politicalization of the judiciary and prefer to have judges appointed by the government on the recommendation of the Lord Chancellor.

Although courts have the highest legal authority, they rely on the power of the prison authorities to enforce their decisions. They can authorize the detention of an individual in order to gather evidence against him, compel him to obey a court order or punish him for a crime.

Comprehension Check

1. ***Look through paragraph 1 and give the main points. Select the sentences or parts of them, which contain the most important information. The answers to the following questions may help you.***

   1. What are the four ways used by the government to make their citizens obey the law?

   2. What are the ways of exercising the law?

   3. People easily find the records of different laws, don't they?

2. ***Reread paragraphs 2 and 3 and try to explain the role of police force. Compare that with the role of police force in your country. Do you know the crime figures in your country? What tendency do they have to increase or to decrease?***

3. ***Compress the information contained in paragraph 4 by selecting the parts, which have a generalizing character. Express the main idea of the paragraph in 2-3 sentences.***

4. ***Reread paragraph 5 and find sentences dealing with***

   a) the powers the police may use in their work;

   b) the reason of difficulties of gathering evidences against the police;

   c) the way both the army and the police may enforce the law.

5. ***Look through the text and say whether the following statements are false or true.***

   1. Ignorance of the law is usually a defence for breaking it.

2. Though the police have restricted functions in the legal process, they can be used to arrest people.

3. It is difficult to corrupt police forces to falsify evidence against a suspect.

4. Legal systems usually have codes of conduct for the police, limiting the time and methods of questioning suspects.

6. ***On the basis of the text expand the following statements. Add information from the text.***

1. Governments have many ways of making citizens obey the law.

2. The laws of all countries are to be found in written records.

3. The police have wide powers at their disposal.

4. Army as well as police can be used to enforce the law.

Written Practice

1. ***Fill the gaps in the text with the words given below.***

arrest	defence	guilty	jury	trial
charge	evidence	innocent	prison	verdict
court	fine	judge	prosecution	witnesses

On May 15, 1990,a masked gunman held up a London post office and got away with £50, 000. Two days later, Amanda Smith was ... by police and ... with the crime. Three months later, the ... began. The ... claimed that Smith, who was unemployed, had spent £3,000 on new clothes and household appliances on the day after the robbery. They produced ... who said they had seen Smith hanging around the post office for several days before the robbery took place. The ... argued that there was not enough ..., and added that Smith had been in Manchester visiting her sister on the day of the robbery. The ... didn't take long to make up their minds. After only 30 minutes they returned to the court to deliver their ... : Smith was ... . The following day, the ... passed sentence: he imposed a ... of £2,000 and sent Smith to ... for two years. As she was led away from the ..., Smith shouted to reporters, "They're wrong. I didn't do it. I'm ... !"

2. ***Render the following into English.***

1. Расследование уголовных дел осуществляется, как правило, полицией. 2. Традиционно обвинение в английских судах по большинству уголовных дел поддерживалось либо полицией, либо отдельными гражданами. 3. Согласно традиционной точке зрения судьи применяют существующие законы, но не участвуют в расследовании дела. 4. Подразделения в областях Великобритании возглавляют главные констебли. 5. Они несут ответственность за свою

работу перед центральными полицейскими органами, которые назначают начальника полиции и его помощника. 6. Руководство ФБР планирует создание единой компьютерной базы данных всех правоохранительных органов США, которая будет содержать информацию о преступниках и вещественных доказательствах, собранных в ходе расследований.

Discussion Points

1. Compare the function of the police mentioned in the text with the ones used in your country.
2. Police officers may use guns in any kind of work. Give points for and against this statement.
3. Give points for and against the election of judges.

Extra Activity

1. ***Here is the crime solved by Detective Shadow. What is the solution?***

   Jim Cool waited until Ed Fry left the office of author Harry Queen. Cool slipped on a pair of gloves, took a handgun from his desk, and crossed the hall to Queen's office. As Queen looked up to see who was there, Cool took aim and shot. Cool dropped the gun on the floor, picked up the telephone on Queen's desk and called the police. He then went back across the hall to his own office and hid the gloves. Shadow arrived moments later and Cool told his story. "I was working at my desk when I heard a shot. I ran to the hall and saw a man fitting the description of Ed Fry running from Queen's office. I went to Queen's office and found him lying on the floor dead. I immediately picked up the phone on Queen's desk and called the police."

   Several hours later Shadow arrested Cool for murder. Why was he so easily caught?

2. ***Read the text and answer the question below.***

He Demanded Two Parachutes

One day a man kidnapped a little boy and hid him in the woods. He sent the boy's parents a note telling them to leave him ten thousand pounds in large bank notes in an airport locker. The parents were to wait* for four hours and then go to the locker. There they would find directions how to find their child. He demanded to follow all his orders without calling the police and said that unless they left him the money, they would not see their child.

At first, he wanted to take the child with him as a hostage, but then decided against it. He knew that the police were good at trapping people who had hostages with them.

At the appointed time, he went to the airport and took the money from the locker. He left the directions where the boy was and ran because the police were close behind him. He boarded the nearest plane and forced the pilot to take off before he was caught.

He understood that the police would be waiting for him when the plane landed, so he had a plan how to save himself. He decided to cheat the pilots and the police. He forced the hostess to give him two parachutes. He took her with him to the back exit door of the plane and waited several minutes, so the pilots could not know the exact place where he would jump out of the plane. Then he put one of the parachutes on and jumped alone from the plane. In this way, he managed to escape.

Why did the man demand two parachutes?

UNIT 7 THE STUDY OF CRIME

For Study

1. ***Vocabulary.***

- **breach** *n*- нарушение (закона), разрыв отношений

  e.g. Will discussions with other companies constitute a breach of/in our agreement?

  breach of the peace- нарушение общественного порядка

- **felon**y *n* - фелония (категория тяжких преступлений, по степени опасности находящаяся между изменой и мисдиминором)

  e.g. Felony is a major crime, as murder, arson, rape, etc., for which statute provides a greater punishment than for a misdemeanor.

- **misdemeanor** *n* - мисдиминор (категория наименее опасных преступлений, граничащих с административными правонарушениями)

  e.g. Sarah was really drunk last night, but she paid for her misdemeanors this morning with a dreadful hangover.

- **treason** *n* - измена

  high treason- государственная измена

  e.g. In the seventeenth century a man called Guy Fawkes was executed for treason after he took part in a plot to blow up the British Parliament building.

- **allegiance** *n* - обязательство верности и повиновения

- **conviction** *n* - обвинительный приговор

  e.g. As it was her first conviction for stealing, she was given a less severe sentence.

- **charge** *n* - обвинение

  e.g. The 19-year-old will be appearing in court on Thursday where she will face criminal charges.

2. ***Supply the sentences with the missing words, given in brackets below.***

(breach, convictions, charge, misdemeanor... felony, treason)

1. Possession of small amounts of cannabis is a ..., whereas large scale dealing in heroin is a ....

2. ... means lack of loyalty to your country, esp. by helping its enemies or attempting to defeat its government.

3. He has along record of previous... for similar offences.

4. He has been arrested on a ... of murder.

5. ... of the peace is illegal noisy violent behavior in a public place.

Before reading the text, say which crimes can be considered major and which minor ones. Which category has the biggest number of crimes in your country?

Major and Minor Crimes

1. The criminal law makes an effort to classify breaches of the law according to their seriousness by dividing them into two categories—*felonies*, or major crimes; and misdemeanors, or minor crimes. This effort, as we shall see, is not very successful. Nevertheless, the division affects every aspect of the operation of the criminal law, from arrest to trial to sentencing to place of confinement.

2. The common law of England divided crimes into four groups: high treason, petit treason, felonies, and misdemeanors. The first consisted in killing the king, levying war against him, supporting his enemies, or lending his enemies aid and comfort. Petit treason involved the killing of a husband by a wife, a master or mistress by a servant, or a prelate by a clergyman — a breach of allegiance, in short, in a superior-subordinate relationship. Felonies were defined as crimes other than treason that caused great moral indignation or did serious harm and were punishable by death and the forfeiture of land and goods. Misdemeanors consisted of offenses that were considered minor and were punishable with lesser penalties, such as whipping and branding.

3. The law continues to make these distinctions to the present day, with the exception of petit treason, which was abolished by statute in 1828. The harshness of penalties has been greatly reduced, and high treason occupies the attention of society only on occasion; but in the Anglo-American legal system crimes are still categorized as felonies or misdemeanors, with punishments of greater and lesser severity. In general, those offenses calling for the death penalty (or which once did so) or imprisonment for more than a year are labeled felonies. All other offenses are lumped under the heading of misdemeanors.

4. The criteria distinguishing between more and less serious crime presumably involve the amount of injury or harm done and the degree of moral outrage that is elicited. However, the lack of any explicit and objective standard in the law for measuring harm or moral outrage means that crimes are often defined as felonies and misdemeanors in an inconsistent fashion.

5. The classification of crimes differs from one state to another, so that particular offenses may vary in imputed seriousness with geographical location. Within a state, property offenses may change abruptly from misdemeanors to felonies when the value of the stolen object goes above a certain figure, say $300- and rising prices caused by inflation may transform an offense from minor to serious. In a number of states, an offense that is a misdemeanor the first time it is committed becomes a felony when it is repeated.

6. If the distinction between misdemeanors and felonies is inconsistent and often seems to be based on tradition rather than on reasoned analysis, it nevertheless has far-reaching importance. First, the definition of a crime is sometimes contingent on the classification of another; burglary, for example, is defined as breaking and entering a dwelling with intent to commit a felony rather than a misdemeanor. Second, in some jurisdictions conviction of a felony disqualifies the individual from holding public office, voting, and serving on a jury. Conviction for a misdemeanor does not carry such consequences. Third- and this is particularly important for the administration of the criminal law- the fact that felonies and misdemeanors differ in their punishments provides the basis for plea-bargaining. The charge against a defendant may be reduced from a felony to a misdemeanor in return for a plea of guilty, thus saving the state the time and expense of a trial.

7. The classification of crimes as felonies and misdemeanors, or as more and less serious, represents a normative judgment of society that is important not only in the day-to-day administration of the criminal law, but also in the modification of the penal code, the allocation of resources for the control of crime, and the understanding of the causes of crime. It is surprising, the, that measuring public attitudes toward the seriousness of crimes received relatively little attention in criminology until the last few decades and

that so many crucial questions still remain unanswered.

Comprehension Check

1. ***Look through paragraph 2 and explain the difference between a felony and a misdemeanor. What crimes in your country are regarded as felonies and what as misdemeanors?***

2. ***Reread paragraphs 3 and 4 and name the theme, which connects them. Match the terms and their definitions. Consult the glossary if necessary.***

1. High treason	a) a crime considered to be one of the less serious types of crime;
2. Penalty	b) serious crime which can be punished by one or more years in prison;
3. Misdemeanor	c) giving aid or comfort to the sovereign's enemies in war time;
4. Felony	d) a punishment for doing something that is against law.

3. ***Look through the text and say whether the following statements are false or true.***

   1. The division of crimes into major and minor ones doesn't effect the operation of the criminal law.

   2. High treason, petit treason, felonies and misdemeanors are the four groups of crimes existing in the common law of England.

   3. The classification of crimes is universal for all the states and governments.

   4. The charge against a defendant may be reduced from a felony to a misdemeanor in return for a plea of guilty.

4. ***Match the English phrases with their Russian equivalents.***

1) to commit a felony	a) попытка подсудимого выговорить себе более мягкий приговор

2) place of confinement	b) положительно выраженный и объективный стандарт
3) to levy	c) совершить тяжкое преступление
4) a breach of allegiance	d) место заключения
5) to cause moral indignation	e) набирать рекрутов
6) explicit and objective standard	f) нарушать обязательство верности
7) plea bargaining	g) вызывать моральное возмущение

5. ***Look through the text and answer the following questions.***

   1. What aspects of the criminal law do felonies and misdemeanors concern?

   2. What are the four groups of crimes the common law is divided in?

   3. Which punishments do felonies and misdemeanors call for?

   4. What are the main differences between a felony and a misdemeanor? Name at least some of them.

Written Practice

1. ***Translate the following and give the title of the text in Russian.***

   Robbery takes many forms; one of them is the mugging of a stranger in the street. Any entry by an individual into a building as a trespasser with intent to commit theft is a grave crime. Thus felony is a major crime. Statute provides a greater punishment for murder, arson and rape than for a misdemeanor. All systems treat murder as a crime of the utmost gravity. Many of the problems of defining murder have centered on the malice aforethought.

2. ***Translate the following into English.***

   1. Фелония- это тяжкое преступление, которое может наказываться смертным приговором.

   2. Наименее опасные преступления обычно наказываются штрафом или тюремным заключением.

   3. Преступление- это преднамеренный акт, совершённый в нарушение закона.

   4. Общее право за незначительные преступления иногда предусматривает штраф.

   5. Для убийц предусмотрена такая мера наказания, как пожизненное заключение.

   6. В британских уголовных судах обвиняемый считается невиновным до тех пор, пока не доказана его вина.

Discussion Points

1. Compare the division of crimes in the common law of England and that on in your country.

2. Present an example of something not currently considered a crime that you think should be one. Why would you propose it as a new crime?

3. Comment on the following "The law recognizes a difference in harm between crimes against the person and against property".

Extra Activity

1. ***Read the text below carefully and answer the questions as briefly as possible.***

   1. What laws are involved in this story?

   2. Which of these are criminal laws?

   3. Which are civil laws?

   Matt and Luther decide to skip school. They take Luther's brother's car without telling him and drive to a local shopping center. Ignoring the sign Parking for Handicapped Persons Only, they leave the car and enter a radio and TV shop.

   After looking around they buy a portable AM-FM radio. Then they buy some sandwiches from a street vendor and walk to a nearby park. While eating they discover that the radio does not work. In their hurry to return it, they leave their trash on the park bench.

   When Matt and Luther get back to the shopping center, they notice a large dent (вмятина) in one side of their car. The dent appears to be the result of a driver's carelessly backing out of the next space. They also notice that the car has been broken into and that the tape deck has been removed.

They call the police to report the accident and theft. When the police arrive, they seize a small clear bag containing illegal drugs from behind the car's back seat. Matt and Luther are arrested.

2. ***Comment on the following differences in legal consequences for felonies and misdemeanors. Compare them with those in your country.***

Felonies	**Misdemeanors**
*capital punishment possible (in some states)	
*imprisonment in state prison	*stay in county jail
*sentence of a year or more year	
*considered serious crime	*considered minor crime
*conviction usually bars person from certain professions	
*convicted person may be deported if an alien	
*arrest may occur at any time	*arrest may occur only if act committed in presence of officer
*may require an indictment for trial	*normally is triable on an information

Read for Enjoyment

A man accused of stealing a watch was acquitted on insufficient evidence. Outside the courtroom he approached his lawyer and said,

"What does that mean-acquitted?"

"It means," said the lawyer, "that the court has found you innocent. You are free to go."

"Does it mean I can keep the watch?" asked the client.

UNIT 8 DEFENCES

For Study

1. ***Vocabulary.***

   - **duress** *n* - принуждение
     duress of goods - незаконный арест имущества
     duress of imprisonment - незаконное лишение свободы
     e.g. Duress is not a defence to a charge of murder as a principal.
   - **insanity** *n* - невменяемость
     syn. madness
     e.g. If found to be insane the defendant is given a special verdict of "not guilty by reason of insanity."
   - **mitigation** *n* - смягчение
     mitigation of punishment - смягчение наказания
     e.g. The injured party is under a duty to take all reasonable steps towards the mitigation of his loss when claiming damages.

2. ***Supply the sentences with the missing words, given in brackets below.***

(mitigation, insanity, intoxicated, duress)

1. If found not guilty by reason of ... the defendant may be admitted to hospital.
2. Acts carried out under ... .usually have no legal effect.
3. In Belarus an ... person is responsible for his actions especially while driving a car.
4. Family circumstances were considered to be a fact of ... raised by the prosecution.

Read the text and pay attention to different types of defences. Compare sets of defences in your country and in placecountry-regionEngland.

The Problem of Defences

1. If actus and mens have been proved, a defendant may still avoid guilt if he can show he has a defence - a reason the court should excuse his act. Different systems of law recognize different and usually limited sets of defences. For example, English law sometimes allows the defence of duress - being forced to commit a crime because of threats that you or someone else will be harmed if you don't. Duress may be used as a defence against the charge of murder as a secondary party (helping the murderer), but is not available if the defendant is charged as the principal murderer.

2. Another defence is that of insanity. In most countries a person cannot be found guilty of a crime if in a doctor's opinion he cannot have been responsible for his actions because of mental illness. But this defence requires careful proof. If it is proved the defendant will not be sent to a prison, but instead to a mental hospital.

It might be argued that a person is not responsible for his actions if he is intoxicated-drunk or under the influence of drugs. In fact, an intoxicated person may not even know what he is doing and thus lacks mens rea. However, in Britain and many other countries, there is a general principle that people who knowingly get themselves intoxicated must be held responsible for their acts. Consequently, intoxication is not a defence.

3. Nearly every system of law recognizes the defence of self-defence. In English law, a defendant can avoid guilt for injuring someone if he can convince the court that the force he used was reasonable to protect himself in the circumstances. In some countries, shooting and unarmed burglar would be recognized as self-defence, but in other it might be considered unreasonable force. The concept of defence should not be confused with that of mitigation-reasons your punishment should not be harsh. If a person has a defence,

the court finds him not guilty. It is only after being found guilty that a defendant may try to mitigate his crimes by explaining the specific circumstances at the time of the crime. In France, the defence of crime of passion is sometimes used to lessen the sentence: that your act was directly caused by the unreasonable behaviour of your lover.

4. Although most criminal laws in the world refer to acts of violence or theft, there are laws regulating almost every kind of human behaviour: for example, what we do with our land; what we say and write; how we run our business; even what we wear. Sometimes governments "create new crimes"by identifying a form of behaviour and passing a new law to deal with it. In most industrialized countries existing theft laws were not adequate to deal with computer crimes where complex kinds of information are stolen, altered or used to deceive other, and, thus, new laws have been passed.

5. Technical change is one reason criminal law is one of the fastest growing areas of the law. Another reason is that the number of crimes committed in some countries seems to be increasing rapidly-although sometimes it is not clear whether people are breaking the law more, being caught more, or reporting other people's crimes more. One more reason is that different societies or perhaps it is different governments continually review their ideas of what should and shouldn't be considered a crime. Homosexual acts, suicide and blasphemy (attacking religion) were once crimes in all European countries, but have now mostly been decriminalized. On the other hand, discrimination against someone on the grounds of race or sex was not acknowledged as a crime until relatively recently, and is still not recognized in some countries. Recent cases of euthanasia (shortening the life of sick person) are causing re-evaluations of the concept of murder.

Comprehension Check

1. ***Look through the text and say whether the following statements are true or false.***
   1. If actus and mens have been proved, a defendant is found guilty.
   2. Only a few systems of law recognize the defence of self-defence.
   3. There is no difference between the concept of defence and that of mitigation.
   4. A defendant can't avoid guilt for injuring someone in the case of self-defence.
2. ***Look through paragraph 1 and expand the following statements. Add information from the text.***
   1. English law sometimes allows the defence of duress.
   2. One of the defences is the defence of insanity.
   3. Mitigating circumstances may make crime less serious.
   4. Recently new laws have been passed.
3. ***On the basis of paragraph 2 try to explain what insanity and intoxication are using your own words and giving your own examples.***
4. ***Reread paragraphs 3-5 and find the answers to the following questions:***
   1. What is the difference between a defence and mitigation?
   2. What new kinds of crime can you name existing in England and in your country?
   3. What are the reasons of the fastest growing areas of the law?
5. ***Look through the text and match the terms and their definitions. Consult the glossary if necessary. Translate the definitions.***

1. Defence	a) a defect of reason, arising from mental disease that is severe enough to prevent a defendant from knowing what he did;
2. Duress	b) a pleading served by the defendant in answer to the plaintiff's statement of claim;
3. Insanity	c) pressure, especially actual or threatened physical force, put on a person to act in a particular way;
4. Self-defence	d) a defence at common law to charges of offences against the person when reasonable force is used to defend oneself against attack or threatened attack.

Discussion Points

1. "Criminals need help more than punishment". Write a paragraph containing two arguments for and two against this statement.
2. Speak about defences the court uses to excuse a person's criminal act.
3. Give points for and against euthanasia.

Extra Activity

1. ***Read the text and do the tasks that follow.***

Helicopter Plucks Two from Jail

Rome: Two gunmen yesterday hijacked a Red Cross helicopter, lifted two inmates from a Rome prison courtyard and flew off in a hail of automatic gunfire. A third prisoner ran to the helicopter, but slipped in the rain.

After taking off from the prison, the helicopter landed in a Rome football field where a match was underway, and the hijackers and escapees fled by car.

Officials said the two hijackers spoke French and that one of the escapees, a Tunisian-born Frenchman, was caught by French authorities for a Paris bank robbery and murder. The other one was suspected of supplying arms to Italian terrorists.

Police said the hijackers waited in San Camilio Hospital in Western Rome and cornered the helicopter pilot, Mr Mauro Pompa, aged 42.

They handcuffed the pilot's 10-year-old son to a radiator and forced Mr Pompa at gunpoint to take them to the helicopter parked across the street.

The white helicopter with red crosses painted on each side then flew across the city to Rebibbia prison in eastern Rome. There, it hovered a yard above the courtyards where about 50 inmates were exercising, deputy warden, Mr Giancarlo Baldassini, said as the hijackers fired automatic weapons for cover and lowered a rope ladder, two inmates dashed to the helicopter and jumped in. A guard at Rebibbia prison was slightly injured by flying glass during the gun battle.

Two shots fired by a guard hit the helicopter.

(*from The Gardian*)

Notes: pluck - зд. забирать

hijack - угнать самолет

1. Write down in order the places where the gunmen went.
2. True, false, or don't know: the escape plan originally included three prisoners.
3. Write down four or more things that prove that the escape was carefully planned.
4. How do you think officials found out that the hijackers spoke French?

2. ***Read the text and comment on its contents. Give the annotation of it in Russian.***

Duress

A robber approaches a bank teller with the following demand: “Your money or you’re dead!” Not a fun choice, but a simple one. The teller probably reaches into the drawer and hands over the cash. Is the teller guilty of larceny or embezzlement? It is not her money. Her job as a teller does not give her the right to steal, to embezzle, or to give away funds entrusted to her.

To deal with such situations, the law has established the defence of duress:

It is... a defence that the actor engaged in the conduct charged to constitute an offence because he was coerced to do so by the use of, or a threat to use, unlawful force against his person or the person of another, which a person of reasonable firmness in his situation would have been unable to resist.

This defence applies when the actor has done something the law prohibits. The bank teller has taken money entrusted to her and given it to someone else. All the elements of the crime of embezzlement are there. But the teller had no choice. The law recognizes that we cannot be expected to yield our lives, our limbs, the safety of our relatives, or our property when confronted by a criminal threat that forces us to violate a law. In the defence of duress it may be said that the actor acted not of his or her own free will.

Read for Enjoyment
The Lawyer and the Horse

A man was charged with stealing a horse, and after a long trial the jury acquitted him. Later in the day the man came back to see the judge.

"Judge,"he said, "I want you to arrest that dirty lawyer of mine"

"What's the matter?"asked the judge in surprise. "He won your case, didn't he? What do you want to have your lawyer arrested for?"

"Well, it is this way, Sir,"answered the man,"you see, I didn't have the money to pay him, so he went and took the horse I had stolen."

UNIT 9 THE PURPOSE OF PUNISHMENT

For Study

1. ***Vocabulary.***

- **community service** - приговор, требующий от обвиняемого выполнения работ на общественное благо

  e.g. Community service is one of the less serious punishment used in many countries.

- **juvenile** *adj* - несовершеннолетний

  juvenile detention center - "центр заключения"для несовершеннолетних

  e.g. Juvenile offenders cannot be sentenced to imprisonment, instead they may be sent to juvenile detention centers.

- **review (parole) board** - государственные органы, призванные решать вопросы, связанные с условным освобождением заключенных

  e.g. It is a parole board that agrees that anyone sentenced to imprisonment must be released after serving one-half of the sentence.

Read the text "Civil and Criminal Penalties" and pay attention to the different kinds of punishments. Compare them with those existing in your country.

Civil and Criminal Penalties

1. There are several kinds of punishment available to the courts. In civil cases, the most common punishment is a fine, but specific performance and injunctions may also be ordered. For criminal offences fines are also often used when the offence is not a very serious one and when the offender has not been in trouble before. Another kind of punishment available in some countries is community service. This requires the offender to do a certain amount of unpaid work, usually for a social institution such as a hospital. For more serious crimes the usual punishment is imprisonment. Some prison sentences are suspended: the offender is not sent to prison if he keeps out of trouble for a fixed period of time, but if he does offend again both the suspended sentence and any new one will be imposed. 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 review (parole) board agrees his detention no longer serves a purpose. In some countries, such as the Netherlands, living conditions in prison are fairly good because it is felt 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 and the prisoners are only let out of their cells once a day. Britain and the United States are trying to solve the shortage of space by allowing private companies to open prisons.

2. In some countries there is also corporal punishment (physical). In Malaysia, Singapore, Pakistan, Zambia, Zimbabwe, among others, courts may sentence offenders to

be caned or whipped. In Saudi Arabia theft and possession of alcohol may be punished by cutting off the offender's hand or foot.

3. The ultimate penalty is death (capital punishment). It is carried out by hanging (Kenya, for example); electrocution, gassing or lethal injection (U.S.); beheading or stoning (Saudi Arabia); or shooting (China). Although most countries still have a death penalty, 35 (including almost every European nation) have abolished it; 18 retain it only for exceptional crimes such as wartime offences; and 27 no longer carry out executions even when a death sentence has been passed. In other words, almost half the countries of the world have ceased to use the death penalty. 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.

4. Supporters of capital punishment believe that death is a just punishment for certain serious crimes. Many also believe that it deters others from committing such crimes. Opponents argue that execution is cruel and uncivilized. Capital punishment involves not only the pain of dying (James Autry took ten minutes to die of lethal injection in Texas, 1984) but also the mental anguish of waiting, sometimes for years, to know if and when the sentence will be carried out. Opponents also argue that there is no evidence that it deters people from committing murder any more than imprisonment does. A further argument is that, should a mistake be made, it is too late to rectify it once the execution has taken place. In 1987, two academics published a study showing that 23 innocent people had been executed in the United States. Research has shown that capital punishment is used inconsistently. For example, in South Africa, black murderers are far more likely to be sentenced to death than whites. During a crime wave in China in the 1980s, cities were given a quota of executions to meet; in a city where there weren't very many murders, people convicted of lesser crimes were more likely to be executed. In addition, while in some countries young people are not sent to prison but to special juvenile detention centres, in Nigeria, Iran, Iraq, Bangladesh, Barbados and the United States children under 18 have been legally put to death.

5. As the debate about capital punishment continues, the phenomenon of death row (people sentenced but still alive) increases. In 1991, no one was executed in Japan, but three people were sentenced to death, bringing the total number on death row to fifty. Sakae Menda lived under sentence of death for thirty three years before obtaining a retrial and being found not guilty. The debate also involves the question of what punishment is for. Is the main aim to deter? This was certainly the case in 18th century England when the penalty for theft was supposed to frighten people from stealing and compensate for inabilities to detect and catch thieves. Is it revenge or retribution? Is it to keep criminals out of society? 0r is it to reform and rehabilitate them?

Comprehension Check

1. ***Divide the text into fragments and entitle them. State the main theme of each fragment.***

2. ***Look through paragraph 1 and find sentences which may serve as answers to the following questions.***

   1. When and where are fines as a kind of punishment used?

   2. What does community service as a punishment mean?

   3. What is a suspended prison service?

   4. What can you say about living conditions in prison in your country comparing with the ones in the Netherlands, for example?

   5. Do you have corporal punishment in your country?

Written Practice

1. ***On the basis of the text write a list of the different punishments for crimes which exist in your country. Write the names which you do not know in English in your own language.***

2. ***Find the English terms for the different punishment in your list using a dictionary and the list of punishments for crimes available in the placecountry-regionUK given below.***

   Capital punishment

   Community service order

   Suspended sentence

   Imprisonment

   Life imprisonment

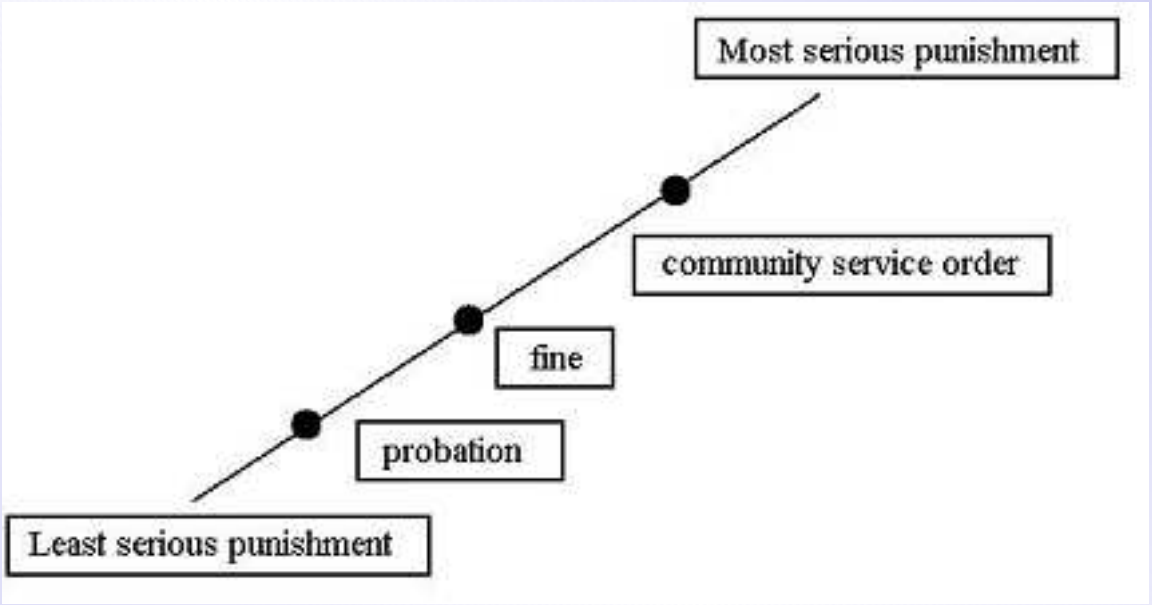
   Fine probation

   Corporal punishment

   Do the same forms of punishment exist in the criminal justice systems in the placecountry-regionUK and in your country?

3. ***Put the punishment in the order you think best on the word ladder below, starting with the least serious and ending with the most serious. For example, you may think that the least serious punishment is probation, followed by a fine, followed by a community service order, as in the example.***

Example:



Give reasons for the position of each punishment.

Discussion Points

1. "Imprisonment is revenge, but not rehabilitation". Write a paragraph containing two arguments for and two against this statement.
2. Which punishment can help to rehabilitate the offender?
3. What forms of reforming and reeducation can you suggest? Give reasons of using these forms instead of capital punishment, for example.
4. What do you think are the main aims of the penal system in your country? Do you agree with then?

Extra Activity

Read the text and answer the questions.

The Prison Cell

The cell door slammed behind Rubashov. He remained leaning against the door for a few seconds, and lit a cigarette. On the bed to his right lay two fairly clean blankets, and the straw mattress looked newly filled. The wash basin to his left had no plug, but the tap functioned. The pail (бак) next to it had been freshly disinfected, it did not smell.

He yawned, took his coat off, rolled it up and put it on the mattress as a pillow. He looked out into the yard. The snow shimmered (мерцать) yellow in the double light of the moon and the electric lanterns. Stars still shone clear and frostily, in spite of the lamps. On the outside wall, which lay opposite Rubashov's cell, a soldier with a rifle was marching the hundred steps up and down; he stamped at every step as if on parade. From time to time the yellow light of the lamps flashed on his bayonet.

Rubashov took his shoes off, still standing at the window. He put out his cigarette, laid the stub on the floor at the end of his bedstead, and remained sitting on the mattress for a few minutes. He went back to the window once more. The courtyard was still; above the machine gun tower he saw a streak of the Milky Way.

Rubashov stretched himself on the bunk and wrapped himself in the top blanket. It was five o'clock and it was unlikely that one had to get up here before seven in winter. He was very sleepy and, thinking it over, decided that he would hardly be brought up for examination for other three or four days. He took his pince-nez off, laid it on the stone-paved floor next to the cigarette stub, smiled and shut his eyes. He was warmly wrapped up in the blanket and felt protected; for the first time in months he was not afraid of his dreams.

When a few minutes later the warder turned the light off from outside, and looked through the spy-hole into his cell, Rubashov, slept, his back turned to the wall, with his

hand on his outstretched left arm, which stuck stiffly out of the bed; only the hand on the end of it hung loosely and twitched in his sleep.

1. Do you think Rubashov has been in prison before? Give reasons for your answer.
2. What do you think the "daily exercise"consists of?
3. What do you think Rubashov has been dreaming about for the past few months?
4. What country do you think the story takes place in?

Read for Enjoyment

Legal Advice

Bursting into the lawyer's office, a butcher cried, "If a dog steals a piece of meat from my shop, is the owner responsible?"

"Of course,"said the lawyer.

"Well, your dog took a piece of meat worth half a dollar about five minutes ago."

"All right,"said the lawyer without blinking,"give me the other half dollar and that will make my fee."

UNIT 10 HOW BELARUS IS GOVERNED

For Study

1. ***Vocabulary Study.***

   - legislative *adj.* законодательный, legislative authority – законодательная власть

     e. g. He has to go through the legislative process.

   - executive *adj.* – исполнительный

     e. g. State executive power is regional state administration.

   - judicial *adj.* – законодательная власть

     e. g. He was put under judicial control.

   - restrain *v* – сдерживать; ограничивать; restrain by injunction – ограничить, запретить что-либо судебным решением

     e. g. The limits of Nature's great law restrain their action.

   - suffrage *n* – избирательное право; голосование

     e. g. Women in Norway are granted suffrage.

2. ***Match the words with the ones with the similar meanings.***

1) home	a) to include
2) to restrain	b) permanent
3) suffrage	c) regional
4) official	d) right to vote
5) local	e) to restrict
6) standing	f) public servant
7) to comprise	g) domestic, internal

Reading Practice

Read the text and point out the main idea of Belarusian governing policy.

Under the Constitution of 1994 the Republic of Belarus is a unitary democratic social legal state. The Republic of Belarus possesses supreme and absolute power on its territory; it independently exercises its home and foreign policy. The power in the Republic of Belarus is exercised on the basis of its separation into three branches: legislative, executive and judicial. The state bodies are independent within the limits of their authority: they interact, restrain and balance each other (the system of checks and balances).

The principle of the supremacy of law is established in the country. The State, all its bodies and officials act within the Constitution and laws adopted according to it. The Republic of Belarus recognizes the priority of universally recognized principles of international law and provides the correspondence of the national law to these principles. The citizens of the Republic aged 18 and above enjoy the right to elect and to be elected to governmental bodies on the basis of general, equal, direct or indirect suffrage by secret ballot.

The President of the Republic of Belarus is the Head of the State. He is the guarantor of the Constitution, the rights and freedoms of people and citizens. The term of office of the President is five years.

The supreme legislative power of the Republic is Parliament – The National Assembly. It consists of two houses: the House of Representatives and the Council of the Republic. The term of office of the National Assembly is four years. The supreme executive power of the Republic is the Council of Ministers. The head of the Council is the Prime Minister. The supreme judicial power is the Supreme Court of the Republic. The Constitutional Court checks the constitutionality of laws and the acts of the government. The local governmental bodies comprise councils of deputies and executive bodies. The local councils are legislative bodies. The members of the local councils are elected for the term of four years while the heads of the executive bodies are appointed by the President.

There are regional and district courts at the local level, which are local judicial bodies.

The Parliament of Belarus is known as the National Assembly of the Republic of Belarus. It acts as the representative and legislative body of the Republic of Belarus.

Under the Constitution of the Republic of Belarus the supreme legislative power belongs to the National Assembly, which consists of two houses: the House of Representatives and the Council of the Republic. The Council of the Republic is usually referred to as the upper chamber and the House of Representatives – as the lower one.

The House of Representatives consists of 110 members, who are elected on the basis of general free equal direct suffrage by secret ballot. Any citizen of Belarus at least 21 years of age may be elected to the House of Representatives.

Belarus' Council of the Republic is a regional representative body with total membership of 64 members. Local Councils elect a total of 56 members: 8 in each region of the 6 regions and 8 in Minsk. The final 8 members are appointed directly by President. Any citizen of Belarus at least 30 years of age and a resident of the corresponding region for at least 5 years may be elected a member of the Council of the Republic.

The term of office of the National Assembly is 4 years. The House meets for 2 regular sessions every year: the first begins in October; the second session begins in April. Extraordinary sessions can be called by a presidential decree. Each house elects a chairman and his assistants from its members. They organise the work of the houses. The houses form standing committees and other bodies from their members for legislative work.

The House considers bills concerning amendments to the Constitution, considers draft legislation, home and foreign policies, military doctrine, international treaties, rights, freedoms and duties of citizens, country budget, taxation and others. It declares presidential election, approves presidential nominee for the post of Prime Minister, approves the programme of the Government introduced by Prime Minister, approves or opposes the Government's activities, proposes no-confidence votes where necessary. The House of Representatives initiates the process of the impeachment and serves other

functions.

The Council of the Republic approves the bills concerning changing or amending the Constitution passed by the House of Representatives, approves presidential nominees for the posts of Chairman of the Constitutional Court, Chairman and Judges of the Supreme Court, General Procurator and other higher officials. It appoints six judges of the Constitutional Court and elects six members of the Central Election Committee and serves some other functions.

Comprehension Check

1. ***Match the words and their definitions. Consult the glossary if necessary.***

1. Unitary	a) an addition, alteration, or improvement to a motion, document, etc.;
2. Executive	b) the right to vote, esp. in public elections; franchise;
3. Judicial	c) of or relating to an office, its administration; or its duration;
4. To restrain	d) of or relating to judgment in a court of law or to a judge exercising this function;
5. Official	e) the branch of government responsible for carrying out laws, decrees, etc.; administration;
6. Suffrage	f) to limit or restrict;
7. Amendment	g) Of or relating to a system of government in which all governing authority is held by the central government.

2. ***Find in the text the English equivalents for the following words and expressions.***

Тайное голосование; система сдержек и противовесов; сдерживать, (запрещать; ограничивать); сохранять равновесие, уравновешивать; право голоса, избирательное право; срок полномочий; осуществлять внутреннюю и внешнюю политику; депутат; местный совет; включать, содержать.

Written Practice

1. ***Translate into English.***

1. В соответствии с Конституцией 1994 г. Республика Беларусь – унитарное демократическое социальное юридическое государство.

2. Республика Беларусь обладает высшей и неограниченной властью на своей территории, она независимо осуществляет свою внутреннюю и внешнюю политику.

3. Власть в Республике Беларусь делится на законодательную, исполнительную и судебную.

4. Государственные органы независимы в рамках своей власти: они взаимодействуют, ограничивают и уравновешивают друг друга (система сдержек и противовесов).

5. Граждане республики в возрасте 18 и выше имеют право выбирать и быть избранными в государственные органы на основе общего, равного, прямого или косвенного избирательного права путем тайного голосования.

6. Срок полномочий президента – пять лет.

7. Высшая законодательная власть республики – это Парламент – Национальное собрание, состоящее из двух палат: Палаты Представителей и Совета Республики.

8. Высшая исполнительная власть республики принадлежит Совету Министров.

9. Высшая судебная власть – Верховный Суд Республики.

10. Местные государственные органы включают Советы депутатов и исполнительные органы.

2. ***Skim the text to find out the stages of law making process in Belarus.***

Law Making Prosess in Belarus

Under the Constitution of the Republic of Belarus the right to initiate the legislative process belongs to President, members of the Chamber of Representatives, Council of the Republic, Government and to the citizens of Belarus numbered not less than 50,000.

If a bill concerns changes or amendments to the Constitution, the legislative process can be initiated only by President or at least 150,000 citizens of Belarus. Normally there are two stages in the life of a bill. The first stage is the drafting of the bill. The bill is usually prepared in the Ministries or in the corresponding parliamentary committees. This stage is very important, because the quality of preparatory work determines the success of the legislative process in the whole. During this stage consultations with the involved state organs, businesses, legal experts are taken.

Any bill is firstly considered in the Chamber (House) of Representatives and then in the Council of the Republic. Normally a bill has three readings in the house. The first reading is rather formal, it is in fact an introduction of the bill. Then the bill is sent to a corresponding standing or a specially formed committee of the House. In the committee the bill is amended and sent for the second reading to the House. During the second reading the bill is debated and amended by the members of the House. When the opinions and amendments of the representatives are included in the bill it is voted by the House. A bill passes in the House if it is approved by simple majority of representatives.

The bills approved by the Chamber of Representatives are sent to the Council of the Republic during 5 days, where they may be considered no more than 20 days. In the Council of the Republic a bill is submitted to mostly the same procedure as in the House of Representatives. If the higher house votes down the bill, the Houses may form a conciliatory committee to resolve the differences. After the differences are resolved the bill is sent to both Houses for approval.

The bill passed in both Houses during 10 days is sent to President for signing. President has the right to veto a bill. To override the presidential veto both houses must reapprove the bill by two-thirds of their members.

3. ***Using clichés from the Supplementary write an annotation of the text.***

Speaking

Read the following article and be ready to answer the questions.

The Judicial System of the Republic of Belarus

Under the Constitution of the Republic of Belarus the judicial power in the Republic is vested in courts of law. The judicial system of the Republic is made up of courts of law of three tiers. On the top of the judicial pyramid is the Supreme Court of the Republic of Belarus. It is the highest appellate court of the country. It is headed by the Chairman of the Supreme Court of the Republic of Belarus who is appointed by the President on the consent of the upper house of the National Assembly – the Council of the Republic. The Supreme Court judges are nominated by the President on the advice of the Chairman and must be approved by the Council of the Republic. Once approved, all members of the Court hold office for life. The Supreme Court includes separate divisions for civil, criminal and military cases. It has original jurisdiction in cases involving foreign dignitaries and those in which the state is a party. It also may decide most serious criminal cases and hear appeals from lower courts.

The middle tier of the republican judicial system is made up of six regional courts and the Minsk Town Court. The composition of those courts is similar to that of the Supreme Court. All judges of the regional courts including their chairmen are nominated by the President on the recommendation of the Chairman of the Supreme Court and the Minister of Justice for life. These courts deal with major criminal, civil and military cases and hear appeals from inferior courts. The decisions of the regional courts may be appealed only to the Supreme Court.

At the bottom of the judicial pyramid are district and town courts spread all over the country. Most litigation starts in these courts. A district or town court usually consists of a chairman and a number of judges, depending on the size and the population of the district. In a trial one judge and two public representatives take part. All judges of these inferior courts are appointed by the President on the recommendation of the Chairman of the Supreme Court and the Ministry of Justice. The first term of office of an inferior court judge is five years; all other judges are appointed for life. District and town courts decide both criminal and civil cases and deal with administrative matters involving disputes between individuals and individuals and government departments. The decisions of district and town courts may be appealed to the corresponding regional courts and further up to the Supreme Court of the Republic of Belarus.

1. How is the judicial system of the Republic of Belarus distinguished?
2. What is the highest judicial body of the Republic?
3. How are the Supreme Court judges nominated?
4. What is the scope of responsibilities of the Supreme Court?
5. What is there in the middle part of the judicial system? What is the principle of its organization?
6. Where does most litigation start?
7. What is the bottom of the judicial pyramid comprised of?
8. What is the procedure of appealing in the Republic of Belarus?

On the basis of three texts (How Belarus is Governed, Law Making Process in Belarus and The Judicial System of the Republic of Belarus) speak on the topic Law in Belarus.

UNIT 11 BUSINESS LAW

For Study

1. ***Vocabulary.***

- **insurance** *n* - страхование

  e.g. When her husband died, she received $20000 insurance.

  business insurance - страхование предприятия на случай недееспособности или смерти руководителя

  casualty insurance - страхование от несчастных случаев

- **consideration** *n* - возмещение, компенсация

  e.g. The contract was illegal because it didn't have the point of consideration.

- **remedy** *n* - средство судебной защиты

  e.g. Your only remedy is to go to law.

- **tenant** *n* - наниматель, арендатор, владелец

  tenant at will - бессрочный арендатор

  prime tenant - основной владелец

  sole tenant - единственный владелец

- **tenancy** *n* - владение (преимущественно недвижимостью), аренда, срок аренды

  tenancy in common - совместное владение недвижимостью

  e.g. The building has trouble attracting tenants willing to pay its relatively high rents.

  We have a 12-month tenancy agreement.

- **lease** *n* - наем недвижимости, аренда; сдавать/брать в наем
  optional term lease - аренда с правом выбора срока
  percentage lease - аренда с правом получения процента прибыли
  short lease - краткосрочная аренда
  term lease - аренда на срок
  lease *v* - сдавать/брать в наем
  e.g. It was agreed they would lease the flat to him.
  syn. rent

2. ***Supply the sentences with the missing words given in brackets below.***

(lease, insurance, tenancy, consideration)

1. These measures are believed to be a good ... against disorder.
2. She's got private health ... .
3. The government has made it possible for council ... to buy the houses and flats that they have been renting.
4. The estate contains 300 new homes about a third of which are ... to the council.

Reading Practice

Before reading the text say why it is necessary for a businessman to get law knowledge. Do you have special private law agencies in your country which help big business companies? How do they work?

Small Business and the Law

1. Understanding business law takes many years. No one expects a small business owner to get a law degree or to have a complete understanding of legal concepts related to business ownership and operation. Because you will deal with numerous people, products and companies, you should be aware of your rights and responsibilities. Common sense and caution are essential in business. A general understanding of business law and insurance go hand in hand with good business management.

2. CONTRACTS. Agreements which a business owner makes in the course of carrying on a business may be called contracts. A contract is a legal agreement between two or more parties in which each has rights and obligations. Contracts may be enforced by the courts if they meet certain requirements. A contract must have the following characteristics to be legal: mutual agreement, consideration, form, competency and legal subject matter.

Since contracts can be enforced by law, it is important that people understand them. When an individual fails to honour a contract, the other parties to the contract can legally require that the contract be fulfilled or a satisfactory remedy be provided.

3. For an agreement to be mutual there must be a clear, definite, and serious offer and an unqualified acceptance. If there is to be mutual agreement, there is no need for a true meeting of the minds. This means that the parties involved need not to be thinking of the same thing. If a merchant offers to sell some goods for $55 and a customer accepts the offer, it does not really matter that the merchant intended to say $75. There is a binding contract at $55 if the party can prove the offer was made and accepted. This can

be done by producing witnesses and documents. The subject matter of a contract must be stated in definite terms.

4. Parties to a contract must receive something of value and give something of value in return. This something of value is called consideration. The consideration may be cash, goods or a service, or it may even be a particular action.

A contract is made if there is an offer and acceptance, consideration, competent parties, and legal subject matter. The contract may be written or oral. A contract for the sale or transfer of land or real property must be in writing. Contracts which take more than one year to perform usually must be in writing. This includes leases of more than one year.

A competent party is one who has legal capacity to enter into a contract. A person must be of legal age and sane in order to be considered competent.

5. THE LEASE. Because of the greater capital required to own real property, most small business owners start out by renting or leasing business space. When an owner decides to rent, an agreement is made with the landlord specifying the amount of rent to be paid and other conditions. The conditions agreed upon when put into written form and signed by tenant and landlord, make up the lease.

A lease is a contract to rent land and/or buildings for a specified time for a consideration. A lease is usually written and states the tenant's rights and obligations. A written lease is common business practice.

The lease usually states the term of the tenancy in months or years. However, sometimes in unwritten agreements nothing is said about the length of time the property is to be rented to the tenant. This type of tenancy is known as tenancy at will. When the landlord wants the tenant to move, 30 days' written notice must be given. The tenant, on the other hand, does not have to give the landlord any notice.

6. The length of the lease is an important consideration. You may not want a long lease, especially if your business is not successful. On the other hand, an owner does not want an increase in rent if the business does well. It may be desirable to have a short-term

lease: with the option of renewing at the same rent. This is known as an optional term.

Leases may be classified according to the matter in which rent is paid. The term lease is a popular type of lease. It states the amount of rent to be paid for a specified time. Other types give the landlord a percentage of business income instead of a rent. This is called percentage lease. Sometimes the rental agreement is a combination of the term lease and the percentage lease. With this agreement, the landlord receives a fixed rent in addition to a percentage of business income.

Comprehension Check

1. ***Look through paragraph 1 and expand the following statements. Add your own information if possible.***

   1. It's necessary even to a small business owner to have general business law knowledge.

   2. A contract is a legal agreement between people.

   3. It is important for the contracts to be understood by people.

2. ***Reread paragraph 1, 2 and 3 and draw up a list of main principles of making a contract. Give a written example of a contract signed by you as a lawyer.***

3. ***In paragraphs 5 and 6 find the places to prove that***

   1. While renting business space a special agreement should be signed by both sides.

   2. The type of lease best suited for a new business is a renewable short-term lease.

   3.The term lease is a popular type of lease.

4. ***Look through the text and find the answer to the following questions.***

   1. Why is it essential to understand business law?

   2. What is a contract? What are its main features?

   3. What happens if you don't honour a contract?

   4. What is a consideration and what forms does it have?

   5. What should a person do to make up the lease?

   6. Why the length of the lease is so important? What are the different forms of making up the lease?

5. ***Look through the text and match the term and their definition. Consult the glossary if necessary. Translate the definitions.***

1. Insurance	a) a legal agreement by which money is paid in order to use (land, a building) for an agreed period of time.
2. Lease	b) the business of insuring lives and property against harm, damage or loss in return for the payment of a sum of money according to the degree of risk.
3. Contract	c) the right to use land or live in a building on payment of rent.
4. Tenancy	d) a legal document that states and explains a formal agreement between two different people or groups, or the agreement itself.

Written Practice

1. ***Render the following in English.***

   1. Аренда – это форма землепользования, при которой собственник земли передает в пользование земельный участок на определенное время другому лицу за плату.

   2. Контракт представляет собой письменный договор, включающий существенные аспекты условия труда и его оплаты, а также условия трудовых отношений.

   3. Для заключения контракта необходимо взаимное согласие сторон: существование предложения и принятие этого предложения сторонами.

   4. Стороны в контракте должны быть правоспособными.

   5. Конкретные условия страхования были определены при заключении договора страхования.

   6. Наниматель подписал договор о найме жилого помещения сроком на 5 лет.

2. ***Render the following into Russian and entitle the text.***

   Every business must have a business structure. Each of the available options carries with it certain benefits, risks, and rules of operation that must be followed. The nature and condition of a business's structure is a significant part of the information that other businesses consider in making credit and contract decisions. The stability of the structure, the adequacy of capitalization, and the amount of liability of the owners are all critical factors in the decision to buy, sell, or extend credit. The way even boards conduct business is subject to judicial scrutiny, and board members can experience personal liability for failure to honor business structure rules.

   When a business first begins, its owner or owners must decide what structure or form it will take. This structure will determine many things about the business,

including the liability of its owners under various circumstances. It also will affect those who do business with the firm, controlling how much sellers and customers will be paid or will receive on arrangement. It thus becomes important to understand the structure not only of one's own business but also of the other firms with which one deals.

Extra Activity

1. ***Look at the title of the newspaper article and say what information you think it will contain. Read the article and do the task.***

Manslaughter Charge Inroad Rage Case

DETECTIVES investigating the 'road rage' death of a young couple last night charged a motor mechanic with their manslaughter.

Jason Humble, 32, will appear before magistrates in Feltham, Middlesex, today, accused of killing Toby Exley and Karen Martin, who died after their car crossed a central reservation.

Humble's business partner Keith Collier, 49, a second-hand car dealer, will appear in the same court, charged with falsely reporting the theft of a motor vehicle.

The charge alleges he reported the theft to police on October 11, knowing the vehicle to have been involved in a fatal road accident on October 6, 'with intent to impede the apprehension or prosecution of another who had committed manslaughter'.

Mr Exley, 22, and his 20-year-old girlfriend died when their Ford Fiesta crossed the central reservation of a dual carriageway and was hit by an oncoming car.

Police said the Fiesta is believed to have been rammed from behind by the driver of a car following them on the A316 road in Hanworth, West London.

Teams of uniformed police officers and detectives moved in at 6.30am yesterday and arrested both men at their ramshackle bungalow in a small close off Fernhill Road In Cove, Farnborough, Hampshire.

A neighbour said: 'There were plain-clothes policemen everywhere but it happened quickly.'

The men were taken to separate police stations in South-West London and questioned by detectives throughout the day about the crash and about another alleged road rage incident on the M3.

The grounds of the rented house have been used to repair cars and yesterday were scattered with beaten-up, rusting vehicles, piles of spare wheels and oil drums. Two massive Rottweilers guard the property. Police said later that a white K-registration Vauxhall Senator car they had been looking for since the crash had been found three miles away in the car park of the Monkey Puzzle pub in South-wood.

Last night it had been taken to a nearby police garage for examination by forensic experts and detectives.

The arrests followed a massive publicity campaign and came after a witness claimed to have seen a white vehicle drive into the back of the couple's Ford Fiesta, forcing it to cross the dual carriageway.

The families of both Mr Exley, who lived in Teddington, West London, and Miss Martin, who lived in Twickenham, Middlesex, made passionate appeals to help catch those responsible.

However, they were furious when a Sunday newspaper revealed that Mr Exley had been arrested outside a nightclub by drugs squad officers in December 1995 and found guilty in June last year of possessing Ectasy, amphetamines and cannabis with intent to supply. He was fined £210 with £327 costs and put on probation for two years.

Last night, Miss Martin's father John welcomed the news of the arrests. 'It has lifted our spirits a little bit. It's still a bad loss,' he said.

By David Williams and Michael Harvey

1. Was your prediction right? Draw the list of offences mentioned in the article.

2. Explain the meaning of the word “manslaughter” in your own word and give an example. What will be the possible punishment in your country?

3. Retell the story.

Reading for Enjoyment

At sea

Mrs Simons glanced at a screaming headline in the newspaper which read: “Bank Robbed! Police at Sea!” She said to her husband: “Now do you hear that, Ed? It says here that a big city bank was broken in by robbers and the city police force where all off fishing. What a scandal”.

Note: to be at sea – быть в растерянности

UNIT 12

Reading Practice

You are going to read about constitutional law and the rights of citizens. First say what you know about the Constitution of your country and what rights you have.

The Rights of Citizens

1. In the previous units we considered how the state regulates the behaviour of individuals in society by providing rules to be obeyed /criminal law/ and procedures for them to solve disputes among each other /civil law/. There are also laws which enable citizens to take legal action against the state - against, for example, a public authority or even against the government itself, these actions are part of constitutional law.

As knowledge of the law has increased among the general public, so have the number and range of constitutional law cases. In 1991, an unmarried couple complained in the Tokyo District Court that it was unconstitutional for the local authority to register their daughter as illegitimate. They said this could lead to discrimination and was against the equality of individuals guaranteed in the Japanese Constitution. Yanomami Indians are pursuing a claim that it is unconstitutional for the Brazilian military to block a 1989 court ruling granting them autonomy over lands in the Amazon rainforest. The military has countered that border security questions must be given priority. In 1976, Gary Gilmure persuaded the U.S. Supreme that his death sentence should be carried out since he had been convicted and sentenced for murder according to due legal processes. This brought about a resumption of executions in the United States which continues today.

2. A constitution is the political and ideological structure within which a system of laws operates. Most countries have a formal written Constitution describing how laws are to be made and enforced. The French Constitution, for example, sets a seven-year term

of office for the president; the U.S. constitution sets a four-year term. In Switzerland, a referendum /national vote/ must be held on any issue for which a petition signed by 10,000 people has been gathered, in Ireland, referenda are to be used only in the case of changes in the constitution itself. In Germany, a change in the constitution requires a special majority vote in parliament, not the simple majority necessary for other laws. Many other countries put the constitution above other laws by making it difficult to change.

3. One of the reasons for having special constitutional laws is to prevent governments from becoming too powerful and from interfering too much in the lives of individuals. Whereas socialist legal systems have tended to try to define exactly what the state allowed citizens to do, Anglo-American law has been more concerned with defining what the state could do, arguing that citizens are entitled to do everything other than that which the state forbids. As a check upon overpowerful government most modern constitutions have adopted the principle of separation of powers, developed in the 18th century by the French political philosopher Montesquieu.

4. Montesquieu argued that the functions of the state could be divided into policy formulation and direction /executive/, lawmaking /legislative/, and interpretation and application of the law /judicial/. To stop governments from becoming too powerful these functions should be carried out by separate institutions, and there should be a balance between them. In the United States, for example, the president /executive/ is elected by the people and attempts to carry out his policy promises through a presidential office of advisers. The Constitution gives him many important powers, such as control of the armed forces and appointment of Supreme Court justices, but many of his decisions and all new legislation must be approved by a majority in Congress /legislature/, which is also elected by the people. Many presidents have had important policies blocked by Congress. The Supreme Court /judiciary/ has the task of interpreting laws which have been disputed in lower courts, and of deciding whether a law passed by Congress or by one of the individual states is in keeping with the Constitution.

Comprehension Check

1. ***Look through the text and say whether the following statements are false or true.***

   1. All the countries in the world have written constitutions.

   2. France, Britain and the United States all have constitutions.

   3. In Germany and Ireland it is more difficult to change the constitution than other laws.

   4. Anglo-American law defines exactly what the state allows citizens to do.

   5. Interpretation and application of the law is the function carried out by the president.

2. ***Look through paragraphs 1 and 2 and try to explain the following.***

   1. What law enables citizens to deal with the state?

   2. What are the main aims of constitutional laws?

   3. How does constitution in your country differ from the one in Britain?

   4. In what cases is referendum held in your country?

3. ***On the basis of paragraphs 3 and 4 expand the following statements. Add information from the text.***

   1. It is necessary to have special constitutional laws.

   2. There are some differences between socialist legal system and Anglo-American law.

   3. Montesquieu divided the functions of the state.

   4. The US Constitution gives the president many important powers.

4. ***Look through the text and match the terms and their definitions. Consult the glossary if necessary. Translate the definitions.***

1. Constitution	a) the branch of government which puts into effect the policy and laws formulated by legislature.
2. Executive	b) the rules and practices that determine the composition and functions of the organs of central and local government in a state and regulate the relationship between the individual and the state.
3. Judicial	c) interpretation and application of the law.
4. Legislature	d) the supreme body with responsibility and authority to legislate for a political unit such as a state.

Written Practice

Translate the following into English

1. С развитием международных связей большое значение для национальных правовых систем приобрело международное право. Конституция ФРГ 1949 предусматривает, что общие принципы международного права имеют приоритет перед национальными законами.

2. Каждый человек, обвиняемый в совершении преступления, считается невиновным до тех пор, пока его виновность не будет установлена в ходе судебного разбирательства.

3. Одним из источников права являются общественные отношения, которые необходимо регулировать в жизни и важность которых должна быть осознана законодателем.

4. Государство гарантирует права и свободы граждан Беларуси, закрепленные в Конституции, законах и предусмотренные международными обязательствами государств.

5. Республика Беларусь охраняет и защищает национальную государственность белорусского народа.

Discussion Point

1. It is not constitutions, but politics, that determine citizens' rights. Give points for and against this statement.

2. It is unnecessary to have written constitution. Express your own ideas and proposals.

3. Compare the use of referenda in two countries.

Extra Activity

1. ***Say what you know about these famous human rights advocates and the contributions they made in fight for human rights:***

   Andrey D. Sakharov, a prominent scientist

   Alexander J. Solzhenitsyn, a gifted contemporary writer, a Nobel prize winner

   Anatoly F. Marchenko, a talented writer who died in prison in 1986 after 19 years of imprisonment on political charges

   Sergei Kovalev, a well-known political figure in Russia, who was the first human rights adviser to the President of Russia.

2. ***Read the news story and do the tasks that follow.***

Passenger Stabbed Attacker on Tube with a Swordstick

A Commuter carrying a swordstick stabbed a man in the stomach after he tried to strangle him on a London Underground train, a court was told yesterday.

Mr. Edward Cook drew his swordstick as he was held by the neck and his head was repeatedly struck against a door, it was said in Wood Green Crown Court.

The court heard that Mr. Cook, aged 56, was returning home on the Victoria Line when two young men attacked him.

"One of them pushed him against the door of the carriage, holding him by the neck and banging him against the door. At that stage he took out his sword and used it on the person attacking him,"Mr. Michael Lawson, for the prosecution, told the jury.

The attacker, who smelled strongly of alcohol, was taken to hospital and treated for the wound. Mr. Cook was arrested and charged with possessing an offensive weapon. He told police he carried the swordstick for self-defence while walking in Epping Forest. Mr. Lawson said there was no lasting injury to the attacker.

After the incident Mr. Cook was interviewed by police and explained why he used the swordstick.

He said: "l did it as a last means of self-defence. It was a desperate act as my life was in danger."

The walking stick, which was unscrewed to reveal a three-foot long blade and cost Mr. Cook 400, was shown to the jury.

The case continues today.

1. What was Mr Cook charged with?

2. What arguments do you think were used in court by the prosecution (by the defence)?

3. Which of these things do you think happened at the end of the trial?

-Mr. Cook was found not guilty.

-He was found guilty and was sent to prison.

-He was found guilty and had to pay a fine.

Read for Enjoyment

Prisoner: "Judge, I don t know what to do."
Judge: "Why, how's that?"
Prisoner: "I swore to tell the truth, but every time I try some lawyer objects."

UNIT 13

Reading Practice

Before reading think about the following points.
What do you understand by human rights?
How are human rights protected in your country?

Human Rights

1. In 1960, Peter Benenson, a British lawyer, read about two students who had been sentenced to seven years' imprisonment for drinking a toast to freedom during the Salazar dictatorship in Portugal. He joined with others to start a campaign for prisoners of conscience-people who had never used or advocated violence and were simply in prison because of their political or religious beliefs. This was the beginning of Amnesty International, the largest of many organizations in the world which put pressure on governments to observe human rights. By gathering information, creating publicity and writing letters, Amnesty has helped to speed up the release of such prisoners all over the world. It also campaigns for fair trials for political prisoners, an end to torture and inhuman treatment, and the abolition of the death penalty. Amnesty and other groups, such as the Anti-Slavery Society and Index on Censorship, have helped make more and more people aware of the concept of human rights-rights that go beyond the laws of one country.

2. Yet, not everyone agrees that merely being born as a human being entitles someone to certain freedoms and treatment, and those who do agree have different opinions as to what these rights are. Many of the rights of citizens are also considered human rights. What needs to be considered here more than the nature of such rights is to whom they apply. A constitutional right is one which a state guarantees to its own citizens and, sometimes, to foreigners who are within its jurisdiction. But a human right is one to

which people all over the world are entitled, whatever their nationality and wherever they live.

3. Most of the law in the world is made by individual governments for their own people. But human rights transcend political divisions. They are basic minimum standards of freedom and security for all. When governments fail to meet these standards, they are criticized by their own citizens, individuals in other countries, and even by foreign governments. Alleging human rights violations, some countries have imposed economic sanctions against others. Many countries have restricted trade to South Africa because of its policy of apartheid. Human rights have been cited as a reason for military intervention against foreign countries - for example, by the Indians in former East Pakistan, the Vietnamese in Cambodia - although there were undoubtedly other reasons for such intervention.

4. Is criticism of, and even intervention against, another country justified? There is both a moral and a legal side to this question. Opponents of interference argue that moral standards are the products of different cultures and it is wrong for one culture to impose its values on another. In reply to criticism of its policies in China and Tibet, the Chinese government has repeatedly argued that international human rights organizations make judgements based on the values of Western capitalist nations and that China has its own values which put more emphasis upon economic security and community solidarity. The governments of some Islamic states have defended the veiling of women and cutting off the hands of thieves as practices founded in their religion and which ensure a safe society. On the legal side, some have argued that the independence of nation states is the basis of the United Nations, the fundamental body of international law and order, and that when one country interferes in the affairs of another it is because its economic and military power, not its human rights policies, is superior.

Comprehension Check

1. ***Reread paragraph 1 and say about the origin of human rights. Find the answers to the following questions.***
   1. Who was the organizer of a campaign for prisoners of conscience?
   2. How does Amnesty International carry out its work?
   3. What are the four aims of Amnesty International?
2. ***Look through paragraph 2 and try to explain the difference between a constitutional right and human rights. Give your own examples to illustrate the fact.***
3. ***On the basis of paragraphs 2,3 and 4 expand the following statements. Add information from the text.***
   1. A human right is one to which every human being is entitled.
   2. Most of the law is made by individual governments.
   3. Human rights go beyond human knowledge or political divisions.
   4. Intervention against another country is justified by certain reasons.
   5. Moral standards are products of different cultures.
4. ***Find in each paragraph sentences or parts of them carrying the most important information in a compressed form, join them together and make a short summary.***

Written Practice

1. ***Translate the following text into Russian using a dictionary if necessary.***

   The European Court of Human Rights was established by the European Convention for the Protection of Human Rights and Fundamental Freedoms and was set up in Strasbourg in 1959.The Convention, which was drawn up by the Council of Europe in 1950,was inspired by the United Nations Universal Declaration of Human Rights of 1948 and protects many essential rights such as the right to life, freedom from torture and slavery, freedom of thought, conscience and religion, the right to marry and found a family, freedom of peaceable assembly and association, and the right to a fair trial. Only states which are parties to the Convention and the European Commission of Human Rights have the right to bring a case before the Court. Some States have incorporated the Convention into domestic law, but Britain has not, so that it is not directly enforceable as British law. However, British cases have led to some changes in UK domestic law.

2. ***Translate the following into English.***

   1. Права человек - это социально-экономические, политические, культурные и другие возможности свободной жизнедеятельности человека.

   2. Наиболее важным естественным правом каждого человека является право на жизнь, и это право охраняется законом.

   3. Каждый человек имеет право на свободу мысли, совести и вероисповедания.

   4. В четвертой статье Французской Декларации прав человека и гражданина свобода определяется “как возможность делать все, что не приносит вреда другому.”

   5. Первым международным документом, провозгласившим перечень прав и свобод, явилась Всеобщая декларация прав человека, принятая 10 декабря 1948

года.

6. 12 июня 1776 года в Билле о правах, который явился введением к конституции американской колонии Виргинии, впервые были провозглашены права человека.

Discussion Points

1. Mention one argument for and against intervention against another country because of its human rights policy.
2. There are three international agreements on human rights. How do they work?
3. Give points for or against the statement that there is no human rights violence in your country.

Extra Activity

1. ***Read the two case histories below and decide which offences Jack and Annette have committed:***

Two Cases

Jack Thatcher

Like his father, Jack Thatcher is a jailbird – at the age of 40 he has spent most of his life in prison for various offences of violence and theft. He comes from a broken home, has had no real education and has never had a job. The only way he knows how to make money is by stealing it. When he came out of prison last week, he decided to rob a village post office. During the robbery, the postmaster tried to ring the alarm, so Jack hit him on the head with his gun. At that moment a customer

came into the post office. She screamed. In panic, Jack shouted at her to keep quiet. When she continued to scream, he shot her. Jack thought quickly. He took a box of matches from his pocket and set fire to the building, then escaped with the money.

Annette Forbes

Annette Forbes is head of the marketing division of GMS, the computer company. She went to university, has a good job and enjoys a happy family. She has always been a ”law-abiding citizen". One day she arrived a little late for work, and had to park her car in a no-parking zone. She took a client out for a business lunch and drank a gin and tonic, half a bottle of wine and a liqueur to celebrate an important new contract. When driving back to work, she was stopped by a policeman, who tested her breath for alcohol. He told her she had drunk too much and would be disqualified from driving for a year. Annette (who needs her car for her job) suggested he might "forget"about the offence in return for a brand GMC home computer. That afternoon, Annette remembered that she had no more writing-paper at home. As usual, she took a new packet of paper from the office and a box of six pencils.

1. If they are charged and convicted of all their offences, what sentences do you think Jack and Annette will receive?

2. In your opinion, what is the most suitable punishment for Jack and Annette?

3. Do you think they will commit other offences in future?

2. ***Read the following phrase carefully and say how the criminal betrayed himself.***

“It wasn’t me. I look like a lot of guys. I have never been near the dentist’s office. This Robbins, I bet he has never seen me, so can you prove?”

Read for Enjoyment

He Earned his Dollar

The judge looked sternly over his eye-glasses at the man who had been brought before him on a charge of vagrancy (бродяжничество)

"Have you ever earned a dollar in your life?"he asked with scorn (презрение).

"Yes, Your Honour was the answer."I voted for you at the last election".

* * *

First juror: "We shouldn't be here very long. One look at those two fellows convinces me that they are guilty."

Second juror: "Not so loud, you fool! That's counsel for the prosecution and counsel for the defence!"

Vocabulary study

LEGAL TERMS

In Context

Before studying the definitions, try reasoning out the meaning of each word, using context as .your guide.

1. Our new principal announced that he plans to *abrogate* some of the school roles and institute others, which has us all wondering what will be abolished and what established.

Key: Synonym **Abrogate** means _____.

2. When a sad-eyed holstein cow (голштинской породы) was discovered in school the morning after Halloween, certain sophomores were accused, then later *acquitted* when the guilty juniors confessed.

Keys: Logic, antonym **Acquit** means _____.

3. The principal encouraged our student Disciplinary Review Board to *adjudicate* the Holstein Affair and later told us how pleased he was with our judicial process.

Key: Near definition **Adjudicate** means _____.

4. The *advocate* for the sophomores' defense was the biology teacher, who'd hosted a party for the sophomores at his house on Halloween.

Key: Logic **Advocate** means _____.

5. After hearing our sentence for the juniors, their advocate asked that we *commute* it to only one week of floor scrubbing instead of two, because the guilty ones had come forth voluntarily—and had returned the cow intact.

Keys: Logic, example **Commute** means _____.

6. One of the messiest cases our Disciplinary Review Board had to settle concerned upper-class students who were *extorting* exam questions and answers from two frightened freshmen who worked part-time in the school office.

Key: Logic **Extort** means _____.

7. Students from other schools who are found misbehaving on our school property are *extradited* to their own schools for disciplinary action.

Keys: Logic, example **Extradite** means _____.

8. Our student court would never deal with a crime as serious as *a felony.*

Key: Logic **Felony** means _____.

9. We had always known that our biology teacher was a skilled debater, but we were especially impressed with *his forensic* skills when he defended the sophomores.

Key: Logic **Forensic** means _____.

10. The innocent sophomores in the Holstein Affair realized that their own reputations had *indicted* them before trial. Since their acquittal, they have all been model students.

Key: Logic **Indict** means _____.

11. The juniors were relieved that the owner of the holstein did not charge them with *larceny.* As his cow was worth several hundred dollars, their theft would have been

considered grand larceny had the animal died or disappeared.

Key: Synonym **Larceny** means _____.

12. We were able to assign fair punishment for the offenders in the Holstein Affair within the confines of our school, whereas formal *litigation* in court would have embarrassed everyone.

Keys: Logic, contrast **Litigation** means _____.

13. Our local mayor had been suspected of wrongdoing for several months, so it was actually a relief to the town when he was brought to court on a charge of *malfeasance.*

Keys: Synonym, example **Malfeasance** means _____.

14. Not wishing to be convicted of malfeasance, the mayor lied under oath, but he was caught at that as well, and *perjury* was added to his list of offences.

Key: Definition **Perjury** means _____.

15. The *sanction* attached to smoking on our school grounds is a three-day suspension, which, as Dad said, "Certainly puts teeth into that rule."

Keys: Near definition, example **Sanction** means _____.

16. In government class we discussed the law of *torts,* which came to us from England with the colonists. A tort is a legal wrong committed on the person or property of another independent of contract—such as trespass, nuisance, and defamation of character.

Keys: Definition, examples **Tort** means _____.

17. Unlike New York City — vast, impersonal home of the bag ladies — our town is so small that a *vagrant* is immediately noticed and cared for.

Keys: Logic, example **Vagrant** means _____. **Word**

Study

After a Latin lesson, you are in fine etymological shape for learning legal terms. Like *habeas corpus* and *corpus delicti,* many have come *verbatim* from Latin into the English language. Not long ago, a list of law terms would have appeared in a text like this. Now, the number of legal suits has greatly increased, along with our awareness of human rights,

so that everyone needs to understand legal terminology.

A state is better governed which has but few laws, and those laws strictly observed.
— Rene Descartes (1596-1650)

1. abrogate *v.* to annul, abolish or legally do away with; from L. *ab* +*rogare,* to ask, propose a law

The word *abrogate* comes directly from the old Roman senate mat asked the people *abrogare legem* (to speak, or solicit, against the law) when they wished to repeal a law.

Relative: *abrogation*

Synonyms: *annul,nullify*

Antonym: *establish*

2. acquit *v.* to free of blame or obligation entirely; to behave well or acceptably, as *the novice class acquitted itself with distinction at the tournament;* from L. *ad* + *quite,* free of

We had blamed Marigold for attracting a stray black cat, but she was *acquitted* when we realized that the stray was wooing young Poucette. Relatives: *acquittal, acquittance* (legal document/receipt) Synonyms: *exonerate, exculpate; behave* (second meaning)

Antonyms: *accuse, inculpate*

3. adjudicate *v.* to settle by legal process as a judge does, or to act as judge; from L. *ad* + *judicare,* to judge

Newly elected members to the Disciplinary Review Board think they will be able to *adjudicate* students' problems with ease, but they learn otherwise.

Relatives: *adjudicator, adjudge, adjudicative, adjudication, adjudicatory*

4. advocate *n.* one who pleads a case or represents the accused, as a lawyer; anyone who defends or acts as champion for a cause or proposal. *v.* to speak or write in favor of,

as *his essay advocates/ever elections for longer terms of office;* from L. *ad* + *vocare,* to call, summon.

At the famous Scopes trial in 1925, the respected advocate for the defense, Clarence Darrow, said, "I do not pretend to know where many ignorant men are sure that is all that agnosticism means."

Relatives: *advocator, advocation, advocative*

Synonyms: n., *lawyer, solicitor*

Antonym: v., decry

5. commute *v.* to reduce or change a penalty or punishment to something less demanding; in law, to commutate; also to go back and forth with regularity, as *he commutes/row New Jersey to New York every day;* from L. *commutare,* to exchange

The felon's sentence was *commuted* to twenty years when his rehabilitation became obvious to everyone.

Relatives: *commutation, commutate, commutable, commuter, commute* (n., the trip)

6. extort *v.* to get something from another by force, power, intimidation, wits, etc.; to wring, as *he extorted a confession from the accused man;* from L. *ex* + *torquere,* to twist, wring

When more of the people's sustenance is exacted through the form of taxation than is necessary . . . such exaction becomes ruthless extortion *and a violation of the fundamental principles of a free government.*

Relatives: *extortion* (gross overcharge, usually of money), *extorter, extortive,extortioner, extortionate, extortionately*

Synonyms: *educe', extract; elicit* (second meaning)

7. extradite *v.* to hand over an accused person to the authority with proper jurisdiction to try the case; from L. *ex-* + *tradition-, traditio,* act of handing over International criminals are often *extradited* to their home countries, but exceptions have occurred when a victimized country refuses to *extradite* terrorists.

Relatives: *extradition, extraditable*

8. felony *n.* a crime serious enough to be legally declared a felony, usually incurring a severe penalty such as imprisonment for longer than a year or death;-from L. *fellon-, fello,* villain, evildoer

Relatives: *felon (criminal), feloniously, felonry* (the convict population)

9. forensic *adj.* referring to or used in law courts or discussion and *debate; argumentative or rhetorical; from L.* forensis, *public, from* forum. The aim of forensic oratory is to teach, to delight, to move.

Relatives: *forensic (n., an exercise in argument), forensically*

10. indict *v.* to accuse or charge with a wrong; to charge with a crime by due process of law; possibly from L. *in + dicere,* to pronounce, utter Injustice is difficult to bear, and we remember times when we were unfairly *indicted.*

Relatives: *indictment, indicter (-or), indictable*

Synonyms: *accuse, inculpate*

Antonyms: *absolve, exculpate*

11. larceny *n.* theft; any offense by which property is gotten illegally; from L.*latrocinium,* robbery

"You're a mouse studying to be a rat,"Wilson Mizner said, Just as we ought *say that petit larceny* differs from *grand larceny* only in size, -Relatives: *larcenist, larcenous, larcenously*

Synonym: *theft*

12. litigation *n.* a legal suit in a court of law, a lawsuit; from L. *lit-, lis,* lawsuit + *agere, to* drive

Large, wealthy corporations must employ numerous lawyers for *litigation,* some of which is justifiable and some surely reprehensible for its waste of court time and everyone's money.

Relatives: *litigant (n.,* one party to a lawsuit), *litigant (adj.); litigate, litigable, litigious*

Synonym: *lawsuit*

13. malfeasance *n.* official misconduct or wrongdoing, usually by someone in charge

of public affairs; from Anglo-Norman, *malfeasance,* doing evil The governor's shady dealings in the awarding of public contracts came to light and resulted in his trial and eventual conviction of *malfeasance.*

14. perjury *n.* lying under oath, either by saying something untrue or by failing to do what was promised in the oath; from L. *per* + *jurare,* to swear . *An oath, an oath, I have an oath in heaven:*

Shall I lay perjury *upon my soul? No, not for Venice.*
—Shakespeare, *The Merchant of placeCityVenice*

Relatives: *perjure (v.), perjurer, perjurious, perjuriously*

15. sanction *v.* to confirm or authorize; to endorse, approve, or support; *n.* authorization, support, or approval; that which gives force to a law, such as the penalty for breaking that law or the reward for upholding it or enforcing it; used in pl.: forceful, coercive measures to ensure compliance with law (usually international sanctions); from L. *sancire,* to make sacred.

I cannot *sanction* your attendance at a street gathering that is apt to become dangerous. It will take the pressure of international *sanctions* to preserve many sea creatures from extinction.

Relatives: *sanctipner, sanctionable*

Synonyms: *v., authorize, endorse, approve*
n., authorization, support,approval

Antonyms: v., *disapprove, interdict*
n., disapproval

16. tort *n.* with the exception of breach of contract, a wrongful act against another that results in injury or damage and for which satisfaction can legally be obtained; from L. *torquere,* to twist

The U.S. law of *torts,* developed to protect a wide range of human interests against wrong, has its roots in the Norman Conquest of England in 1066, when the English common law was born.

17. vagrant *n.* someone lacking a definite home who wanders from place to place; a wanderer, rover; someone whose behavior is socially unacceptable, e.g., a drunkard, who can legally be classified a vagrant, *adj.* roving, wandering, or fleeting, with no set course, as *a vagrant thought;* random; from Anglo-Norman, *vagaraunt,* vagrant.

Gifted actress-comedienne Lucilte Ball no doubt enjoyed her challenging role as a placeStateNew York *vagrant* in the television play "Stone Pillow."

Relatives: *vagrancy, vagrantly*

Synonyms: n., *wanderer, rover, vagabond, tramp* adj., *random, roving, wandering, errant* **Root Study**

This collection of roots deals mainly with people and the law.

1. DEM and PLEB mean people.

democracy - system of government wherein the people role directly or through their elected representatives; literacy*, rule by the people*

endemic - confined within a specific, local area; native, as opposed to *epidemic,* which refers to something affecting many people at me same time, *or pandemic,* referring to anything occurring throughout a large area and affecting a high proportion of the population

demagogue - a false leader of people who says what the people want to hear

plebiscite - a vote by all people in a country/district

plebeian - rode, common, low, coarse or erode, as *plebeian tasks;* literally, *of the common people*

2. DIC/DICT means to speak, say.

verdict - the official ruling of a court or authority *interdict-n.,* a prohibition, a formal decree that forbids something v., to forbid with authority, refuse to sanction

malediction - a curse, execration

dictator - *one* whose word is law, who exercises total control and authority

jurisdiction - the power and authority to apply/interpret law; literally, *speaking in judgment*

3. JUD, JUR, and JUS mean judge.

judicial - referring to a judge; in a considerate, deliberate, and thoughtful manner

jurisprudence - the body of law with its working system; science/philosophy of law

justice - a person, as *a chief justice* (judge); the acknowledged fair result, fairness

abjure - to reject, renounce, or forswear, as *People on diets abjure desserts.*

adjure - to charge or command solemnly, to order, *as I adjure you to ignore that chocolate cake.*

4. JUNCT, JUG, and JOIN mean to join, to marry, mating.

junction - a place of meeting or joining

injunction - a court order requiring you to do or to refrain from doing something; an order or admonition

conjugal - referring to marriage, matrimonial

joint - *adj.,* combined, united; *as joint effort* n., a skeletal point of contact, as *the elbow or knee joint;* large piece of roasting meat; anywhere two things or parts are joined (Note: The root LEG means law. Remember *legislate, legal, illegal, legacy. A. paralegal employ ee is* one who works with the law but lacks a degree in law.)

Using the Words

Exercise I. Translation.

Write down all the possible Russian equivalents to the following words.

abrogate, acquit, adjudicate, advocate, commute, extort, indict, penury, extradite, larceny, sanction, felony, litigation, tort, forensic, malfeasance, vagrant

Exercise II. You're the Lawyer.

Using all of the information in list above and Roots, complete the following with the correct expressions or words on the lines.

1. A model prisoner hopes that his five-year sentence may be _____ to only two or three years.

2. I trespassed on your property in such a disorderly, noisy manner that your flock of turkeys panicked and several died in the crush. Under what law may you take me to court? _____

3. On the witness stand, I failed to mention that the accused had been at the scene of the crime on the fatal night. When this critical omission was discovered, I was charged with _____.

4. The final pronouncement of innocence or guilt is known as the _____.

5. The marriage of King Henry VIII and Anne of Cleves was not consummated, and Henry had their marriage abrogated by court order. This is commonly called _____.

6. The noise of my building crew exceeded that allowed by local ordinance, and I was prohibited from further building by a court _____ until the situation could be rectified.

7. I didn't have enough money to pay for the gas put in my tank. I took money from the gas station's cash box and was caught red-handed with the stolen five-dollar bill. The station owner prosecuted, charging me with _____.

8. On a dare, I dressed in rags, pretended to be sozzled (пьяный), and loitered conspicuously around the bus station. Luckily, the policeman who questioned me believed my story and didn't haul me to the station as a _____.

9. Having watched lots of cops and robbers on television, I know that when taken to the police station I have the right to call my _____, who will act as _____ for my defense.

10. At an international meeting, members voted on _____ prohibiting excessive fishing of dolphins and whales, and establishing mileage limits within which me creatures would be safe from all fishing.

11. The kidnapper of my daughter will need a lawyer with awesome _____ skills-if he hopes to be imprisoned the minimum number of years required by law.

12. As elected treasurer of the Latin Club, I deposited the dues in my personal bank account so that I could collect the interest. The dues were spent over the year but I kept the interest and am guilty of _____.

13. My car rammed your car, which I maintain was crossing illegally in front of me. Neither of us will admit blame. We've hired lawyers and are now embroiled in _____.

14. Pity the judge who _____ the foregoing disputes. He must have some long days.

15. In his home state the alleged murderer was _____ by a grand jury on a charge of homicide.

16. Months later we heard that our alleged murderer was just that: alleged. He was innocent of the crime and _____ by a jury of his peers.

Exercise III. Antonyms.

Find an antonym (or opposing phrase) for each word on the left.

1. interdict	(a) to indulge in
2. establish	(b) to absolve, acquit
3. advocate (v.)	(c) to sanction
4. abjure	(d) stable, fixed
5. indict	(e) dictatorship
6. sanction (v.)	(f) to abrogate
7. vagrant	(g) reparation
8. democracy	(h) to disapprove of

9. adjure	(i) to discourage, go against
10. junction	(j) to beg, plead with

Exercise IV. Word Analysis.

1. What is the difference between a civil lawsuit and a criminal one?

2. Do you agree or disagree Match each person inwith Rene Descartes's assertion about the government of a state? Why?

3. The television program "Quincy"was about a medical doctor in the police department whose specialty was forensic medicine. Briefly, what is forensic medicine?

4. *Vagabond, rover, vagrant, wanderer,* and *tramp can,* at times, be synonymous, but their connotations are quite different. Which ones are positive or neutral in meaning, and which negative? Which one(s) suggest(s) a carefree, independent person? Of the five words, which one could you accept as a description of yourself?

5. What is a *larcenous* thought?

РАЗДЕЛ КОНТРОЛЯ ЗНАНИЙ

ЛЕКСИЧЕСКИЕ ТЕСТЫ

1. Put each of the following words and phrases into its correct place in the passage below.

bigamy civil classes community countries crimes criminal law felony fine forgery laws life imprisonment misdemeanour offences penalty person prison state term treason

Crime

Crime violates the laws of a community, ... or nation. It is punishable in accordance with these ..... . The definition of crime varies according to time and place, but the laws of most ..... consider as crimes such ..... as arson, ... , burglary, ... , murder, and ..... .

Not all offences against the law are ..... . The laws that set down the punishments for crimes form the ..... . This law defines as crimes those offences considered most harmful to the ..... . On the other hand, a ..... may wrong someone else in some other way that offends the ..... law.

The common law recognizes three ..... of crime: treason, ... , and misdemeanour. Death or ..... is the usual ..... for treason. Laws in the United States, for example, define a felony as a crime that is punishable by a ..... of one year or more in a state or federal

..... . A person who commits a ..... may be punished by a ..... or a jail term of less than one year.

2. ***Put each of the following words and phrases into its correct place in the passage below.***

accuse	cross-examinations	legal	panel
acquit	fault	disputes	sentence
civil	guilty	legislature	swear
suits	judge	list	testimony
counsel	jurors	money	trial
court	jury	officer	witnesses

Trial by Jury

A jury is a selected group of laymen that hears the ..... in ..... and decides the facts. A courtroom trial in which a ..... decides the facts is called a ..... by jury.

Before each ..... term, a jury commissioner or another public ..... prepares a panel, or large initial ..... of qualified jurors. For each trial, ... are selected by lot from this ..... . Before the trial begins, the jurors ..... to decide the facts fairly. They hear the ..... given by witnesses for both sides, including ..... . Then ..... for each side sum up, or summarize the case, and the ..... explains the applicable law in his instructions to the jury.

In ..... for financial damages, the jury must decide who is at ..... and must determine the amount of ..... to be paid. In criminal cases, the jury must decide whether or not the ..... is guilty "beyond a reasonable doubt and then either return a verdict of guilty, or ..... the defendant by a verdict of not guilty. If the verdict is ..... the judge imposes the ..... , or punishment, within limits that have been fixed by the ..... .

3. The following groups of sentences describe the legal process which follows a crime. However, with the exception of the first sentence, the sentences in each group are in the wrong order. Put them into the correct order, using the key words in bold to help you.

Part 1

A. One night, Jim Smith ***committed*** a serious crime. = *Sentence 1*

B. Jim asked the officer for a ***solicitor*** to help him.

C At the same time, the police arranged for a **barrister to *prosecute* him.**

D. They took him to the police station and formally ***charged*** him with the crime.

E. When the ***trial*** began and he appeared in **court** for the first time, he ***pleaded* his *innocence.***

F. The next morning the police ***arrested* him.**

Part 2

A. His barrister also said he was ***innocent*** and asked the court to ***acquit* him.** = *Sentence 1*

B. While he was in prison, he applied for ***parole.***

C. As a result, the judge ***sentenced*** him to two years in prison.

D. He was ***released*** after 18 months.

E. However, there were several ***witnesses,*** and the ***evidence*** against him was overwhelming.

F. Having all the proof they needed, the ***jury*** returned a ***guilty verdict.***

4. Complete the following sentences with the words and phrases from the box.

theft; evidence; sentence; court; pleaded; arrest; charge; magistrate; fingerprints; oath; detained; handcuff; found; investigate; fine; witnesses; cell.

A policeman was sent to .. the disappearance of some property from a hotel. When he arrived, he found that the hotel staff had caught a boy in one of the rooms with a camera and some cash. When the policeman tried to ... the boy, he became violent and

the policeman had to ... him. At the police station the boy could not give a satisfactory explanation for his actions and the police decided to ... him with the ... of the camera and cash. They took his ..., locked him in a ..., and ... him overnight. The next morning he appeared in ... before the ... . He took an ... and ... not guilty. Two ..., the owner of the property and a member of the hotel staff, gave ... . After both sides of the case had been heard the boy was ... guilty. He had to pay a ... of £50 and he was given a ... of three months in prison suspended for two years.

ГРАММАТИЧЕСКИЕ ТЕСТЫ

тест №14

тест №15

тест №16

тест №17

тест №18

тест №19

ЭКЗАМЕННАЦИОННЫЕ МАТЕРИАЛЫ (ОБРАЗЕЦ)

EXAMINATION LEXICAL GRAMMAR TEST

Итоговый лексико-грамматический тест для студентов юридического факультета

Ex.1. Complete each sentence with a word from the list making necessary changes

Sentence, lawyer, statement, suspect, accused

a) George won his case because he had a very good defence .....
b) The police visited Dawn and asked her to make a/an .....
c) Because of his past criminal record, Brian was the main .....
d) Pauline decided to sue the police because she had been wrongly .....
e) The murderer of the children received a life .....

Ex. 2. Choose the best alternative to complete the following sentences.

1. A person who commits a criminal offence is called a criminal, or...
a) offender b) citizen d) habitant
2. The law can punish criminals in many different ways, but the worst is...
a) fine b) life imprisonment d) death sentence
3. Young people who committed a crime are tried by a special court called the...
a) juvenile b) the High Court d) the Crown Court
4. I'm not saying another word until I've spoken to my...
a) solicitor b) lawyer d) witness
5. The police didn't have enough... to convict him.
a) verdict b) sentence d) evidence

Ex.3. Choose the best answer

1. Trial by jury ...to England by the Normans.

a) has been brought b) will be brought c) was brought
2. The robbers... as soon as they left the bank.
a) will be arrested b) were arrested c) arrested
3. They... the case since 2 o'clock.
a) have been hearing b) heard c) were hearing
4. They... their suitcases when the taxi arrived.
a) have packed b) were packing c) packed
5. He lets them... their own essay topics.
a) choosing b) choose c) to choose
6. Nobody can expect you... overtime.
a) working b) work c) to work
7. He was said ... a man who could always defeat any opposition.
a) to be b) being c) be
8. If you... your homework, you won't be allowed to go out.
a) won't do b) didn't do c) don't do
9. If she lived in the country, she... a dog.
a) will have b) has had d) would have
10. If I had told her the whole story, she... me.
a) will not believe b) would not have believed c) have not believed

TEXT FOR WRITTEN TRANSLATION

Why Crimes Occur

No one knows why crime occurs. The oldest theory, based on theology and ethics, is that criminals are perverse persons who deliberately commit crimes or who do so at the instigation of the devil or other evil spirits. Although this idea has been discarded by modern criminologists, it persists among uninformed people and provides the rationale for the harsh punishments still meted out to criminals in many parts of the world.

Many prominent criminologists of the 19^th century attributed crime mainly to the influence of poverty. They pointed out that persons who are unable to provide adequately

for themselves and their families through normal legal channels are frequently driven to theft, burglary, prostitution, and other offences. The incidence of crime especially tends to rise in times of widespread unemployment. Present-day criminologists take a broader and deeper view; they place the blame for most crimes on the whole range of environmental conditions associated with poverty.

The living conditions of the poor, particularly of those in slums, are characterized by overcrowding, lack of privacy, inadequate play space and recreational facilities, and poor sanitation. Such conditions engender feelings of deprivation and hopelessness and are conducive to crime as a means of escape.

The feeling is encouraged by the example set by those who have escaped to what appears to be the better way of life made possible by crime.

Some theorists relate the incidence of crime to the general state of culture, especially the impact of economic crises, wars, and revolutions and the general sense of insecurity and up rootedness to which these forces give rise. As a society becomes more unsettled and its people more restless and fearful of the future, the crime rate tends to rise. This is particularly true of juvenile crime, as the experience of the United States since World War II has made evident.

TEXT FOR ANNOTATION

Most legal systems find it necessary to divide into categories for various purposes connected with the procedure of the courts - determining, for instance, which kind of court may deal with which kind of offence. The common law originally divided crimes into two categories - felonies (the graver crimes, generally punishable with death, which resulted in forfeiture of the perpetrator's land and goods to the crown) and misdemeanours (for which the common law provided fines or imprisonment). There were many differences in the procedure of the courts according to whether the charge was felony or misdemeanour, and other matters that depended on the distinction included the power of the police to arrest a suspect on suspicion that he had committed an offense, since to arrest a suspect was generally permissible in felony, but not in misdemeanour. Suspect is someone who is

thought to be guilty of a crime. By the early 19th century it had become clear that the growth of the law had rendered this classification obsolete and in many cases inconsistent with the gravity of the offenses concerned, for example, theft was a felony, irrespective of the amount stolen or obtaining by fraud was always a misdemeanour.

GLOSSARY

A

abolish – to bring to an end by law.

accomplice – one who is a party to a crime, either as a principal or as an accessory.

accuse – to state that someone is guilty of a crime, to charge someone with a crime.

accused – the accused is the person in a criminal trial, who is accused of a crime, the defendant.

acquittal – a decision by a court that a defendant accused of a crime is innocent.

Act of Parliament(statute) – a document that sets out legal rules and has(normally) been passed by both Houses of Parliament in the form of a Bill and agreed by Crown.

actus placeCityreus(Latin: a guilty act) – the essential element of a crime that must be proved to secure a conviction, as opposed to the mental state of the accused.

Administrative law - is the area of law relating to the functions and powers of government organizations (not the supreme executive and legislative) and how they operate in practice to administer government policy.

affidavit - a sworn written statement used mainly to support certain applications and, in some circumstances, as evidence in court proceedings.

allege - to claim or state(usually in evidence)that something is true.

appeal - is an application to a higher court or body to examine again a case decided by a lower court or body and possibly give a different decision

arrest - to take away the freedom of a person suspected of a crime by legal authority.

arson - the intentional or reckless destruction or damaging of property by fire without a lawful excuse.

assault - to make an unlawful physical attack against another person, or do something which makes them fear immediate physical violence

advocate - one who argues a case for a client in court. In Scotland, a member of the faculty of Advocates, the professional organization of the Scots Bar.

alibi(from Latin: elsewhere) - a defence to a criminal charge alleging that the defendant was not at the place at which the crime was committed and so could not have been responsible for it.

arson - the intentional or reckless destruction or damaging of property by fire without a lawful excuse.

attempt - any act that is more than merely preparatory to the intended commission of a crime; this act is itself a crime.

B

bailiff - an officer of a court (usually a county court) concerned with the service of the court's processes and the enforcement of its orders.

bar - the bar is the profession of barrister, and a collective term for all barristers(in the placecountry-regionUS all lawyers). Barristers are "called to the Bar" when they are admitted to practice before the court.

barrister - (in placecountry-regionScotland "advocate") is a member of the legal profession who has been "called to the Bar". With certain exceptions a barrister may only act upon the instructions of a solicitor, who is also responsible for the payment of the barrister's fee.

beneficiary - is a person for whose benefit or advantage property is held in trust; also, a person who receives something under a will.

bigamy - you commit the crime of bigamy if you marry another person when you are still lawfully married to someone else.

Bill - is a proposed law - the preliminary version or draft of an Act of Parliament, which is put before the legislature for discussion and approval.

breach - is the act of breaking a law, agreement, etc. a violation.

breach of contract - is an actual failure by a party to a contract to perform his obligations under that contract or an indication of his intention not to do so.

bribery and corruption - offences relating to the improper influencing of people in

certain positions of trust. The offences commonly grouped under this expression are now statutory.

brief - a document by which a solicitor instructs a barrister to appear as an advocate in court. Unless the client is receiving legal aid, the brief must be marked with a fee that is paid to counsel whether he is successful or not.

burglary - the offence of either entering a building, ship, or inhabited vehicle as a trespasser with the intention of committing crimes.

C

capital punishment - death imposed as a punishment for crime. Capital punishment for murder was abolished in the placecountry-regionUK in 1965, but it still exists for piracy when murder is attempted and for treason, although subject to the royal prerogative of mercy.

case – 1) a court action. 2) a legal dispute. 3) the arguments, collectively, put forward by either side in a court action.

case law - the body of law set out in judicial decisions, as distinct from statute law.

charge – 1) a formal accusation of a crime, usually made by the police after interrogation. 2) instructions given by a judge to a jury.

cheat - a common-law offence, now restricted to defrauding the public revenue(e.g. the tax authorities).

civil defence - an organization established in time of war to afford protection against attack by a foreign power.

civil law - 1) the law of any particular state, now usually called municipal law. 2) roman law. 3) a legal system based on Roman law, as distinct from the English system of common law. 4) private law, as opposed to criminal law, administrative law, military law.

claim - a demand for a remedy or assertion of a right. The term is used in certain court pleadings, such as statement of claim.

common law - the part of English law based on rules developed by the royal courts during the first three centuries after the Norman Conquest(1066) as a system applicable to the whole country, as opposed to local customs.

complainant - a person who alleges that a crime has been committed.

confession - an admission, in whole or in part, made by an accused person of his guilt. At common law, confessions were admissible if made voluntarily, i.e. not obtained as a result of some threat held out by a person in authority.

constitution - the rules and practices that determine the composition of the organs of central and local government in a state and regulate the relationship between the individual and the state. Most states have a written constitution, one of the fundamental provisions of which is that it can itself be amended only in accordance with a special procedure. The constitution of the placecountry-regionUK is largely unwritten.

court – 1) a body established by law for the administration of justice by judges or magistrates. 2) a hall or building in which a court is held.

crime - an act (or sometimes a failure to act) that is deemed by statute or by the common law to be a public wrong and therefore punishable by the state in criminal proceedings.

criminal court - a court exercising jurisdiction over criminal rather than civil cases. In placecountry-regionEngland all criminal cases must be initiated in the magistrates' courts.

criminal damage - the offence of intentionally or recklessly destroying or damaging any property belonging to another without a lawful excuse.

cross-examination - the questioning of a witness by a party other than the one who called him to testify.

custody – 1) imprisonment or confinement. 2) legal possession, guardian-ship, or control.

D

damage - loss or harm. Not all forms of damage give rise to a right of action.

damages - a sum of money awarded by a court as compensation for a tort or a breach of contract.

deceit - a tort that is committed when someone knowingly or recklessly makes a false statement of fact intending that it should be acted on by someone else and that person does act on the false statement and thereby suffers damage.

deception - a false representation, by words or conduct, of a matter of fact(including the existence of an intention) or law that is made deliberately or recklessly to another person.

de facto(Latin: in fact) – existing as a matter of fact rather than of right. The government may, for example, recognize a foreign government de facto if it is actually in control of a country even though it has no legal right to rule.

default - failure to do something required by law, usually failure to comply with mandatory rules of procedure. If a defendant in civil proceeding is in default (e.g. by failing to give notice of intention to defend),the plaintiff may obtain judgement in default. If the plaintiff is in default the defendant may apply to the court to dismiss the action.

defence - a pleading served by the defendant in answer to the plaintiff statement of claim. If the defendant fails to serve a defence within the prescribed time, the plaintiff may obtain judgement in default.

defendant - a person against whom court proceedings are brought.

defrauding - any act that deprives someone of something that is his or to which he might be entitled or that injures someone in relation to any proprietary right.

de jure - (Latin) as a matter of legal right.

detention - depriving a person of his liberty against his will following arrest. Detention of adults without charge is allowed only when it is necessary to secure or preserve evidence or to obtain it by questioning; it should only continue beyond 24 hours in respect of serious arrestable offences.

devil - a junior member of the Bar who does work(usually settling pleadings or writing opinions) for a more senior barrister under an informal arrangement between them and without reference to the senior's instructing solicitor.

discharge - release from an obligation, debt, or liability, particularly the following. 1) discharge of contract. 2) to release of a debtor from all provable debts at the end of bankruptcy proceedings.

duress - pressure, especially actual or threatened physical force, put on a person to act in a particular way. Acts carried out under duress usually have no legal effect.

E

entrapment - deliberately trapping a person into committing a crime in order to secure his conviction, as by offering to buy drugs. English courts do not recognize a defence of entrapment as such, since the defendant is still considered to have a free choice in his acts.

equity - that part of English law originally administered by the Lord Chancellor and later by the Court of Chancery, as distinct from that administered by the courts of common law.

error - a mistake of law in a judgement or order of a court or in some procedural step in legal proceedings.

evidence - that which tends to prove the existence or nonexistence of some fact. It may consist of testimony, documentary evidence, real evidence, and, when admissible, hearsay evidence.

examination - the questioning of a witness on oath or affirmation. In court a witness is subject to examination-in chief, cross-examination, and re-examination.

examination-in-chief(direct examination) - the questioning of a witness by the party who called him to give evidence.

execution – 1) the process of carrying out a sentence of death imposed by a court. 2) the enforcement of the rights of a judgement creditor. 3) the completion of the formalities

necessary for a written document to become legally valid.

F

fact - an event or state of affairs known to have happened or existed. It may be distinguished from law (as in trier of fact)or, in the law of evidence, from opinion.

final judgement - the judgement in civil proceedings that ends the action, usually the judgement of the court at trial. Appeal against a final judgement may be made without leave of the court.

fine – 1) a sum of money that an offender is ordered to pay on conviction. Most summary offences are punishable by a fine with a fixed maximum.

forgery - the offence of making a "false instrument"in order that it may be accepted as genuine, thereby causing harm to others.

fraud - a false representation by means of a statement or conduct made knowingly or recklessly in order to gain a material advantage.

G

general defences - common-law defences to any common-law or statutory crimes; with one exception(insanity),these defences relate to involuntary conduct. A defendant should be acquitted when the magistrates or jury have a reasonable doubt as to whether he was entitled to a general defence.

H

hijacking - seizing or exercising control of an aircraft in flight by the use or threat of force. Hijacking is prohibited in international law by the Tokyo Convention 1963, which defines the conditions under which jurisdiction may be assumed over hijackers, but does not oblige states to exercise such jurisdiction and does not create an obligation to extradite hijackers.

human rights - rights and freedom to which every human being is entitled. Protection

against breaches of these rights committed by a state (including the state of which the victim is a national) may in some cases be enforced in international law. It is sometimes suggested that human rights (or some of them) are so fundamental that they form part of natural law, but most of them are best regarded as forming part of treaty law.

I

immunity - freedom or exemption from legal proceedings. Examples include the immunity from the jurisdiction of national courts enjoyed by members of diplomatic missions and by foreign sovereigns.

imputation - an allegation of misconduct or bad character made by an accused against the prosecutor or one of his witnesses.

incriminate – 1) to charge with a criminal offence. 2) to indicate involvement in the commission of a criminal offence. A witness in court need not answer a question if, in the judge's opinion, the answer might expose him to the danger of criminal prosecution. A witness does not have this protection when his answer might lead only to civil action against him.

inducement - the promise of some advantage held out by a person in authority in relation to a prosecution to a person suspected of having committed a criminal offence.

insanity (in criminal law) - a defect of reason, arising from mental disease, that is severe enough to prevent a defendant from knowing what he did(or what he did was wrong).A person accused of a crime is presumed sane and therefore responsible for his acts, but he can rebut this presumption and escape a conviction if he can prove that at the time of committing the crime he was insane.

intention - the state of mind of one who aims to bring about a particular consequence. Intention is one of the main forms of mens rea, and for some crimes the only form. Intention is often contrasted with recklessness and should not be confused with motive.

International Court of Justice - a court at The Hague, consisting of 15 judges elected for 9-year terms of office that has power to determine disputes relating to

international law.

International Law Commission - a body established in 1947 by General Assembly Resolution and acting under Article 13 of the United Nations Charter. The Commission consists of 25 members of recognized competence in international law who are elected for five-year periods by the General Assembly from a list of candidates nominated by the member states of the UN. The mission of the International Law Commission is to promote the progressive development of international law by preparing draft conventions on subjects that have not yet been regulated by international law and by codifying the law.

interpretation (construction) - the process of determining the true meaning of a written document. It is a judicial process, effected in accordance with a number of rules and presumptions.

interrogation - the questioning of suspects by the police. Suspects are not obliged to answer such questions, and the right of the police to question suspects is governed by the Police and Criminal Evidence Act 1984 and the Codes of Practice made under it.

intoxication - the condition of someone who is drunk or under the influence of drugs. Although intoxication itself is not an offence, it is an element in a number of offences. These include drunken driving, being found drunk in a public place, being drunk and disorderly in a public place while possessing a loaded firearm.

J

judge - a state official with power to adjudicate on disputes and other matters brought before the courts for decision.

judge advocate - a barrister who advises a court martial on questions of law.

judgement – 1) a decision made by a court in respect of the matter before it. Judgements may be interlocutory, deciding a particular issue prior to the trial of the case; or final, finally disposing of the case. 2) the process of reasoning by which the court's decision was arrived at.

jurisdiction – 1) the power of a court to hear and describe a case or make a certain order. 2) the territorial limits within which the jurisdiction of a court may be exercised.

jury - a group of jurors /usually 12/ selected at random to decide the facts of a case and give a verdict. Most juries are selected to try crimes but juries are also used in coroner's inquests and in some civil cases.

justice - a moral ideal that the law seeks to uphold in the protection of rights and punishment of wrongs.

justification - the defence to an action for defamation that the defamatory statement made was true.

juvenile offender - a person between the ages of 10 to 17 who has committed a crime, an offender between the ages of 14 and 17 is known as a young offender.

K

kidnapping - carrying a person away, without his consent, by means of force, threats, or fraud Kidnapping is a common-law offence punishable with a maximum sentence of life imprisonment.

kleptomania - a mental disorder leading to the irresistible impulse to steal.

L

law – 1) the enforceable body of rules that govern any society. 2) one of the rules making up the body of law, such as an Act of Parliament.

lease - a contract under which an owner of property (the landlord grants another person (the tenant) exclusive possession of the property for an agreed period, usually (but not necessarily) in return for rent and sometimes for a capital sum known as a premium.

legal rights – 1) rights recognized by the common law courts, as distinct from equitable rights or interests recognized by the Court of Chancery. 2) generally, all rights recognized by the law (both common law and equity) as having legal existence and effect.

legislation – 1) the whole or any part of a country's written law. 2) the process of making written law.

legislature - the body having primary power to make written law. In the placecountry-regionUK it consists of Parliament, i.e. the Crown, the House of Commons, and the House of Lords.

legitimacy - the legal status of a child born to parents who were married at the time of his conception or birth (or both).

life imprisonment - punishment of a criminal by imprisonment for the rest of his life. The only crime that always carries a sentence of life imprisonment is murder, but there are many crimes (e.g. arson, manslaughter, wounding with intent, and rape) that carry a maximum penalty of life imprisonment, which is imposed in serious cases. In practice the imprisonment may often not be for life: the Home Secretary may order the release of a life prisoner on license, on the advice of the Parole Board and after consulting the Lord Chief Justice (and, if possible, the trial judge).

litigant - a person who is a party to a court action.

loss of amenity - loss or reduction of a plaintiff's mental or physical capacity to do the things he used to do, suffered as a result of personal injuries.

M

malice *n.* – 1) (in criminal law) a state of mind usually taken to be equivalent to intention or recklessness: it does not require any hostile attitude.

malice aforethought - the mens rea (state of mind) required for a person to be guilty of murder. It is unnecessary for there to be any element of hostility or for the intention to kill to be "forethought".

malicious falsehood (injurious falsehood) - a false statement, made maliciously, that causes damage to another.

malicious prosecution - the malicious institution of legal proceedings against a person. Malicious prosecution is only actionable in tort if the proceedings were initiated

both maliciously and without reasonable and probable cause and they were unsuccessful. No one who has been convicted of a criminal charge can sue for malicious prosecution.

manslaughter - homicide that does not amount to the crime of murder but is nevertheless neither lawful nor accidental.

mens rea (Latin: a guilty mind) - the state of mind that the prosecution must prove a defendant to have had at time of committing a crime in order to secure a conviction. Mens rea varies from crime to crime; it is either defined in the statute creating the crime or established by precedent.

mispleading - the omission in a pleading of an essential allegation. In modern practice, it can usually be rectified by amendment.

mitigation – 1) reduction in the severity of some penalty. 2) reduction in the loss or injury resulting from a tort or a breach of contract.

murder - homicide that is neither accidental nor lawful and does not fall into the categories of manslaughter or infanticide. The means rea for murder is traditionally known as malice aforethought and the punishment is life imprisonment.

O

offence - a crime. The modern tendency is to refer to crimes as offences. Offences may be classified as indictable or summary and as arrestable or nonarrestable.

offender - one who has committed a crime.

P

pardon - the withdrawal of a sentence or punishment by the sovereign under the prerogative of mercy.

parole (release on license) - the conditional release of a prisoner from prison.

penalty – 1) a punishment for a crime. A penalty must be clearly stated before it can be enforced.

perjury - the offence of giving false evidence or evidence that one does not believe to

be true (even if it is in fact the truth). It is punishable by up to seven years imprisonment and/or a fine.

plaint - a statement in writing of a cause of action, used to initiate actions in the county courts.

plea – 1) a formal statement in court by or on behalf of an accused person as a response to the charge made against him. 2) a defendant's answer to a plaintiff's declaration in an action at common law.

precedent - a judgment or decision of a court, normally recorded in a law report, used as an authority for reaching the same decision in subsequent cases.

presumption - a supposition that the law allows or requires to be made. Some presumptions relate to people, e.g. the presumption of innocence and of sanity.

presumption of innocence - the legal presumption that every person charged with a criminal offence is innocent until proved guilty.

presumption of sanity - the legal presumption that every person charged with a criminal offence was sane (and therefore responsible in law) at the time he is alleged to have committed the crime.

primary evidence - evidence, such as the original of a document, that by its nature does not suggest that better evidence is available.

principal - (in criminal law) the person who actually carries out a crime.

private law - the part of law that deals with such aspects of relationships between individuals that are of no direct concern to the state. It includes the law of property and of trusts, family law, the law of contract, mercantile law, and the law of tort.

procedure (in court proceedings) - the formal manner in which legal proceedings are conducted. See also adjective law; practice; rules of court.

process (in court procedure) - a document issued by a court to require the attendance of the parties or the performance of some initial step in the proceedings by a defendant.

proof – 1) the means by which the existence or nonexistence of a fact is established to the satisfaction of the court including testimony, documentary evidence, presumption

and judicial notice.

prosecution - the pursuit of legal proceedings, particularly criminal proceedings.

prosecutor - the person who institutes criminal proceedings on behalf of the Crown.

R

recklessness - a form of mens rea that amounts to less than intention but more than negligence.

recognition (in international law) – 1) the process by which one state declares that another political entity fulfills the conditions of statehood and that it is willing to deal with it as a member of the international community.

release – 1) .the renunciation of a right of legal action against another. 2) any document by which one person discharges another from any claim with respect to a particular matter. 3) the freeing of a person formerly detained, either upon discharge, when sentencing him or at the end of a prison sentence.

riot - an offence committed when 12 or more persons, present together, intentionally use or threaten unlawful violence for a common purpose.

robbery - the offence of using force against any person, or putting them in fear of being subjected to force, in order to commit a theft, either before the theft or during the course of it.

S

sedition - the speaking or writing of words that are likely to incite ordinary people to public disorder or insurrection.

self-defence - a defence at common law to charges of offences against the person (including homicide) when reasonable force is used to defend oneself, or one's family, or anyone else against attack or threatened attack.

sentence – the judgment of a court stating the punishment to be imposed on a defendant who has pleaded guilty to a crime or been found guilty by the jury. Before

the sentence is imposed, the prosecution must present the judge with the accused's antecedents and the defence may then make a plea in mitigation of the sentence.

summons - a court order to an individual to appear in court at a specified place and time.

T

theft - the dishonest appropriation of property belonging to someone else with the intention of keeping it permanently.

threat - the expression of an intention to harm someone with the object of forcing them to do something. A threat (or menace), or the action of threatening someone, is an ingredient of many crimes.

tort [Old French: harm, wrong; from Latin "tortus", twisted or crooked] - a wrongful act or omission for which damages can be obtained in a civil court by the person wronged, other than a wrong that is only a breach of contract. The law of tort is mainly concerned with providing compensation for personal injury and property damage caused by negligence. It also protects other interests, however, such as reputation, personal freedom, title to property.

trespass – a wrongful direct interference with another person or with his possession of land or goods.

trial - the hearing of a civil or criminal case before a court of competent jurisdiction. Trials must, with rare exceptions, be held in public. At the trial all issues of law and fact arising in the case will be determined.

V

vandalism - defacing or damaging property. There is no offence of vandalism as such, but it will usually constitute an offence of criminal damage.

verdict - a jury's finding on the matters referred to it in a criminal or civil trial. The jury is asked to give its decision to the court separately for each of the questions it was

asked to consider (for example, when there are several charges on the indictment).

veto (in international law) - the power given to any permanent member of the Security Council of the United Nations to refuse to agree to any non-procedural proposal (there is no such power in relation to procedural matters) and thereby defeat it.

W

warrant - a document authorizing some action, especially the payment of money. A warehouse warrant is issued when goods are taken into a public warehouse and must be produced when they are removed. This document is negotiable and transferable by endorsement.

witness - a person who observes the signing of a legal document in case it is subsequently necessary to verify the authenticity of the signature. He adds his own signature to the document as a witness. Many legal documents are only valid of properly witnessed.

wrong - an illegal or immoral act. A distinction must be drawn between moral wrongs and legal wrongs. Some moral wrongs, such as murder or theft, are also crimes punishable by law.

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ПРИЛОЖЕНИЕ

Требования предъявляемые к студентам неязыковых специальностей Брестского государственного университета имени А.С. Пушкина на итоговом экзамене по иностранному языку

На итоговом экзамене студенты неязыковых специальностей должны продемонстрировать умение пользоваться иностранным языком как средством межкультурной коммуникации в профессиональной и непрофессиональной сферах.

Студенты должны владеть фонетическими, грамматическими и лексическими нормами языка, уметь адекватно реализовать эти нормы в различных видах речевой деятельности и в разных ситуациях общения (читать и переводить литературу по специальности; вести общение социокультурного и профессионального характера; понимать иноязычную речь на слух).

Содержание итогового экзамена

На экзамене по иностранному языку проверяется владение следующими видами речевой деятельности: чтение, говорение и письмо. Итоговый экзамен состоит из 2-х частей: *письменной* и *устной.*

Владение письменной речью оценивается на основе: *1) лексико-грамматического теста; 2) чтения и письменного перевода* оригинального профессионально

ориентированного текста с иностранного языка на родной со словарем (объем 1300–1500 печатных знаков).

Другие виды речевой деятельности студента проверяются в устной части, которая включает:

1. подготовленное *высказывание* по заданной ситуации и неподготовленную *беседу* с преподавателем в рамках данной ситуации (по предметно-тематическому содержанию дисциплины).

2. *реферирование* аутентичного или частично адаптированного общественно-политического, культурологического, научно-популярного текста (объем текста 900 печатных знаков), *беседу* на иностранном языке по содержанию текста.

Критерии оценок

Оценка ответа студента на итоговом экзамене (средний балл) определяется на основании отметок, полученных им за выполнение заданий экзамена: лексико-грамматического теста, чтения и письменного перевода текста, реферирования текста и беседы по его содержанию, подготовленного высказывания по предложенной ситуации и неподготовленной беседы в рамках данной ситуации.

Оценка уровня владения иностранным языком проводится в соответствии с предлагаемыми критериями, которые базируются на программных требованиях к практическим навыкам и умениям по иностранному языку.

Критерии оценки лексико-грамматического теста:

1. языковая правильность и точность выполнения теста;
2. полнота выполнения теста.

Баллы (отметки)	***Показатели языковой правильности теста***
10	отсутствие ошибок
9	не более 2 ошибок
8	не более 3 ошибок
7	не более 4 ошибок
6	не более 5 ошибок
5	не более 6 ошибок
4	не более 7 ошибок
3	не более 8 ошибок
2	не более 9 ошибок
1	10 и более ошибок

При оценке языковой правильности теста учитываются лексические, грамматические и орфографические ошибки.

Языковые ошибки рассматриваются дифференцированно:

лексическая ошибка – 1 ошибка

грамматическая ошибка – 1 ошибка

орфографическая ошибка – 0,5 ошибки.

Критерии оценки перевода текста:

– полнота перевода;

– точность передачи содержания (отсутствие смысловых и терминологических искажений) текста.

– правильная передача средствами родного языка характерных особенностей переводимого текста.

Баллы (отметки)	**Показатели оценки**
10	Полный перевод. Отсутствие смысловых и терминологических искажений. Творческий подход и абсолютная точность передачи содержания и характерных особенностей стиля переводимого текста.
9	Полный перевод. Отсутствие смысловых и терминологических искажений. Правильная передача содержания и характерных особенностей переводимого текста.
8	Полный перевод. Отсутствуют смысловые искажения. Правильная передача содержания текста. Имеют место незначительные неточности.
7	Полный перевод. Соблюдается точность передачи содержания. Отсутствуют смысловые искажения. Допускаются некоторые терминологические неточности и незначительные нарушения характерных особенностей переводимого текста.
6	Не совсем полный перевод. Отсутствуют смысловые искажения. Допускаются незначительные терминологические искажения. Имеют место неточности в передаче содержания текста.
5	Неполный перевод. Допускаются незначительные искажения смысла и терминологии. Нарушается в отдельных случаях содержание переводимого текста.
4	Неполный перевод. Допускаются грубые терминологические искажения. Нарушается правильность передачи содержания переводимого текста.

3	Неполный перевод текста. Допускаются грубые смысловые и терминологические искажения. Нарушается правильность передачи содержания переводимого текста.
2	Неполный перевод текста. Допускаются грубые искажения в передаче содержания переводимого текста.
1	Отказ от перевода текста.

Критерии оценки устного ответа студента:

– соответствие высказывания студента коммуникативной задаче, ситуации общения;

– связность, разноструктурность, полнота, беглость;

– языковая правильность речи;

– использование оценочных фраз, выражение собственного мнения.

Баллы (отметки)	**Показатели оценки**
10	Свободное оперирование программным материалом в предложенной ситуации. Содержание высказывания соответствует ситуации общения. Речевая активность студента очень высокая, ответ отличается логичностью, связностью, полнотой, последовательностью и беглостью. Высказывание политематического характера, хорошо аргументировано, выражает свою точку зрения. Темп речи высокий. Отсутствие ошибок языкового характера.

9	Свободное оперирование программным материалом в предложенной ситуации. Содержание высказывания соответствует ситуации общения, отличается связностью, полнотой и беглостью, хорошо аргументировано, выражает собственное мнение. Речь разнообразна, допускается 1-2 языковые ошибки, исправляемые на основе самокоррекции.
8	Содержание высказывания соответствует заданной теме и ситуации общения, отличается последовательностью, логичностью, аргументированностью. Незначительные языковые ошибки (2-3).
7	Содержание высказывания соответствует заданной теме и ситуации общения. Высказывание не всегда логично и последовательно, редкие ошибки (3-4) языкового характера.
6	Содержание высказывания в основном соответствует коммуникативной задаче. Речь лексически и грамматически разнообразна, но недостаточно беглая (паузы, повторы и др.). Наличие языковых ошибок (4-5).
5	Коммуникативная задача решается на уровне осознанного воспроизведения заученного материала в ситуации с многочисленными ошибками. Речевая активность студента невысокая, имеют место существенные недостатки в построении высказывания.
4	Полное воспроизведение заученной темы. Речь упрощенная. Понимание языка ограничено. Ответ содержит значительное количество лексических/грамматических/фонетических ошибок, значительно влияющих на адекватность оформления речи.

3	Коммуникативная задача решается на уровне неполного воспроизведения по памяти заученной темы. Отсутствует понимание и реакция на понимание. Ответ содержит такое количество ошибок, которое приводит к несоответствию адекватного оформления речи.
2	Коммуникативная задача решается на уровне отдельных предложений. Высказывание не отвечает коммуникативной задаче ситуации.
1	Отсутствие ответа или отказ от него.

Соответствие баллов оценке (словесной характеристике)

Баллы (отметки)	**Оценка**
10	«превосходно»
9	«отлично»
8	«почти отлично»
7	«очень хорошо»
6	«хорошо»
5	«почти хорошо»
4	«удовлетворительно»
3	«неудовлетворительно»
2	«неудовлетворительно»
1	«плохо»