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ENGLISH FOR
LAW



АНГЛИЙСКИЙ для ЮРИСТОВ

Учебник
Второе издание



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АНГЛИЙСКИЙ для ЮРИСТОВ

Под редакцией
доктора филологических наук **А.А. Лебедевой**

Второе издание,
переработанное и дополненное

*Рекомендовано Учебно-методическим центром
«Профессиональный учебник» в качестве **учебника**
для студентов высших учебных заведений, обучающихся
по специальности 030501 «Юриспруденция»*

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Авторы:

*А.А. Лебедева, Г.Н. Аксенова, Е.В. Бараник,
М.В. Лагутенкова, С.А. Литвинова*

Рецензенты:

доктор филологических наук, профессор *А.А. Атабекова*
(зав. кафедрой иностранных языков юридического факультета
Российского университета дружбы народов)
кандидат филологических наук, доцент *Л.С. Бурдин*
(зав. кафедрой иностранных языков Российской академии правосудия)

Главный редактор издательства *Н.Д. Эриашвили*,
кандидат юридических наук, доктор экономических наук, профессор,
лауреат премии Правительства РФ в области науки и техники

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Учебник построен в соответствии с требованиями Государственного образовательного стандарта высшего профессионального образования по специальности «Юриспруденция» с учетом специфики обучения студентов на юридическом факультете и программы по иностранным языкам для юридических вузов. Приводятся аутентичные тексты, заимствованные из оригинальных источников юридической направленности. Каждый текст содержит последовательность упражнений на развитие навыков продуктивного чтения, извлечения основной и поддерживающей информации, навыков структурирования юридической подготовленной и неподготовленной устной и письменной речи, обеспечивающих профессиональную коммуникативную компетенцию. Наличие тестовых материалов обеспечивает возможность контролировать качество усвоения содержания.

Для студентов юридических специальностей, может быть использован на аудиторных занятиях под руководством преподавателя и при самостоятельном изучении английского языка.

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ВВЕДЕНИЕ

Основная задача и цель учебника — предоставить возможность студентам, вчерашним школьникам, не имеющим еще правовых знаний, читать, понимать, переводить, комментировать и в дальнейшем использовать в своей профессиональной деятельности литературу юридического профиля, способствовать развитию навыков извлечения основной информации, свертывания ее путем аннотирования и реферирования и ее использования в условиях устной и письменной коммуникации, научить приемам и способам самостоятельной работы с иностранным языком после окончания вуза.

Наряду с аутентичными юридическими текстами в учебнике представлена дифференцированная система упражнений, нацеленная на развитие навыков речевой деятельности студентов разных уровней подготовки. При работе с учебником преподаватель имеет возможность учесть конкретные особенности реального учебного процесса и выбрать такие формы практической работы, которые дадут ему возможность наилучшим способом использовать многоуровневую разноплановую систему упражнений, а также другие достоинства учебника.

Так, интересную дополнительную информацию, но при этом не обязательную для изучения и рассматриваемую по выбору преподавателя, содержат тексты и задания в рубрике



Учебник состоит из двух разделов и трех приложений. Первая глава содержит материал, посвященный общим вопросам права и его происхождения, снабженный разнообразными упражнениями на закрепление и усвоение правовой лексики, особенностей перевода юридических текстов с английского на русский и с русского на английский. Каждый урок содержит дополнительную и занимательную информацию, шутки и коммуникативные упражнения типа диспутов и дебатов, которые формируют у студентов умения участвовать в дискуссии, грамотно формулировать мысль на английском языке. Упражнения на перевод текстов, кроме того, имеют целью закрепить приобретенные знания специальной лексики и грамматики, а также развивают умения критической оценки прочитанного.

Вторая глава знакомит студентов с историей права в англоговорящих странах, со структурой и работой судов и правоохранительных органов, различными видами права. В каждом уроке содержится большое количество разнообразных лексических, грамматических и коммуникативных упражнений для подготовки студентов к практике иноязычного общения по изучаемым проблемам юриспруденции.

Тексты приложений также разрабатываются при помощи ряда соответствующих упражнений на развитие требуемых навыков и обеспечение практики общения с использованием имитаций конкретных ситуаций, изучения разделов права на примере анализа конкретных судебных уголовных и гражданских дел, а также деловых игр.

Приложение «Case Study» — изучение языка на примере рассмотрения материалов отдельных судебных дел — построено на европейском варианте английского языка, используемого в официальных организациях Европейского Союза.

Приложения «Supplementary Texts» (дополнительные тексты) и «Fiction Crime Stories» (отрывки из художественной литературы) — содержат информацию, расширяющую осведомленность студента в области права и предназначенную для учащихся с хорошим базовым владением английским языком.

Приложение 2 содержит общие сведения об истории американского и исламского права. Текстовый материал Приложения 3 отобран из аутентичной английской и американской художественной литературы.

Учебник подготовлен преподавателями кафедры иностранных языков Российской правовой академии Министерства юстиции РФ и прошел апробацию на занятиях со студентами разных уровней языковой подготовки.

В учебнике использованы следующие условные обозначения:



Коммуникативно-направленные упражнения на развитие навыков монологической и диалогической речи (типа «Debate»)



Упражнения на понимание и осмысление текста с коммуникативно-направленным заданием



Упражнения на закрепление активной лексики, переводы



Цитаты для коллективного обсуждения



Вопросы к текстам



Шутки



Тексты и задания, содержащие интересную дополнительную информацию, но при этом не обязательные для изучения (выбор преподавателя)



Творческие задания на развитие навыков аннотирования и реферирования

АВТОРЫ

Лебедева А.А., д-р филол. наук, профессор, зав. кафедрой иностранных языков РПА Минюста России

Аксенова Г.Н., канд. филол. наук, доцент, профессор кафедры иностранных языков РПА Минюста России

Бараник Е.В., канд. пед. наук, доцент, доцент кафедры иностранных языков РПА Минюста России

Лагутенкова М.В., канд. филол. наук, доцент, доцент кафедры иностранных языков РПА Минюста России

Литвинова С.А., канд. филол. наук, доцент, доцент кафедры иностранных языков РПА Минюста России

Ответственный редактор

Лебедева А.А., д-р филол. наук, профессор, зав. кафедрой иностранных языков РПА Минюста России

Chapter I

WHAT IS LAW?

ЧТО ТАКОЕ ПРАВО?

Unit 1

LAW AND SOCIETY

Useful Words and Expressions for Speech Practice	
law	право (в объективном смысле), общее право, закон
civil law	гражданское право
criminal law	уголовное право
a criminal case	уголовное дело
a civil case	гражданское дело
common law	общее право (Англии), обычное право; не- кодифицированное право; неписанный закон
case law	прецедентное право
to try smb / to put smb on trial	судить кого-либо
trial	заседание суда, судебный процесс
court (court-room)	суд (зал суда)
to decide a case	принять решение по делу
to apply the law	применять закон
justice	(1) справедливость; (2) правосудие, юстиция (to bring smb to justice — отдать (кого-либо под суд); (3) судья (justice of the peace — мировой судья); (4) член Верховного суда (в Англии))
to administer / to dispense justice	отправлять правосудие
judicature	отправление правосудия (Supreme Court of Judicature — Верховный суд Англии); суд; судейская корпорация
to investigate	расследовать
evidence	улика/улики, свидетельские показания
testimony	свидетельские показания (под присягой)
judge	судья
accused / defendant	обвиняемый / подсудимый
plaintiff	истец

witness	свидетель
prosecutor	прокурор
accomplice	сообщник
to charge sb with sth / to accuse sb of sth	обвинить кого-либо в чем-либо
to convict sb of sth	осудить кого-либо за что-либо
a sentence	приговор
to sentence sb (to 3 years of imprisonment)	приговорить кого-либо (к 3 годам тюрьмы)

Task 1. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.



Law is a 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 modern 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.

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.

Law is not completely a matter of human enactment; it also includes natural law. The best-known version of this view, that God's law is supreme, has had considerable influence in the United States and other Western societies. The civil rights movement, for example, was at least partially inspired by the belief in natural law. Such a belief seems implicit in the

view that law should serve to promote human dignity, as for instance by the enforcement of equal rights for all.

Law develops as society evolves. Many primitive communities knew law as a blend of custom, morality, religion, and magic. Even a later legal system, known as the Common law of England, began with common customs, but over time it involved the Courts into the law-making process that was responsive to changes in the society.



ANSWER THE FOLLOWING QUESTIONS

1. What is law?
2. Who makes law in modern societies?
3. Is there any distinction between law and morality?
4. What are the functions of law?
5. What is the role of natural law in modern life?
6. What kind of law existed in primitive communities?
7. What did the Common Law of England begin with?



Task 2. Find in the texts above the English equivalents for the following words and expressions:

свод официальных правил

вносить вклад в стабильность
общества

сила принуждения

следить за исполнением закона
посредством соответствующих
наказаний и средств
правовой защиты

улучшать качество жизни людей
результат человеческой деятельности
осуществление всеобщего равно-
правия

обращение к правовому разре-
шению спора

законотворческий процесс
юриспруденция

разнообразные функции

Task 3. (a) Match the English expressions with their Russian equivalents in the table:

NB | **Law** — (1) право; (2) закон; (3) судебная процедура; (4) юстиция

(1) inheritance law	(a) административное право
(2) housing law	(b) прецедентное право
(3) executive law	(c) договорное право
(4) environmental law	(d) общее право
(5) employment law	(e) конституционное право
(6) contract law	(f) авторское право
(7) copyright law	(g) трудовое право
(8) constitutional law	(h) правовые нормы по охране окружающей среды
(9) common law	(i) правовые нормы, регулирующие деятельность исполнительной власти
(10) case law	(j) жилищное право
(11) administrative law	(k) наследственное право

(b) Match the legal terms on the left with their definitions on the right:

(1) Constitutional law deals with	(a) relations between governments as well as between private citizens of one country and those of another
(2) International law regulates	(b) the budget, taxation, state credits, and other spheres of financial activity
(3) Public law concerns	(c) the relationships between individuals or bodies within the country. This field of law is connected with relations in the economic sphere of life, with relations involving property, its distribution and exchange.
(4) Financial law regulates	(d) disputes between citizens and the state, or between one state and another
(5) Civil law regulates	(e) the relationships between the state and individual people and bodies. It defines the general principles of criminal responsibility, individual

(6) Criminal law regulates	types of crimes and punishment applied to criminals (f) social structure, organization of state power and the legal status of citizens. Its principal source is the country's Constitution
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Task 4. (a) Match the English expressions with their Russian equivalents in the table:

(1) to create law	(a) применять закон
(2) to apply law	(b) нарушать закон
(3) to violate / break law	(c) осуществлять закон, проводить закон в жизнь
(4) to enforce law	(d) создавать закон
(5) to amend law	(e) придерживаться закона
(6) to observe law	(f) законопослушные граждане
(7) to keep within law	(g) соблюдать закон
(8) law-abiding citizens	(h) вносить поправки в закон
(9) law and order	(i) правонарушитель
(10) law-breaker	(j) правопорядок

(b) By whom (a judge, a lawyer, a policeman, etc.) can the following actions be performed?

to investigate
to sentence
to plead guilty
to search

to apprehend
to detain
to seize
to convict

to defend in court
to imprison
to lock up
to take into custody



Debate: LAW AND MORALITY

- What do you think about the connection between law and morality?
- Does law really work in our society?

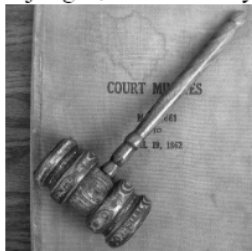


Task 5. Study the information below, making sure you fully comprehend it. Answer the questions.

SCIENCE OF THE LAW

Another important notion in the sphere of law is *jurisprudence* (Latin *jurisprudentia*, from *jus*, «law», and *prudentia*, «knowledge»), knowledge of the law and its interpretation, or the science and philosophy of law. In ancient Rome the term was used in the former sense. Those who were so skilled in the law that they could decide a novel or doubtful case were called *juris prudentes*, whether or not they were judges, and the body of law built up by their interpretation was called *juris prudentia*. This development of law by interpretation is akin to what English-speaking peoples call «case» law — law arising from a body of decided cases; in France and Spain the term *jurisprudence* is still used in that sense.

The word *jurisprudence* is usually used to describe what was often called at an earlier period the philosophy of law and what Continental writers now call the theory or science of law.



ANSWER THE FOLLOWING QUESTIONS

1. What is the history of the term *jurisprudence*?
2. In what way does law originate?
3. What does jurisprudence formulate, classify and analyze?

Task 6. (a) Use the verbs related to legal matters given in the box to complete the sentences:

to consider	to commit x 2	to prove	to sentence
to sue	to bribe	to find	

- (1) In many legal systems it is an important principle that a person cannot be _____ guilty of a crime until the state proves he _____ it.
- (2) The suspect doesn't need _____ anything, but he can show evidence of his innocence.

- (3) Malice aforethought refers to the mens rea of the crime and is a way of saying that the murderer intended to _____ a crime.
- (4) Different societies continually review their ideas of what should and shouldn't be _____ a crime.
- (5) The judge _____ him to ten years of imprisonment.
- (6) The company fired him after the accident, but his advocate helped him to _____ the company for \$20,000.
- (7) He tried to _____ the judge to get the charges dropped.

(b)

to charge	to pick	to convict	to confess
to accuse	to send	to award	to compensate
to cause	to acquit	to cross-examine	to find

- (1) When he was _____ he contradicted his earlier testimony.
- (2) Most solicitors don't _____ for the first consultation.
- (3) The thief _____ his pocket on the street without his noticing.
- (4) He will obviously be _____ guilty, it is a flagrant case of corruption.
- (5) There was insufficient evidence for the court to _____ her.
- (6) The police were _____ of using torture to make suspects _____.
- (7) He was _____ to prison for two years but with his lawyer's help he was _____ after the second consideration of his case.
- (8) He was _____ \$10 000 to _____ the damages _____ by the manufacturer.



QUOTATIONS FOR COMMON DISCUSSION

Laws that do not embody public opinion can never be enforced.

Elbert Hubbard

It is the spirit and not the form of law that keeps justice alive.

Anonymous

Half the world is composed of the people who have something to say and can't and the other half who have nothing to say and keep on saying.

Frost



JOKES ABOUT LAWYERS

Lawyer: Judge, I wish to appeal my client's case on the basis of newly discovered evidence.

Judge: And what is the nature of the new evidence?

Lawyer: Judge, I've discovered that my client still has \$500 left.

An elderly man 82, just returned from the doctors only to find he didn't have long to live. So he summons the three most important people in his life (his doctor, his priest, his lawyer) to say, «Well today I've found out I don't have long to live. So I asked you three here, because you are the most important people in my life. And I need to ask a favour. Today I am going to give each of you an envelope with \$50,000 dollars in it. When I die, I would ask that all three of you throw the money in my grave.»

Well, a few days later the man passed on. The doctor said, «I have to admit I kept \$10,000 dollars of his money, he owed me lots of medical bills. But I threw the other \$40,000 in.»

The Priest said, «I have to admit also I kept \$25,000 dollars for the church. It's all going to a good cause. And I threw the rest in.»

Well, the Lawyer just couldn't believe what he was hearing, «I am surprised at you two. I wrote a check for the whole amount and threw it in.»

Task 7. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.

COMMON LAW AND CIVIL LAW

Common law is a term used to refer to the main body of English unwritten law that evolved from the 12th century. The name comes from the idea that English medieval law, as administered by the courts of the realm, reflected the «common» customs of the kingdom. This system of law prevails in Britain and in those countries, such as Canada and the United States, that were originally colonized by English settlers.

The common law is based on the principle of deciding cases by reference to previous judicial decisions, rather than to written statutes drafted by legislative bodies. Common law can be contrasted to the civil-law system, based on ancient Roman law, found in continental Europe and elsewhere.

Whereas civil-law judges resolve disputes by referring to statutory principles arrived at in advance, common-law judges focus more intently on the facts of the particular case to arrive at a fair and equitable result for the litigants.

General rules or precedents are guidelines for judges deciding similar cases in the future. Subsequent cases, however, may reveal new and different facts and considerations, such as changing social or technological conditions. A common-law judge is then free to depart from precedent and establish a new rule of decision, which sets a new precedent as it is accepted and used by different judges in other cases. In this manner, common law retains a dynamic for change. As the U.S. Supreme Court Justice Oliver Wendell Holmes, Jr. wrote in his book, *The Common Law* (1881): «The life of the [common] law has not been logic; it has been experience.»

Civil law is a term applied to a legal tradition originating in ancient Rome and to the contemporary legal systems based on this tradition. Modern civil law systems, which were originally developed in Western European countries, have spread throughout the world. The term civil law also applies to all legal proceedings that are not criminal. Under this definition laws regulating marriage, contracts, and payment for personal injury are examples of civil law.

The most obvious feature of a civil law system is the presence of a written code of law. The code is a systematic and comprehensive compilation of legal rules and principles. Although the contents of codes may vary widely from country to country, all codes are intended as a blueprint of social regulation that attempts to guide individuals through society from birth to death.

The civil law tradition makes a sharp distinction between private and public law. Private law includes the rules governing civil and commercial relationships such as marriage, divorce, and contractual agreements. Public law consists of matters that concern the government: constitutional law, criminal law, and administrative law. In many countries with civil law systems, two sets of courts exist—those that hear public law cases and those that address matters of private law.

The role of judges in civil law jurisdictions differs considerably from that of judges in common law systems. When different facts or new considerations arise, common law judges are free to depart from precedent and establish new law. The civil law tradition views judges as government officials who perform essential but uncreative functions. Civil law judges administer the codes that are written by legal scholars and enacted by legislators. They may also consult legal treatises on the issue in question. The civil law system assumes that there is only one correct solution to a specific legal problem. Therefore, judges are not expected to use judicial discretion or to apply their own interpretation to a case.



ANSWER THE FOLLOWING QUESTIONS

1. What does the term common law refer to?
2. In what countries does common law system prevail?
3. In what way can common law be contrasted to the civil-law system?
4. What is the main principle of the common law legal system?
5. What is the difference in resolving disputes between common-law judges and civil-law judges?
6. What is precedent?
7. When can a judge depart from the precedent?
8. What are the two meanings of the term civil law?
9. In what countries is civil law system used?
10. What is the distinction between private and public law?
11. What is the difference in the role of judges in civil law jurisdictions and in common law systems?



Task 8. Find in the text above the English equivalents for the following words and expressions:

решать дело, ссылаясь на предыдущие судебные решения
составленные законодательными органами
разрешать споры
ссылаясь на предписанные законом принципы
добиться честного и справедливого результата для сторон
отклониться от прецедента и установить новую правовую норму
движущая сила для перемен
всеобъемлющий сборник правовых норм и принципов
программа социального регулирования
правовые трактаты
свободный выбор судьи



Task 9. Fill in the gaps with the words and word combinations from the box:

evidence	legislators	differs
changed	information	prior judicial decisions
substantially	hearings	advice

Civil law systems do not have any process like the common law practice of discovery — the pretrial search for _____ conducted by the parties involved in the case. The trial of a case under civil law also _____ from a common law trial, in which both parties present arguments and witnesses in open court. In civil law systems the judge supervises the collection of _____ and usually examines witnesses in private. Cross-examination of witnesses by the opposing party's attorney is rare. Instead, a civil law action consists of a series of meetings, _____, and letters through which testimony is taken, evidence is gathered, and judgment is rendered. This eliminates the need for a trial and, therefore, for a jury.

Systems of common law and civil law also differ in how law is created and how it can be _____. Common law is derived from custom and precedents (binding judgments made by _____). In the common law system, the precedent itself is law. Therefore, the judges who decide which party will prevail in any given trial are also the creators of common law. Civil law, on the other hand, is made by _____ who try to supplement and modernize the codes, usually with the _____ of legal scholars. Civil law judges administer the law, but they do not create it.



ANSWER THE FOLLOWING QUESTIONS

1. How do trials under civil law differ from those under common law?
2. How is law created?
3. How can law be changed in both systems?



STUPID CRIMINALS

Alejandro Martinez has to win for jaw-dropping stupidity. Having just completed a job application form at a pizzeria in Las Vegas, he decided to rob the place. He got away with \$110 but was quickly tracked down by police using the name and address on the form.

Police didn't have too much trouble finding Eric Nolan after he ran off into woods having broken a court order. They simply called his mobile phone and listened out for the ring-tone.



Task 10. Study the information below, making sure you fully comprehend it. Answer the questions.

Criminal law is a branch of law that defines crimes and fixes punishments for them. Criminal law includes rules and procedures for preventing and investigating crimes and prosecuting criminals, as well as the regulations governing the constitution of courts, the organization of police forces, and the administration of penal institutions.



In general, the criminal law of most modern states classifies crimes as offenses against the safety of the state; offenses against the public welfare; offenses against property; and offenses threatening the lives or safety of persons.

In the US criminal law has a number of unique features. In determining the criminal law, the federal government and each of the state governments are sovereign within the limits of their authority as defined by the US Constitution. In many particulars the criminal law varies from state to state. The federal government and a number of states have formulated codes of criminal law.



ANSWER THE FOLLOWING QUESTIONS

1. What is criminal law? What does it include?
2. What kinds of offences are criminal?
3. What are the unique features of the US criminal law?

Task 11. Find the appropriate definitions of the offences listed in the left column of the table using the word combinations from the right column:

NB!

offence	правонарушение
burglary	кража со взломом
arson	поджог
murder / homicide	(преднамеренное) убийство
malice aforethought	злой умысел
manslaughter	убийство по неосторожности (непреднамеренное убийство)
tort	деликт, гражданское правонарушение
felony	тяжкое уголовное преступление
misdemeanor	мелкое преступление, судебно наказуемый поступок
treason	измена
theft / larceny	кража, воровство
robbery	ограбление (с применением насилия), грабеж

Terms	Definitions
(1) Burglary	(a) is the unlawful killing of a person without malice.
(2) Arson	(b) is a general category of violations of the rights of individuals.
(3) Murder	(c) is an offence of unlawfully setting fire to property ¹ .
(4) Manslaughter	(d) is any unlawful entry ² or remaining in any building, with intent to commit any crime ³ .
(5) Tort	(e) is an illegal act or omission ⁴ , or event, whether or not it is also a tort, a breach of contract or a breach of trust ⁵ .
(6) Offence	(f) is unlawful killing of another human being with malice.
(7) Felony	(g) is taking another's property unlawfully, with the intention of depriving the owner of its use.
(8) Misdemeanor	(h) is a crime involving adherence to the enemy and rendering him aid and comfort.

(9) Treason	(i) is a less serious crime such as driving without a valid license and creating a disturbance.
(10) Theft	(j) is taking another person's property by violence or by putting him in fear.
(11) Robbery	(k) is a serious crime such as murder or arson.

¹ to set fire to property — поджечь собственность

² unlawful entry — незаконное проникновение

³ with intent to commit a crime — с намерением совершить преступление

⁴ an act or omission — действие или бездействие

⁵ a breach of contract — нарушение контракта

a breach of trust — нарушение доверенным лицом своих обязательств



Task 12. Study the information below, making sure you fully comprehend it. Answer the questions.

TREASON

In the US and Great Britain the most serious crime is treason.

Treason is a criminal offense involving the attempt, by open acts, to overthrow the government to which the offender owes allegiance, or to betray the state to a foreign power.

Treason in English Law

Two grades of treason existed in early English law: high treason, which was directed against the Crown, and petty treason, which consisted of a crime against a subject, such as a wife killing her husband, or a servant murdering his master.

In early English statutes the most serious offenses were compassing or imagining the death of the sovereign, adhering to the sovereign's enemies and giving them aid and comfort, and levying war against the sovereign. Statutes were changed from time to time between the reign of Edward III and that of Elizabeth I. After the Restoration the Stuart judges used «constructive treason» to discourage resistance to the Crown. They extended the offenses to include words as well as deeds. In 1663, a writer was convicted of treason for writing an article suggesting that the king was accountable to the people.



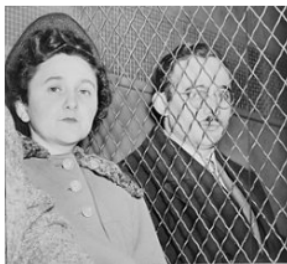
Treason in US History

Article III, Section 3, of the U.S. Constitution follows the English law: «Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.»

At the end of the 17th century colonial law followed the English law of treason. During the French and Indian War some colonies considered trading with the enemy treasonous. Massachusetts in 1706 declared «correspondence» with the enemy to be treason. During the 1680s, Virginia attempted to punish the destruction of young tobacco plants, in order to control prices, as treason. In colonial days the penalty for conviction of treason followed the English law, providing for attainder, forfeiture, or loss of property, and the loss of all rights of inheritance. The sentence included the practice of hanging and quartering. Often, however, the colonial governor received a reversal of the judgment from the Crown.

During the American Revolution, charges of treason were brought against American supporters of the British government. Congress authorized the death penalty for American soldiers who supported King George III. Several men were hanged for enlisting soldiers in the king's army and for various other violations, such as furnishing supplies to the British. Many convicted traitors were pardoned.

In 1790, Congress fixed the penalty for treason as death by hanging. The accused was to enjoy certain procedural rights: a copy of the indictment; a list of jurors and witnesses at least three days before trial; representation by counsel; compulsory process for witnesses on behalf of the accused; and peremptory challenge of 35 members of the jury panel.



The first Americans convicted and executed for treason in peacetime were the engineer Julius Rosenberg (1918—1953) and his wife Ethel Rosenberg (1915—1953). The Rosenbergs, both members of the Communist party, were found guilty in 1951 of transmitting atomic military secrets to a Soviet spy, in a controversial trial. After several appeals to the U.S. Supreme Court and a refusal of clemency by President Eisenhower, the Rosenbergs were executed at Sing Sing Prison in Ossining, N.Y.



ANSWER THE QUESTIONS

1. What is treason?
2. What grades of treason in early English law do you know?
3. What were the most serious offenses in early English statutes?
4. What kind of actions were treasonous in the US in the 17th century?
5. What were the penalties for these actions?
6. What were the rights of a person accused of treason in the 18th century?
7. What do you know about the Rosenberg trial?

Task 13. Find the appropriate definitions:

Attainder	the loss of property or money because of a breach of a legal obligation
Traitor	to change to the contrary
Reversing	one who betrays another's trust or is false to an obligation or duty
Petty	a challenge of a juror made as of right without assigning any cause
Forfeiture	extinction of the civil rights and capacities of a person upon sentence of death or outlawry usually after a conviction of treason
Pardon	the excusing of an offense without exacting a penalty
Peremptory challenge	a challenge of a juror made with assigning a cause when the lawyer has a specific reason for thinking that the juror would not be able to be impartial
Challenge for cause	having secondary rank or importance



Debate: ANIMALS AS DEFENDANTS

Study the information below and give your opinion on animals as defendants.

ANIMALS AS DEFENDANTS

Today, if an animal kills a human being, it is often «put to sleep» so it doesn't injure someone else. In medieval times, a killer animal was put on trial for similar «crimes.» Sounds weird? It gets more interesting. Animals who got in trouble the most were pigs. In 1266, a pig was tried in Fontenay-aux Roses (near Paris) and convicted of killing a child. Its sentence? Death by burning. Another pig that got in trouble was dressed in men's clothes and publicly executed in a French village. The year was 1386. The trial was held in Falaise on account of a child who had been injured in the face and arms. The accused, wearing a waistcoat, breeches, and white gloves, was sentenced to being mangled and maimed in the head and arms before being garroted and hanged at the village scaffold. The torture and punishment in itself is not so odd, considering the year; the peculiarity of the case is that the accused was a pig.

In seventeenth-century Russia, a goat butted a child down a flight of stairs, and was sentenced to one year in a prison camp in Siberia. In 1734, Franciscan friars in Brazil brought a suit against the termites that were damaging their houses. But the defense attorney spoke of the industriousness of the termites, and pointed out that they lived in Brazil before the monks. The court resolved it by ordering the monks to provide the termites with a reservation, and ordering the termites to leave the monastery and to live only within the reservation.

Some folks think stories about these trials are just folk tales. It is impossible to understand how a prosecutor could prove «criminal intent» on the part of an animal defendant! How would a non-thinking being suddenly become capable of thinking?

On the other hand, a respected French jurist and criminal lawyer wrote about animal trials in 1531. Bartholomew Chasseneau recorded the kind of legal analysis applied during the centuries when the practice was used. People thought Satan was acting through animals when they destroyed human life. Sometimes the guilty animals were even excommunicated by the Catholic Church. In 1559, the Saxon vicar Daniel Greysser excommunicated the sparrows that infested his church.

Edward Payson Evans, in *The Criminal Prosecution and Capital Punishment of Animals*, theorized that the Church instigated such trials in order to unite the parishioners and inspire confidence in the authority and power of the church. There is likely to be some truth in this, but it should be noted that such trials were not restricted to the Middle Ages.

Lest we in the «modern» age get too smug about «unenlightened» medieval people, it's useful to keep in mind that the last known cases of a defendant animal «standing» trial happened in the 20th century, e.g., in 1906, in Switzerland. In 1926, a stray German Shepherd in Kentucky was charged with the attempted murder of a small child; it was sentenced to death and executed in the electric chair. In 1974, a judge in Tanzania sentenced a goat that had grazed on a private lawn to four days in jail. And in 1991, an Argentinean dog killed a child and was sentenced to lifetime imprisonment.

Modern sensibilities would, for the most part, see such trials as absurd. How, then, are we to understand such trials?



FUNNY LAWS ABOUT ANIMALS

In Zion, it is illegal for anyone to give cats, dogs, or other domesticated animals a lighted cigar.

In Indianapolis, no horse shall be driven or ridden on any street in the city at a speed in excess of ten (10) miles per hour.

In Baltimore, it is illegal to take a lion to the movies.

In Alaska, you may hunt a bear safely but it is illegal to wake a bear and take a picture for foto opportunities.

In Arizona, US, donkeys cannot sleep in bathtubs and you may be imprisoned for 25 years for cutting down a cactus.

It is illegal to chain an alligator to a fire hydrant in Alabama.

It is illegal to carry a comb in your pocket in the state of Alabama

In France, it is illegal to sell dolls and toys that do not have human faces.

If an elephant is left tied to a parking meter, the parking fee has to be paid just as it would for a vehicle in Florida, USA.

In Charleston, all carriage horses must wear nappies.

Task 14. Use the verbs related to legal matters given in the box to complete the sentences:

to withhold	to acquit	to drop (the case against smb)
to serve	to award x 2	to return (a verdict)
to appeal	to legislate	

- (1) The policeman warned him that it was illegal to _____ evidence.
- (2) After consideration, the plaintiff _____ the case against his neighbour.
- (3) He _____ two years in a local prison.
- (4) The court _____ the plaintiff \$20,000 in damages plus costs.
- (5) Three of the men were sent to prison, but the judge _____ the fourth.
- (6) The defendant says he cannot pay the amount the court has _____.
- (7) After three hours deliberation the jury _____ a verdict of not guilty.
- (8) She says she is innocent and she is going to _____ to the supreme court against the decision.
- (9) Parliament has _____ against the sale of drugs.

Task 15. Study the table and give your own definitions to the crimes named below. Consult the dictionary if necessary.

<i>Crime</i>	<i>Criminal</i>	<i>Criminal act</i>
abuse	abuser	to abuse
arson	arsonist	to set fire
theft	thief	to steal
treason	traitor	to betray
assault	assaulter	to assault, to attack, to act in such a way as to make a victim believe he or she will be hurt
assault and battery	assaulter	to assault and inflict injury
assassination	assassin	to assassinate, to kill for political reasons
bigamy	bigamist	to marry illegally, being already married

<i>Crime</i>	<i>Criminal</i>	<i>Criminal act</i>
blackmail	blackmailer	to blackmail
bribery	bribe-taker	to bribe
burglary	burglar	to break into a house
mugging	mugger	to mug, to attack in the street, to snatch handbags and telephones
robbery	robber	to rob
smuggling	smuggler	to bring goods into a country illegally without paying tax
drug smuggling	drug smuggler	to carry drugs into another country illegally
drug dealing	drug dealer	to buy and sell drugs
embezzlement	embezzler	to embezzle, to peculate
espionage	spy	to spy, to get secret information
extortion	extortioner	to extort
forgery	forger	to forge, to make false money or signatures
fraud	crook, fraud	to fraud
fratricide	murderer	to kill a brother
hijacking	hijacker	to hijack, to take control of a vehicle by force
murder	murderer	to murder
homicide	murderer	to commit homicide
hooliganism	hooligan	to cause damage or disturbance in public places
human trafficking		to buy and sell people and children and people's organs
kidnapping	kidnapper	to kidnap
libel	false accuser	to libel, to publish a libel
manslaughter	murderer	to manslaughter, to kill by accident
stowaway	stowaway	to get a free journey
terrorism	terrorist	to use violence for political reasons, to organize explosions in public places
patricide	murderer	to kill parents
perjury	perjurer	to perjure
pickpocketing	pickpocket	to steal from people's pockets

<i>Crime</i>	<i>Criminal</i>	<i>Criminal act</i>
shop-lifting	shop-lifter	to steal in a supermarket
piracy	pirate	to copy copyrighted works
slander	slanderer	to make false accusation
vandalism	vandal	to inflict damage to property, to cause damage to property deliberately



Read the following paragraph. What is the difference between 'slander' and 'libel' (клевета)?

The door opened quickly. Denise Vanech with her tan skin and white hair pushed her head through the door. «I'll sue you for libel.»

«Slander. Libel is for the printed word. Slander is for the spoken. You mean slander. But either way, you'd have to prove what I'm saying is untrue. And we both know better.»

(After Harlen Coben. *No second chance*. P. 295)

Task 16. Make as many word combinations as possible matching the left and right columns:

to betray	a crime
to break	unfairly
mitigating	evidence
a false	a case
jury	Punishment
to commit	red-handed
to inflict	Injury
selected	at random
suspended	Sentence
to be brought	verdict
to be caught	law
capital	accuser
to withhold	your country
to treat	circumstances
to hear	before the judge



FUNNY LAWS

In Los Angeles, it is not legal to bathe two babies at the same time in the same tub.

In Walnut, no person shall wear a mask or disguise on a public street without a permit from the sheriff.

Colorado Water laws prohibit the use of rain barrels or any methods to catch rain for use. They claim the rain has already been legally allocated to the state and individual may not capture and use water to which he/she does not have a right.

In Nebraska, it is not legal for a tavern owner to serve beer unless a nice kettle of soup is also brewing.

In New York, it is against the law to throw a ball at someone's head for fun.

In Carmel, a man cannot be seen in public while wearing a jacket and pants that do not match.

In Greece, during a concert, it is illegal to eat peanuts and walk backwards on the sidewalks.

In Ocean City, it is illegal to eat in the street in residential neighborhoods, and the only beverage you can drink on the beach is water in a clear plastic bottle.

In Ocean City, it is illegal for men to go topless in the center of town.

According to a British law that was passed in 1845, suicide was considered a capital offense that was punishable by hanging.

In Thailand, it is illegal to leave your home without underwear.

In Switzerland, it is illegal to leave your car keys inside an unlocked vehicle.



Task 17. Translate the following text into English and comment on the stupidest law.

САМЫЕ СТРАННЫЕ ЗАКОНЫ РАЗНЫХ СТРАН

Законы Венеции (Италия) запрещают кормить голубей, находиться в общественном месте без рубашки, забираться в фонтаны и есть бутерброды на пешеходном переходе. Штраф за кормление голубей — \$600. А в Риме нельзя нырять в фонтаны.

В Германии остановка на автобанах запрещается даже в том случае, если у водителя закончился бензин. Кроме того, нельзя идти по трассе пешком. Штраф за нарушение этих правил может достигать \$100.

В Таиланде запрещено ездить в машине или на мотоцикле без рубашки. Штраф доходит до нескольких сот бат (около \$10).

Во Франции и Англии нельзя целоваться на железнодорожных вокзалах. Впрочем, за это не штрафуют.

В Гренаде опасно разгуливать по городу в купальном костюме. Штраф — \$270.

В Дании обязательно нужно включать автомобильные фары, иначе штраф — \$100.

Столько же с вас возьмут в Сингапуре, если вы жуеете жвачку, кормите птиц, плюете на улице или забудете спустить воду в общественном туалете.

(По материалам информагентств и туристических сайтов)



STUPID CRIMINALS

In Delaware, USA, Brent Brown robbed an 18-year-old pizza delivery girl and was then captured after he called and asked his victim for a date. She declined but gave the number to police.

A drug dealer in Florida was arrested after approaching a uniformed police officer in a marked police car and offering to sell him crack.



Task 18. Translate the following text into Russian in written form. Answer the questions after the text.

KINDS OF LAW

There are a lot of types of law except Criminal and Civil Law. The most common kinds of law are the International Law, Civil Law, Criminal Law, Tort Law, Property Law, Labor Law, Commercial Law and so many others.

International Law

Traditionally, International Law consisted of rules and principles governing the relations and dealings of nations with each other, though re-

cently, the scope of international law has been redefined to include relations between states and individuals, and relations between international organizations. Public international law, concerns itself only with questions of rights between several nations or nations and the citizens or subjects of other nations. In contrast, Private international law deals with controversies between private persons, natural or juridical, arising out of situations having significant relationship to more than one nation. In recent years the line between public and private international law has become increasingly uncertain. Issues of private international law may also implicate issues of public international law, and many matters of private international law have substantial significance for the international community of nations.

International Law includes the basic, classic concepts of law in national legal systems — status, property, obligation, and tort (or delict). It also includes substantive law, procedure, process and remedies. International Law is rooted in acceptance by the nation states which constitute the system. The following are major substantive fields of International Law: International Economic Law; International Security Law; International Criminal Law; International Environmental Law; Diplomatic Law; International Humanitarian Law or Law of War; International Human Rights Law.

Customary law and conventional law are primary sources of international law. Customary international law results when states follow certain practices generally and consistently out of a sense of legal obligation. Recently the customary law was codified in the Vienna Convention on the Law of Treaties. Conventional international law derives from international agreements and may take any form that the contracting parties agree upon. Agreements may be made in respect to any matter except to the extent that the agreement conflicts with the rules of international law incorporating basic standards of international conduct or the obligations of a member state under the Charter of the United Nations. International agreements create law for the parties of the agreement. They may also lead to the creation of customary international law when they are intended for adherence generally and are in fact widely accepted. Customary law and law made by international agreement have equal authority as international law. Parties may assign higher priority to one of the sources by agreement. However, some rules of international law are recognized by international community as peremptory, permitting no derogation. Such rules can be changed or modified only by a subsequent peremptory norm of international law.

General principles common to systems of national law is a secondary source of international law. There are situations where neither conventional

nor customary international law can be applicable. In this case a general principle may be invoked as a rule of international law because it is a general principle common to the major legal systems of the world and not inappropriate for international claims.

Traditionally, states were the main subject of international law. Increasingly, individuals and non-state international organizations have also become subject to international regulation.

International law imposes upon the nations certain duties with respect to individuals. It is a violation of international law to treat an alien in a manner which does not satisfy the international standard of justice. However in the absence of a specific agreement an individual cannot bring the complaint. Only the state of which he is a national can complain of such a violation before an international tribunal. The state of nationality usually is not obligated to exercise this right and can decide whether to enforce it.

Tort Law

Torts are civil wrongs recognized by law as grounds for a lawsuit. These wrongs result in an injury or harm constituting the basis for a claim by the injured party. While some torts are also crimes punishable with imprisonment, the primary aim of tort law is to provide relief for the damages incurred and deter others from committing the same harms. The injured person may sue for an injunction to prevent the continuation of the tortious conduct or for monetary damages.

Among the types of damages the injured party may recover are: loss of earnings capacity, pain and suffering, and reasonable medical expenses. They include both present and future expected losses.

There are numerous specific torts including trespass, assault, battery, negligence, products liability, and intentional infliction of emotional distress.

Torts fall into three general categories: intentional torts (e.g., intentionally hitting a person); negligent torts (e.g., causing an accident by failing to obey traffic rules); and strict liability torts (e.g., liability for making and selling defective products). Intentional torts are those wrongs which the defendant knew or should have known would occur through their actions or inactions. Negligent torts occur when the defendant's actions were unreasonably unsafe. Strict liability wrongs do not depend on the degree of carefulness by the defendant, but are established when a particular action causes damage.

There are also separate areas of tort law including nuisance, defamation, invasion of privacy, and a category of economic torts.

Property Law

Property law is the area of law that governs the various forms of ownership in real property (land as distinct from personal or movable posses-

sions) and in personal property, within the common law legal system. In the civil law system, there is a division between movable and immovable property. Movable property roughly corresponds to personal property, while immovable property corresponds to real estate or real property, and the associated rights and obligations thereon.

Labor Law

The goal of labor laws is to equalize the bargaining power between employers and employees. The laws primarily deal with the relationship between employers and unions. Labor laws grant employees the right to unionize and allow employers and employees to engage in certain activities (e.g. strikes, picketing, seeking injunctions, lockouts) so as to have their demands fulfilled.

Commercial Law

Commercial law governs the broad areas of business, commerce, and consumer transactions. Specific law has developed in a number of commercial fields. These include:

Bankruptcy (Bankruptcy law provides for the development of a plan that allows a debtor, who is unable to pay his creditors, to resolve his debts through the division of his assets among his creditors. This supervised division also allows the interests of all creditors to be treated with some measure of equality. Certain bankruptcy proceedings allow a debtor to stay in business and use revenue generated to resolve his or her debts. An additional purpose of bankruptcy law is to allow certain debtors to free themselves (to be discharged) of the financial obligations they have accumulated, after their assets are distributed, even if their debts have not been paid in full.)

Consumer credit (credit allows consumers to finance transactions without having to pay the full cost of the merchandise at the time of the transaction. A common form of consumer credit is a credit card account issued by a financial institution. Merchants may also provide financing for products which they sell. Banks may directly finance purchases through loans and mortgages.)

Contracts (contracts are promises that the law will enforce. The law provides remedies if a promise is breached or recognizes the performance of a promise as a duty. Contracts arise when a duty does or may come into existence, because of a promise made by one of the parties. To be legally binding as a contract, a promise must be exchanged for adequate consideration. Adequate consideration is a benefit or detriment which a party receives which reasonably and fairly induces them to make the promise/contract. For example, promises that are purely gifts are not considered enforceable because the personal satisfaction the grantor of the promise may receive from the act of giving is normally not considered adequate consideration. Certain promises

that are not considered contracts may, in limited circumstances, be enforced if one party has relied to his detriment on the assurances of the other party.)

Debtor and creditor (debtor-creditor law governs situations where one party is unable to pay a monetary debt to another. There are three types of creditors. First are those who have a lien against a particular piece of property. This property (or proceeds from its sale) must be used to satisfy the debt to the lien-creditor before it can be used to satisfy debts to other creditors. A lien may arise through statute, agreement between the parties, or judicial proceedings. Secondly, a creditor may have a priority interest. A priority arises through statutory law. If a creditor has a priority his debt must be paid when the debtor becomes insolvent before other debts. The final type of creditor is one who has neither a lien against the debtor's property or is the subject of a statutory priority.)

Mortgages (A mortgage involves the transfer of an interest in land as security for a loan or other obligation. It is the most common method of financing real estate transactions.)



ANSWER THE FOLLOWING QUESTIONS

1. What is the difference between public and private international law?
2. What subjects of international law do you know?
3. What general categories do torts fall into? What is the difference between them?
4. What separate areas of tort law are there?
5. What areas does commercial law govern?



Debate: THE ROAD TRAFFIC ACT AND SPEED CAMERAS

Read the text below to discuss the situation with your peers, answer the questions and give your opinion on the problem.

The Road Traffic Act and Speed Cameras

Law embraces as many aspects of community life as it may reach. Traffic Rules and road safety is one of the most obvious instances regulated by practical law. In the UK the use of speed cameras is a matter of the state which is specified in The Road Traffic Act 1991.

According to UK Road Safety Information Bulletin (2011), drivers travelling at higher speeds have less time to identify and react to what is happening around them. It takes longer for the vehicle to stop. And the crash will be more severe, causing greater injury to the occupants and any pedestrian or a rider hit by the vehicle.

Higher speeds also create the severity of an injury in a collision. Approximately two-thirds of all crashes in which people are killed or injured happen on roads with a speed limit of 30 mph or less.

For car occupants, the risk of being killed in collision with another vehicle increases with speed. The risk is much higher in a side impact. For pedestrians struck by cars, the risk of fatality increases slowly until impact speeds of around 30 mph. Above this speed, risk increases rapidly (between 3.5 and 5.5 times from 30 mph to 40 mph).

Unfortunately, most drivers exceed the speed limit at some time even in urban areas during free flowing traffic.

The Road Traffic Act 1991 enables Courts to accept evidence of speeding from type approved cameras accompanied only by a certificate signed on behalf of the relevant police force.

Fixed speed cameras are located at selected roadside sites, typically a yellow box on a grey pole. Usually, there are white markings on the road to help calculate vehicles' speed and give extra warning to drivers of the camera's presence to discourage them from breaking the speed limit. Mobile speed cameras are moved from site to site according to local accident data.

A review of the evidence of the effectiveness of speed cameras in 2010 examined data from the above four year study plus many other UK and international studies along with data on traffic speeds, collisions and casualties.

The report concluded that cameras at more than 4,000 sites across Great Britain prevented some 3,600 personal injury collisions, saving around 1,000 people from being killed or seriously injured.

The evidence for speed cameras shows that they are effective at reducing speeds and preventing accidents, especially in preventing more serious and fatal accidents.

The magnitude and the consistency of the results across different countries and types of road provides a high level of confidence that the introduction of speed cameras does reduce accidents at the sites where they are located.

While more research would strengthen the evidence base, the studies demonstrating their effectiveness are the strongest evidence available and must be used to inform decision making: Cameras save lives.



ANSWER THE QUESTIONS

1. Does this story have anything to do with law?
2. What proof can you find in the text to support your opinion?
3. What is the text about?

4. What is a speed camera (SC)?
5. Are speed cameras (SC) really effective?
6. What is the proof of SC's effectiveness?
7. What is evidence base collected for?
8. Do you know of any SCs fixed upon roads in Russia?
9. Could you develop your idea of using SCs on Russian roads?
10. Who do you think is responsible for SCs on the roads?
11. What do you think the state's objective of fixing SCs on the roads?
12. What do you think about SCs and the road situation in England as compared to that in Russia?

Unit 2

VIOLENCE

Useful Words and Expressions for Speech Practice	
a victim	жертва
unimaginable atrocities	невообразимые зверства / жестокость
humanity	человечество
to threaten the peace	угрожать миру / мирному сосуществованию
security	безопасность
well-being of the world	зг. благосостояние мирового сообщества
the international community	мировое сообщество
to take measures	принимать меры
at the national level	на национальном уровне
to enhance international cooperation	расширять международное сотрудничество
to ensure effective prosecution of serious crimes	обеспечить эффективное судебное преследование за серьезные преступления
Rome Statute of the International Criminal Court	Римский статут Международного уголовного суда
crimes against humanity	преступления против человечества
extermination	уничтожение, истребление
persecution on political, racial, national, ethnic, cultural, religious, gender and other grounds	преследование по политическим, расовым, национальным, этническим, культурным, религиозным, половым и другим мотивам
inhumane acts	бесчеловечные действия
to cause great suffering	быть причиной больших страданий
injury to mental or physical health	нанесение вреда / причинение ущерба умственному или физическому здоровью
threat of a terrorist action	угроза террористического акта
to commit an act of terrorism	совершить террористический акт

to intimidate the public	запутывать общественность
violence against a person	насилие над личностью
damage to property	ущерб имуществу
to endanger a person's life	подвергнуть риску жизнь человека
firearms	огнестрельное оружие
explosives	взрывчатые вещества
to disrupt an electronic system	разрушить электронную систему
an organization is concerned in terrorism	организация замешана в террористических актах
to intensify cooperation	расширять (усилить) сотрудничество
to adapt domestic legislation to...	адаптировать внутреннее законодательство к...

Task 1. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law. Pay special attention to the words and word combinations in bold type.

CRIMES AGAINST HUMANITY

In the twentieth century millions of children, men and women were victims of **unimaginable atrocities** that deeply shocked the conscience of the humanity. Such grave crimes threaten the peace, security and well-being of the world. Mindful that the most serious crimes of concern to the **international community** must not go unpunished and that their **effective prosecution must be ensured** by taking measures at the national level and by **enhancing international cooperation**, peoples of the world are determined to put an end to impunity for the perpetrators of these crimes and thus to contribute to the prevention of such crimes. It is the duty of every state **to exercise its criminal jurisdiction** over those responsible for international crimes.

The Rome Statute of the International Criminal Court gives a list of «crimes against humanity»: **murder, extermination, enslavement, deportation or forcible transfer of population, torture, rape, sexual slavery, enforced disappearance of persons, the crime of apartheid, persecution against any group on political, racial, national, ethnic, cultural, religious, gender and other grounds**, etc. All these **inhumane acts** cause great suffering, or serious **injury to mental or physical health**.

Violence is a serious problem that faces our society nowadays. Violence has become an accepted way of life in America and in many other places all over the world. According to statistics violent crime has been constantly ris-

ing in Russia lately, too. Many people are afraid to go out when it gets dark though staying at home is not a guarantee for safety either.

There are different explanations for this phenomenon. In the USA you can buy all kinds of weapons at gun shops everywhere. So weapons are bought not only by criminals but by **law-abiding citizens** to protect themselves. The growth of using drugs is another reason. Teenagers need money to buy drugs so they are ready for **robbery, burglary** and even murder to get it.

The propaganda of violence by mass media makes the situation worse. Television feeds us with **gunfights**, murders and all kinds of beatings. Even special programs for children are full of scenes of violence. So it is not surprising that **juvenile crime record** is constantly growing.



ANSWER THE FOLLOWING QUESTIONS

1. Do you agree that in the twentieth century millions of people were victims of unimaginable atrocities that shocked the humanity? Why are such crimes dangerous?
2. What measures does the international community take to ensure effective prosecution of serious crimes?
3. Give a list of «crimes against humanity» that the Rome Statute of the International Criminal Court gives.
4. Why are all these crimes so inhumane and cruel?

Task 2. Complete the sentences using the words and word combinations from the box. If necessary, consult English-Russian dictionaries.

unimaginable atrocities	to exercise
injury to mental or physical health	racial, religious and gender
peace, security and well-being	impunity for the perpetrators
to ensure effective prosecution	enhance international cooperation

- (1) In the last century millions of people were victims of ____
- (2) Crimes against humanity threaten the ____ of the world.
- (3) All these inhumane acts cause great suffering, or serious ____
- (4) «Persecution» means the intentional deprivation (преднамеренное лишение) of fundamental rights of a group of people on political, national, ethnic, cultural, ____ grounds.
- (5) The international community tries ____ of serious crimes.
- (6) Peoples of the world ____ to ensure peace and security of the humanity.

- (7) It is the duty of every state ____ its criminal jurisdiction over those responsible for international crimes.
- (8) Peoples of the world are determined to put an end to ____ of grave crimes and thus to contribute to the prevention of such crimes.



Task 3. Translate the following words and word combinations into English:

в двадцатом веке
жертвы невообразимой жестокости
шокировать человечество
угрожать мирному сосуществованию
мировое сообщество
оставаться безнаказанными
принимать меры на национальном уровне
расширять международное сотрудничество
обеспечить эффективное судебное преследование за серьезные преступления
безнаказанность
предотвращение совершения преступления
осуществлять юрисдикцию
насилие
Римский статут Международного уголовного суда

преступления против человечества
порабощение
депортация или насильственное переселение
сексуальное рабство
пытки
изнасилование
преследование по политическим, расовым, национальным, этническим, культурным, религиозным, половым и другим мотивам
бесчеловечные действия
быть причиной больших страданий
причинение ущерба умственному или физическому здоровью
серьезная проблема, которая стоит перед нашим обществом
общепринятый образ жизни
по всему миру
по статистике

постоянно растет
бояться выходить на улицу
когда стемнеет
гарантия безопасности
все виды оружия
оружейный магазин
законопослушные граждане
покупать оружие с целью самозащиты
покупать наркотики
грабеж
кража со взломом
готовы на убийство
пропаганда насилия в средствах массовой информации
ухудшать ситуацию
перестрелка
сцены насилия
преступность несовершеннолетних

В двадцатом веке миллионы людей стали жертвами невообразимой жестокости. Многочисленные тяжкие преступления угрожают мирному сосуществованию, безопасности и благосостоянию мирового сообщества. Осознавая, что наиболее серьезные преступления, представляющие опасность для человечества, не должны оставаться безнаказанными, государства принимают меры на национальном уровне, а также расширяют международное сотрудничество с целью обеспечения эффективного судебного преследования за подобные преступления. Народы всего мира полны решимости положить конец безнаказанности преступников, совершивших тяжкие преступления.



Task 4. Translate the following questions into English and ask your partner to answer them:

1. Согласны ли вы, что в двадцатом веке миллионы людей стали жертвами невообразимой жестокости, которая шокировала человечество? Насколько опасны подобные злодеяния?
2. Какие шаги предпринимает международное сообщество для обеспечения эффективного судебного преследования за серьезные преступления?
3. Какие преступления перечислены в Римском статуте Международного уголовного суда как «преступления против человечества»?
4. Каковы последствия перечисленных злодеяний для жизни и здоровья людей?
5. Является ли насилие серьезной проблемой, которая стоит перед нашим обществом?
6. Является ли насилие общепринятым образом жизни в США?
7. Наблюдается ли рост преступности в России в настоящее время?
8. Каковы причины распространения насилия в США?
9. Можно ли купить различные виды оружия в оружейных магазинах в США?
10. Является ли рост потребления наркотиков одной из причин роста преступности? Какова взаимосвязь этих двух факторов?
11. Влияет ли пропаганда насилия в средствах массовой информации на рост преступности в обществе?

Task 5. (a) Match the English expressions with their Russian equivalents in the table:

(1) murder	(a) порабощение
(2) extermination	(b) апартеид, расовая изоляция
(3) persecution against any group on political grounds	(c) преследование какой-либо группы людей по религиозным мотивам
(4) enslavement	(d) уничтожение, истребление
(5) torture	(e) изнасилование
(6) deportation or forcible transfer of population	(f) убийство
(7) rape	(g) пытки
(8) sexual slavery	(h) бесчеловечные действия
(9) enforced disappearance of persons	(i) депортация, или насильственное переселение
(10) apartheid	(j) сексуальное рабство
(11) persecution against any group on religious grounds	(k) преследование какой-либо группы людей по политическим мотивам
(12) inhumane acts	(l) похищение людей

(b) Complete the sentences using the word combinations from the second column:

(1) «Crimes against humanity»	(a) to ensure effective prosecution of serious crimes.
(2) «Deportation or forcible transfer of population» means	(b) the intentional infliction of pain and suffering ¹ .
(3) «Torture» means	(c) forced displacement of people.
(4) The term «gender» refers to (относится к)	(d) intentional killing, torture, unlawful deportation, taking of hostages.
(5) «War crimes» means	(e) the two sexes, male and female.

¹ the intentional infliction of pain and suffering — преднамеренное причинение боли и страданий.

(6) The international community takes measures	(f) the intentional deprivation of fundamental rights of a group of people on political, national, religious, gender and other grounds.
(7) «Persecution» means	(g) threaten the peace, security and well-being of the world.



Task 6. Study the following list of offences in the table. Rate them on a scale from 1 to 5 (1 is a minor offence, 5 is a very serious crime). Which of the sentences listed below fit the offences in the table? Give your own opinion - it is not necessary to apply your knowledge of existing laws.

HOW SERIOUS IS A CRIME?

<i>Criminal Act</i>	<i>Rating</i>				
shop-lifting (stealing a camera) / larceny	1	2	3	4	5
burglary	1	2	3	4	5
murder of a police officer	1	2	3	4	5
selling drugs (marijuana)	1	2	3	4	5
being drunk in a public place	1	2	3	4	5
bribery of an official	1	2	3	4	5
Rape	1	2	3	4	5
selling porno films and books	1	2	3	4	5
crossing the street in the wrong place	1	2	3	4	5
kidnapping (the kidnappers want to get a ransom of 1 mln. dollars)	1	2	3	4	5
driving at 120 miles an hour / driving in excess of the speed limit	1	2	3	4	5
drinking and driving	1	2	3	4	5
disorderly conduct in the cinema / in a disco-club	1	2	3	4	5
armed robbery of a bank	1	2	3	4	5
assault and battery / common assault (a fight in a restaurant)	1	2	3	4	5
malicious wounding (stabbing smb in a fight)	1	2	3	4	5
possession of a gun without a license	1	2	3	4	5
grievous bodily harm / injury	1	2	3	4	5

NB!

disorderly conduct	хулиганство, нарушение общественного порядка, хулиганское поведение
armed robbery	вооруженное ограбление
larceny	воровство
assault and battery	нападение с нанесением побоев
malicious wounding	злоумышленное нанесение ран
grievous bodily harm /	нанесение тяжких телесных повреждений
grievous bodily injury	

GENERAL TYPES OF PUNISHMENT

death penalty / capital punishment	смертная казнь / высшая мера наказания
to impose a fine	налагать штраф
life imprisonment	пожизненное тюремное заключение
imprisonment with hard labour /	лишение свободы с каторжными
imprisonment at penal servitude	работами, каторга
long-term imprisonment	длительное тюремное заключение
short-term imprisonment	небольшой срок тюремного заключения
suspended sentence	отсрочка исполнения приговора
to put on probation	назначить систему условно-досрочного освобождения
to release on bail	освободить под залог или поручительство
detention centre	(1) следственный изолятор; (2) исправительное учреждение



Study the text below and give your opinion on the sentences listed below.

In ancient China the punishment for small criminal infractions such as shoplifting or breaking a curfew was to brand the offender's forehead with a hot iron. Petty thieves and people who molested travelers had their noses sliced off. For the crime of damaging city bridges or gates, the ears, hands, feet, and kneecaps were cut off. Abduction, armed robbery, treason, and adultery were punished by castration. Death by strangulation was the price one paid for murder and for an even unspeakable crime — drunkenness.



It is interesting to know that...

... Marie-Augustin Marquis de Pelier of Brittany was arrested in 1786 and spent the next fifty years of his life in prison. His crime: whistling at Queen Marie Antoinette as she was being ushered into a theatre.

...the Port Fairy jail in Australia was built by a Yorkshireman named Broadbent who celebrated its completion so gaily that he became its first prisoner (1857).

Task 7. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law. Pay special attention to the words and word combinations in bold type.

TERRORISM

Terrorism means the use or threat of action if this action may influence the government or **intimidate the public** or a section of the public for political, religious or ideological reasons. Terrorism usually involves serious violence against a person or serious **damage to property, endangers a person's life**, other than that of the person committing the action, and creates a serious risk to the health or safety of the public. Terrorists often use **firearms or explosives** for their purposes. Terrorists may have plans **to interfere with or seriously disrupt an electronic system**.

An organization is concerned in terrorism if it commits or participates in acts of terrorism, prepares for terrorism, **promotes or encourages terrorism**.

Everybody sees the need for fight against terrorism and its financing. Governments of different countries take measures **to adapt domestic legislation and international conventions to new technological and other developments of terrorists as well as to their growing sophistication**. It is also necessary **to intensify cooperation between national administration and judicial, police, financial and other authorities** for the purpose of successfully **tracing the origin and the routing of funds intended for terrorists**.

Peoples of the world see the need for intensified international cooperation to identify and neutralize funds for terrorist purposes. Such an undertaking is possible only with a high degree of cooperation at the normative, operative and implementation levels. While such an effort may not ensure the prevention of

all terrorist acts, it can contribute significantly to weakening terrorist infrastructures. This is so especially if measures can neutralize terrorism's legal sources of financing, which in certain cases **operate under the cover of humanitarian, non-profit or even charitable organizations**. It is also necessary to prevent general criminal activities that often serve to finance terrorism such as **trafficking drugs and weapons in human beings**. The systems and measures developed over the last few years to prevent the laundering of proceeds from crime can, if conscientiously applied, play a significant role in the **detection, freezing and confiscation of terrorist funds**.



ANSWER THE FOLLOWING QUESTIONS

1. What does terrorism mean?
2. Does terrorism usually involve serious violence against a person or serious damage to property? Give examples.
3. Does terrorism usually endanger a person's life, other than that of the person committing the action? Give examples.
4. Does terrorism usually create a serious risk to the health or safety of the public? Give examples.
5. Do terrorists often use firearms or explosives for their purposes?
6. Do terrorists often interfere with or seriously disrupt electronic systems? Give examples.
7. What organizations are concerned in terrorism?
8. What measures do governments of different countries take to fight against terrorism and its financing?

Task 8. Complete the sentences using the words and word combinations from the box. If necessary, consult English-Russian dictionaries.

violence against
damage to
for political, religious or
ideological reasons
safety

endangers
seriously disrupt
firearms or explosives
participates in

domestic legislation
fight against terrorism
intensify cooperation

- (1) An act of terrorism may influence the government or intimidate the public or a section of the public _____
- (2) Terrorism usually involves serious ____ a person or serious ____ property.
- (3) Terrorism ____ a person's life, other than that of the person committing the action.
- (4) Terrorism creates a serious risk to the health or ____ of the public.
- (5) Terrorists often use ____ for their purposes.
- (6) Terrorists may have plans to interfere with or ____ an electronic system.
- (7) An organization is concerned in terrorism if it commits or ____ acts of terrorism.
- (8) Everybody sees the need for ____ and its financing.
- (9) Governments of different countries take measures to adapt ____ to new technological and other developments of terrorists.
- (10) We must ____ between national administration and judicial, police, financial and other authorities for the purpose of fighting against terrorism and its financing.



Task 9. Translate the following words and word combinations into English:

повлиять на правительство
 запугивать общественность
 насилие над личностью
 по политическим, религиозным или
 идеологическим причинам
 ущерб имуществу
 подвергнуть риску жизнь человека
 совершить террористический акт
 подвергнуть большому риску
 безопасность общества
 использовать огнестрельное оружие,
 взрывчатые вещества
 разрушить электронную систему
 участвовать в террористических
 актах

борьба с терроризмом и его фи-
 нансированием
 принимать меры
 адаптировать внутреннее законо-
 дательство и международные
 конвенции к новым техноло-
 гическим и другим усовер-
 шенствованиям террористов
 так же как
 все увеличивающаяся изворотли-
 вость террористов
 расширять сотрудничество
 судебные, полицейские, финансо-
 вые и другие органы власти

отследить происхождение и пути
прохождения финансовых
средств, предназначенных для
террористов

успешно

организация замешана в террори-
стических актах

необходимость расширения меж-
дународного сотрудничества

идентифицировать и нейтрализо-
вать финансовые средства

для террористических целей

подобное предприятие возможно...

высокая степень сотрудничества

нормативный, оперативный уровни

уровень внедрения (нормативных
актов и т.п.)

обеспечить предотвращение тер-
рористических актов

внести большой вклад в ослабле-
ние террористической
инфраструктуры

нейтрализовать легальные
источники финансирования

действовать под прикрытием

благотворительные организации

транспортировка наркотиков и
оружия в теле человека

меры, разработанные за послед-
ние несколько лет

отмывание денег

при добросовестном применении

сыграть значительную роль

обнаружение, замораживание и
конфискация финансовых ис-
точников террористов



Task 10. Translate the following questions into Eng-
lish and ask your partner to answer them:

1. Дайте определение терроризма. Какие цели обычно преследуют террористы?
2. Является ли террористический акт угрозой безопасности общества?
3. Может ли угроза террористического акта повлиять на правитель-
ство?
4. Подразумевает ли террористический акт насилие над лично-
стью или ущерб имуществу?
5. Используют ли террористы огнестрельное оружие и взрывчатые
вещества при совершении террористических актов?
6. Дайте определение террористической организации.
7. Какие меры принимаются правительствами разных стран для
борьбы с терроризмом?
8. Необходимо ли расширение международного сотрудничества в
целях идентификации и нейтрализации финансовых источников
террористов? В чем заключается подобное сотрудничество?

9. Под прикрытием каких организаций часто скрываются легальные источники финансирования террористической деятельности?
10. Какие меры способствуют нейтрализации источников финансирования террористической деятельности?



Task 11. (a) Render the text below into English paying attention to the notes in brackets.

ОПРЕДЕЛЕНИЕ МЕЖДУНАРОДНОГО ТЕРРОРИЗМА И МЕТОДИКИ БОРЬБЫ С НИМ

Универсального определения международного терроризма (*universal definition of international terrorism*) до сих пор нет. Дефиниция, широко используемая в правительственных кругах (*government establishment*) и официально включенная в действующие законодательства (*legislation*), определяет «международный терроризм» как действие одиночек или групп преступников, вовлекающих граждан или собственность более чем одной страны. Терроризм довольно широко трактуется как политически мотивированное преступление (*politically motivated crime*), предпринятое против (*launched against*) гражданских лиц (*civilians*) субнациональными группами или тайными агентами (*undercover agents*). «Террористическая группа» воспринимается как сообщество, которое использует на практике насилие, приводящее к смерти людей, или как специальные подразделения, осуществляющие террористические акты (*special groups committing terrorist acts*).

На сегодняшний день детально разработаны (*worked out in detail*) различные варианты борьбы с международным терроризмом – от дипломатического и международного сотрудничества (*diplomatic and international cooperation*) и конструктивного вовлечения в экономические санкции до тайных акций (*secret actions*), защитных мер коллективной безопасности (*protective measures of collective security*) и военной силы (*military power*).

Считается необходимым следовать принципу: никаких уступок террористам (*no compromise*). Не платить им выкуп за захваченных в заложники лиц (*to pay redemption for hostages*), не уступать шантажистам (*to yield to blackmailers*), требующим освободить заключенных, не соглашаться на осуществление любых других действий, способных как-то поощрить террористов (*actions encouraging terrorists*).

Большинство экспертов едины во мнении (*hold the same views*), что наиболее эффективный путь борьбы с терроризмом сопряжен со сбором разведанных (*collecting data*). Террористические планы следует разрушать до того, как они осуществились на практике (*must be destroyed before they are realized*). В недалеком прошлом правительства многих стран мира предпочитали воспринимать терроризм только как внутреннюю и сугубо национальную проблему (*home and absolutely national problem*). При этом различия в отношении к террористам были весьма существенны, а это провоцировало определенные контрдействия и вело к несогласованности усилий (*lack of coordination*) в случаях принадлежности террористов к влиятельным международным группировкам (*influential international groups*). Некоторые страны, кроме того, отказывались присоединиться к международным санкциям против террористов по коммерческим причинам (*mercantile interests*).

В современных условиях нередко имеют место нестандартные проявления международного терроризма, когда отдельные лица формально не работают ни на одну террористическую организацию, а исполнители терактов не являются агентами какого-либо государства и не получают помощь для совершения своего преступления ни от какого государства. Данная угроза имеет поистине глобальный масштаб. Ее классифицируют как терроризм в стиле «бутик» (*boutique*) или проявление так называемой «спонтанной» (*spontaneous*) террористической активности, подобно взрывам книжных магазинов в Соединенных Штатах после провозглашения смертного приговора (фетвы) Аятоллой Хомейни в отношении писателя Залмана Рушди за книгу «Сатанинские стихи». Не исключено, что в XXI веке типичный международный террорист будет представлять из себя одиночку, никак не ассоциирующего свою деятельность с какой-либо известной преступной группой. Возможно, конечно, и взаимодействие лица, готовящего и осуществляющего террористический акт с какой-либо организацией, но все равно террорист в обозримом будущем будет преимущественно одиночкой.

Экономические санкции против стран-террористов подпадают под шесть категорий: ограничения в торговле, трансфере технологий (*limitations in trade, technologies transfer*), тотальное торговое эмбарго (*total trade embargo*), эмбарго на все финансовые взаимоотношения и операции, приостановление иностранной помощи и ограничение воздушных или морских сообщений, а также отмена договоров (*cancellation*) о дружбе, торговле и мореплавании.

Санкции обычно требуют сотрудничества между странами для того, чтобы они были эффективны, но такое сотрудничество не всегда осуществляется на практике (*to be realized*).

(b) Make a summary of the text in English.

Task 12. (a) Insert the correct prepositions:

NB	to accuse smb of smth / to charge	обвинить кого-либо в чем-либо
	smb with smth	
	to convict smb of smth	осудить кого-либо за что-либо, вынести приговор

- (1) An arrest warrant was issued for Tafoya by the Ventura County Superior Court on December 14, 2007, after he was charged ____ child stealing.
- (2) He was accused ____ larceny.
- (3) Since 1900 in the USA there have been on the average more than four cases per year in which an entirely innocent person was convicted ____ murder.
- (4) In 2007 Tafoya was charged ____ unlawful flight to avoid prosecution.
- (5) The police were accused ____ using torture to make suspects confess.
- (6) He is innocent. He didn't commit the crime you accuse him ____.

(b) Match the English expressions with their Russian equivalents in the table:

(1) accusant	(a) обвинение, обвинительный акт
(2) accusation	(b) состряпать обвинение
(3) to be under accusation	(c) сфабриковать обвинение
(4) to bring accusation	(d) обвинитель
(5) to concoct accusation	(e) ложное обвинение
(6) to fabricate accusation	(f) обвиняться
(7) to retaliate accusation	(g) выдвинуть обвинение
(8) false accusation	(h) осуждение за преступление
(9) formal accusation	(i) обвинение, не подкрепленное достаточными доказательствами

(10) unsatisfactory accusation	(j) обвинитель (частное лицо)
(11) accused / convict / defendant	(k) официальное обвинение
(12) accuser	(l) осудить за совершение преступления
(13) to convict of a crime	(m) обвиняемый; подсудимый, осужденный
(14) conviction of an offence	(n) предъявить встречное обвинение

(c) Insert *to be* in the correct form:

- (1) The circumstantial evidence against him ____ thin, other leads were ignored by the police, and the courtroom atmosphere reeked of racism.
- (2) The evidence that pointed to another person as the murderer ____ never submitted at his trial.
- (3) The evidence ____ hearsay and he called upon the court to dismiss it.
- (4) There ____ insufficient evidence for the court to convict him.



STUPID CRIMINALS

Mugging people in one of the UK's most popular jogging locations is asking for trouble. Experienced marathon runner Glyn Roberts came to the aid of a victim on Hampstead Heath in north London and gave chase — for two miles. The bewildered mugger eventually fell to his knees and begged for mercy. He didn't get it.



TERRORISM

Find in the Internet or mass media facts about terrorist acts in different countries and ways of fight against them by the police and different state organizations. Organize a kind of press conference sharing your ideas about this problem.

Task 13. Translate the following sentences into English using the words and word combinations which do with legal matters.

NB	to plead guilty (to all charges) / to admit one's guilt	признать свою вину
	to confess	признаться
	to find smb guilty	признать кого-либо виновным
	to be innocent	быть невиновным

to imprison / to incarcerate smb for 2 years	to bribe smb
the secret police	to drop the charges (to get the charges dropped)
a high security jail	to serve 2 months in prison
three hours of questioning	to bring a civil (criminal) action against smb
a (political) prisoner	case of corruption
to grant an amnesty to smb	commit a crime
to charge smb with smth	to impose a fine of \$100
embezzlement	to sentence smb to 3 years of prison
to release smb from prison	
to be desperate	

- (1) Тайная полиция отправила его на полгода в колонию строгого режима.
- (2) После трехчасового допроса обвиняемый признал свою вину.
- (3) Заключенный признал свою вину по всем пунктам обвинения.
- (4) Правительство объявило амнистию всем политическим заключенным.
- (5) В октябре его обвинили в хищении.
- (6) Президент освободил лидера оппозиции из тюрьмы.
- (7) Директор был в отчаянии и даже пытался подкупить полицейских, чтобы те сняли с него обвинения.
- (8) Он отсидел полгода в местной тюрьме.
- (9) Он отсидел 10 лет в тюрьме, и сегодня его выпустят на свободу.
- (10) Его обязательно признают виновным, это вопиющее дело о коррупции.
- (11) «Я невиновен, я не совершал преступления, в котором вы меня обвиняете», — произнес он.

- (12) Он возбудил гражданский иск против авиакомпании за то, что она задержала рейс на шесть часов и не обеспечила пассажиров питанием и гостиницей.
- (13) Судья присудил им штраф в размере \$500.
- (14) Их признали виновными и приговорили к пяти годам тюрьмы.

Task 14. Make as many word combinations as possible matching the left and right columns:

to engage	in court
to defend	proceedings
civil	guilty
unanimous	charges
to plead	measures
to drop	a prison sentence
to take	verdict
to serve	proceedings
criminal	the best lawyer
penal	institutions
to corroborate	into custody
to take	an alibi



STUPID CRIMINALS

Drug-possession defendant Christopher Johns, on trial in March in Pontiac, Michigan, said he had been searched without a warrant. The prosecutor said the officer didn't need a warrant because a "bulge" in Christopher's jacket could have been a gun. Nonsense, said Christopher, who happened to be wearing the same jacket that day in court. He handed it over so the judge could see it. The judge discovered a packet of cocaine in the pocket and laughed so hard he required a five-minute recess to compose himself.

A man from Indiana gave local police officers a wrong name after being stopped for a driving offence, but was caught out after they noticed his real name, Cecil, tattooed on his neck.

CREATIVE ACTIVITIES



Give your attitudes on the following statements in written form or orally using the active vocabulary from the texts above.

The term «international terrorism» first entered the modern lexicon three decades ago as leftiest guerilla movements clashed with rightiest regimes in Latin America. From there it spread around the world. As the *New York Times* wrote:

Nobody can accurately call those who plotted, financed and carried out the famous mass slaughter of September 11 «militants, resistance fighters, gunmen, partisans or guerillas». The most precise word to describe a person or group who murders even one innocent civilian to send a political message is «terrorist».

The Guardian wrote:

Perhaps the most important lesson of all (global terrorism) is that our best hope of building a safer and more peaceful world lies in reconstructing our policy round the US and authorizing it to control the Monetary Fund, the World Trade Organization and the multinational corporations which now dominate the global economy and expect the Pentagon to step in to defend their interests from any national liberation movements that might threaten their profits.

Task 15. (a) Match the English expressions with their Russian equivalents in the table:

NB | **trial** — судебное разбирательство; судебный процесс; слушание дела по существу

(1) after trial	(a) рассмотрение дела с участием присяжных
(2) trial by court	(b) предать суду
(3) trial by jury	(c) мешать судопроизводству
(4) to bring to trial, to put on trial	(d) по рассмотрении дела в суде
(5) to conduct a trial	(e) справедливое судебное разбирательство, судебное разбирательство с соблюдением процессуальных гарантий
(6) to delay a trial	(f) вести судебный процесс
(7) to embarrass a trial	(g) рассмотрение дела самим судом без участия присяжных

(8) to face trial	(h) затягивать судебный процесс
(9) to safe from trial	(i) отвечать перед судом
(10) to stand trial	(j) предстать перед судом
(11) fair trial	(k) открытый судебный процесс
(12) mock trial, staged trial	(l) избавить от суда
(13) public trial	(m) последующее рассмотрение дела
(14) second trial	(n) инсценированный судебный процесс, пародия на суд
(15) subsequent trial	(o) повторное рассмотрение дела

(b)

NB | **court** — суд, судебное присутствие

(1) court and jury	(a) предать суду
(2) to appear in court / to stand court	(b) предстать перед судом
(3) to bring into the court	(c) суд и присяжные
(4) court of inquiry	(d) следственная комиссия



Task 16. (a) Render the following text into English paying attention to the notes in brackets.

ПОЛИТИКА В ОБЛАСТИ БОРЬБЫ С МЕЖДУНАРОДНЫМ ТЕРРОРИЗМОМ

В современных условиях глобальной и региональной нестабильности (*global and regional instability*) международный терроризм относится к ряду наиболее обсуждаемых проблем (*disputable questions*). По мнению ведущих экспертов, терроризм следует рассматривать как сложнейшее явление международной политической жизни стран и народов. Многочисленные террористические акты, спонсируемые некоторыми государствами или группировками, подтверждают справедливость данного утверждения. Терроризм часто финансируется, поддерживается и планируется в международном масштабе, но полученный результат всегда оказывается локальным. Облегченный доступ (*easy access*) террористических групп к новейшим химическим, биологическим или ядерным технологиям, а также широкое использование в современной террористической практике опасного

оружия резко усилили опасность и обеспечили еще большее распространение террора по всему миру. Некоторые эксперты также полагают, что в обозримом будущем терроризм, поддерживаемый на государственном уровне (*state-sponsored terrorism*), значительно снизится, поскольку для групп, готовящих террористические акты, очень тяжело найти влиятельных покровителей во властвующей элите (*powerful patrons in ruling clique*), так как та боится подпасть под соответствующие международные санкции (*to fall under corresponding international sanctions*) по мандату ООН. Некоторому снижению уровня международного терроризма способствует, как об этом свидетельствует деятельность Организации Освобождения Палестины (ООП) и Ирландской Республиканской Армии (ИРА), стремление отдельных группировок, ранее причастных к международному терроризму (*involved in international terrorism*), сделать их собственное поведение более умеренным (*moderate*), легитимным, направленным на осуществление конструктивных политических переговоров и достижение компромисса (*aimed at carrying out constructive political negotiations and achieving compromise*). Данное обстоятельство, впрочем, плохо согласуется с распространением в меняющемся мире так называемых «суррогатных войн», которые, как правило, начинают и заканчивают террористические группировки, отказывающиеся брать на себя какую-либо ответственность за спровоцированный вооруженный конфликт (*to bear responsibility for provoked armed conflict*).

Международный терроризм признается в качестве значительной угрозы (*considerable threat*) внешней и внутренней безопасности стран. Террористические группы часто ставят своей целью осложнить и без того напряженную обстановку (*to complicate the already tense situation*) или даже свергнуть неуютное правительство (*to overthrow a non-welcome government*), пусть даже оно представляет собой демократически избранные и дружественно настроенные государственные структуры. При этом террористы нередко получают определенную поддержку от тех представителей общественности, которые разочарованы неспособностью правительства своих стран предложить народу мир, безопасность и экономические преобразования. Усилия правительств многих стран по достижению национального или регионального экономического развития вполне могут стать объектом особенно яростных атак террористов. В этом смысле весьма характерны государства с большим мусульманским населением и наличием исламских фундаменталистских групп.

(b) Give a gist of the text in English

Task 17. (a) Study the police bulletins below.

Domestic terrorism; unlawful flight to avoid confinement; murder

JOANNE DEBORAH CHESIMARD

Multimedia: Images



Aliases: Assata Shakur, Joanne Byron, Barbara Odoms, Joanne Chesterman, Joan Davis, Justine Henderson, Mary Davis, Pat Chesimard, Jo-Ann Chesimard, Joanne Debra Chesimard, Joanne D. Byron, Joanne D. Chesimard, Joanne Davis

DESCRIPTION

Date(s) of Birth Used:	July 16, 1947; August 19, 1952	Hair:	Black/Gray
Place of Birth:	New York City, New York	Eyes:	Brown
Height:	5'7"	Sex:	Female
Weight:	135 to 150 pounds	Race:	Black
Scars and Marks:	Chesimard has scars on her chest, abdomen, left shoulder, and left knee.		
Remarks:	She may wear her hair in a variety of styles and dress in African tribal clothing.		

CAUTION

Joanne Chesimard is wanted for escaping from prison in Clinton, New Jersey, while serving a life sentence for murder. On May 2, 1973, Chesimard, who was part of a revolutionary extremist organization known as the Black Liberation Army, and two accomplices were stopped for a motor vehicle violation on the New Jersey Turnpike by two troopers with the New Jersey State Police. At the time, Chesimard was wanted for her involvement in several felonies, including bank robbery. Chesimard and her accomplices opened fire on the troopers. One trooper was wounded and the other was shot and killed execution-style at point-blank range. Chesimard fled the scene, but was subsequently apprehended. One of her accomplices was killed in the shoot-out and the other was also apprehended and remains in jail.

In 1977, Chesimard was found guilty of first degree murder, assault and battery of a police officer, assault with a dangerous weapon, assault with intent to kill, illegal possession of a weapon, and armed robbery. She was sentenced to life imprisonment. On November 2, 1979, Chesimard escaped from prison and lived underground before being located in Cuba in 1984. She is thought to currently still be living in Cuba.

REWARD

The FBI is offering a reward of up to \$1,000,000 for information directly leading to the apprehension of Joanne Chesimard.

SHOULD BE CONSIDERED ARMED AND DANGEROUS

If you have any information concerning this person, please contact your local FBI office or the nearest American Embassy or Consulate.

(b)

WANTED BY THE FBI

VICTOR WOLF

Multimedia: Images



Victor Wolf



Victor and his wife, Natalia Wolf

DESCRIPTION

Date(s) of Birth Used:	January 24, 1971	Hair:	Brown
Place of Birth:	Germany	Eyes:	Dark Gray/Blue
Height:	6'1"	Complexion:	Light
Weight:	198 to 200 pounds	Sex:	Male
Occupations:	Real estate sales, banking	Race:	White

Scars and Marks: Victor Wolf may have abdominal scars and/or scars on one shoulder resulting from surgeries.

Remarks: The Wolfs are both purportedly German citizens, and are believed to have fled to Germany in November of 2006. They speak German, Russian and English. The Wolfs have ties to Florida, Arkansas, Texas and New York.

CAUTION

Victor Wolf and his wife, Natalia Wolf, are wanted for their alleged involvement in a massive real estate-related fraud scheme. From approximately 2004 through 2006, the Wolfs established approximately two dozen Florida corporations, one of which was Sky Development Group (SDG), to conduct the fraudulent investment scheme. SDG targeted Americans and Russian immigrants, luring them to invest in real estate with promises of high rates of return on their investments, and cheap available land. SDG also resold land that had been previously sold without the knowledge or consent of the owners. The Wolfs also issued fraudulent deeds and other documents to investors and buyers. There are at least 100 known victims of the scheme who have lost in excess of \$20 million.

On January 18, 2011, federal arrest warrants were issued by the United States District Court, Southern District of Florida, Fort Lauderdale, Florida, after the Wolfs were charged with conspiracy to commit mail fraud and wire fraud.

If you have any information concerning this case, please contact your local FBI office, or the nearest American Embassy or Consulate.

(c)



ANDREW JOSHUA TAFOYA

Aliases: Andrew Tafoya, Joshua Andrew Tafoya

DESCRIPTION

Date of Birth Used: March 13, 1987

Hair: Black

Place of Birth: California

Eyes: Brown

Height: 6'0"

Sex: Male

Weight: 190 pounds

Race: White
(Hispanic)

Nationality: American

Occupation: Tafoya may seek employment as an automobile salesman.

Scars and Marks: Tafoya has scars on his right arm, left leg, left shoulder, and chest.

Remarks: Tafoya is believed to be in Mexico. He enjoys playing football.

CAUTION

Andrew Joshua Tafoya is wanted for allegedly taking a minor female, with whom he had an illegal relationship, across state lines in a stolen vehicle. It is believed that Tafoya took 15-year-old Chioma Gray from her high school in Ventura, California, and across the border into Mexico on December 13, 2007. The two may be travelling in a stolen, white 2008 Acura TSX with California license plate 6AXX928.

An arrest warrant was issued for Tafoya by the Ventura County Superior Court on December 14, 2007, after he was charged with child stealing, contributing to the delinquency of a minor, and car theft. On December 31, 2007, Tafoya was charged with unlawful flight to avoid prosecution and a federal arrest warrant was issued by the United States District Court in Los Angeles.

IF YOU HAVE ANY INFORMATION CONCERNING THIS PERSON, PLEASE CONTACT YOUR LOCAL FBI OFFICE OR THE NEAREST AMERICAN EMBASSY OR CONSULATE.

ROBERT S. MUELLER, III
DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20535
TELEPHONE: (202) 324-3000

Task 18. (a) Describe the criminals and suspects in the pictures, making use of the words and word combinations given below,

e.g.: *The suspect is described as a white male, in his late forties, of medium height, medium built, moustache, brown eyes, prominent nose, wide mouth, straight crew-cut hair, ...*

Height:	short, tall, of medium height
Build:	of medium build, well-built, average, skinny, plump, fat, broad-shouldered
Age:	middle-aged, in his early/mid-/late twenties, in his mid-forties
Complexion:	light, fair, pale, dark, sallow, sunburnt
Face:	oval, plump, thin, round, square, long, fleshy, puffy, clean-shaven, wrinkled, pimpled, pasty, pock-marked
Features:	delicate, clean-cut, regular/irregular, stern, forceful, vague, coarse, ugly, plain, ordinary, full face, profile
Forehead:	high, low, narrow, square, broad, domed
Hair:	straight, curly, wavy, shoulder-length, medium-length, short-cut, crew-cut, bobbed, dyed, receding, scanty, bald, light/dark brown, fair-haired, dark-haired, rumpled, tangled, thin, thick, braided, fringe/bang/forelock, afro, parting, loose, ponytail, plaits, bunches, swept-back hair, false, wig, flaxen, auburn, chestnut, grey, jet-black
Teeth:	even / uneven, artificial, sparse
Eyes:	close-set, deep-set, wide-apart, crossed-eyed, bulging, hollowed
Eyebrows:	thick, bushy, arched, thin, pencilled, shaggy
Nose:	straight, prominent, pointed, hooked, flat, snub-nosed, aquiline, fleshy
Ears:	jug-eared, lop-eared, earlobe
Lips:	thin, full, thin upper lip with a full lower lip, lips with downturning corners, cleft lip, compressed, twisted
Cheeks:	plump, hollow, stubby, ruddy
Chin:	double, square, pointed, protruding, massive, firm
Beard:	bushy, grey-bearded, heavy-bearded, spade beard
Moustache:	thick, thin, tooth brush, walrus
Distinguishing features:	scars, freckles, humpback, wooden leg, pot-belly, birth marks, glasses, friendly smile, wrinkles, shrunk face, dimple, pimple





(b) Describe your fellow students, making use of the words and word combinations in the table.



Task 19. (a) Translate the following text into English:

НЕУСТАНОВЛЕННАЯ МОШЕННИЦА

Неустановленная женщина знакомилась с потерпевшими на улице, под различными предлогами заходила к ним домой и убеждала дать ей в долг крупные суммы денег. При этом преступница называлась дальней родственницей обманутых людей, сообщала о том, что у нее проблемы с грузом на таможне и нужны деньги для оплаты пошлины. Еще в одном случае она сослалась на племянницу, у которой появились большие финансовые проблемы. Как ни странно, люди верили ей и давали крупные суммы. Лишь после нескольких часов безрезультатного ожидания возврата долга они обращались в милицию. Таким образом, мошенница на Университетской улице обманула 84-летнюю

пенсионерку и завладела 60 тыс. рублями. Через полчаса в переулке Механизаторов у калужанки были похищены 60 тыс. рублей. Третьей жертвой стал 90-летний пенсионер с улицы Московской, лишившийся 10 тыс. рублей. Со слов очевидцев следователям удалось составить фоторобот мошенницы. На вид ей около 20 лет, рост 170 см, плотное телосложение, волосы черные. Одета в темное осеннее пальто со светлой меховой отделкой на рукавах, черные короткие сапоги. Просим граждан, которые располагают информацией о ее местонахождении, позвонить по телефонам 742—780 или 02.

(b) ПОДОЗРЕВАЕМЫЕ В ПРЕСТУПЛЕНИЯХ

Просим граждан, имеющих любую информацию о разыскиваемых, сообщить об этом по телефону 02. Конфиденциальность гарантируется.

Управлением уголовного розыска МВД по Республике Карелия за совершение мошеннических действий в отношении пенсионеров в г. Кондопога разыскивается женщина на вид 25—30 лет, среднего телосложения, рост около 165—170 см. славянский тип лица, волосы светло-русые, стрижка «каре». Просим граждан, имеющих любую информацию о разыскиваемой, сообщить об этом по телефону: 02. Конфиденциальность гарантируется.

(c) РАЗЫСКИВАЕТСЯ

Разыскивается гражданин 1980 года рождения, по национальности цыган. Приметы: на вид 29 лет, рост 173—178 см, плотного телосложения, лицо овальное, лоб прямой, брови черные, дугообразные, глаза карие, волосы черные, нос прямой, губы тонкие, подбородок выступающий, уши овальные, голос грубый. Был одет: черная кожаная куртка, светлая рубашка, темные брюки, черные ботинки.

(d) ПОМОЩЬ СЛЕДСТВИЮ

Устанавливается личность трупа мужчины. Приметы: на вид 40—60 лет, длина трупа 165 см, уши оттопыренные, волосы темные с сединой, на макушке залысина, окружность головы 56 см, размер стопы 42, зубы больше половины отсутствуют. На трупе: шапка спортивная черного цвета, куртка черного цвета, синтетическая, на молнии, короткая, свитер вязанный белого цвета на груди квадраты зеленого цвета, майка красного цвета, спортивные штаны темно-синего цвета, носки х/б темно-синего цвета, рядом с трупом майка светлого цвета. Обувь отсутст-

вует. Других предметов не обнаружено. Всех, кто располагает информацией о личности этого человека, просим позвонить по телефону 02.



AUSTRALIA FUNNY LAWS

- Minors may smoke but not buy cigars.
- It is illegal to walk the streets wearing black clothes, felt shoes and black shoe polish on your face.
- It is against the law to walk on the right hand side of a footpath.
- A modem cannot pick up on the first ring.
- Taxi cabs are required to carry a bale of hay in the trunk.
- Only licensed electricians may change a light bulb.
- It is illegal to wear hot pink pants after midday Sunday.
- You must have a neck to knee swimsuit in order to swim at Brighton Beach.
- Its an offence to drive a dog or goat harnessed or attached to a vehicle in a public place. (Summary Offences Act 1966)
- You may not trade with Pirates. (Crimes Act 1958)
- You may not fly kites or play games in public that annoy other people. (Summary Offences Act 1966)
- If you are to advertise a reward for the finding of a certain lost object, you must state no questions will be asked. (Crimes Act 1958)



Debate: OLYMPIC GAMES AND TERRORISM

Study the information below and give your opinion on the problem.

An Outline of Olympic Games History

It is a Sports festival. In ancient Greece it was a Panhellenic festival held every fourth year and made up of contests of sports, music, and literature. Since 1896 the name has been used for a modified revival of the ancient Games, consisting of international athletic contests held at four-year inter-

vals. ... After the subjugation of Greece by Rome, the Games declined; they were finally abolished about 400. They were revived in the late 19th century through efforts led in part by Pierre, baron de Coubertin. The first modern Games were held in Athens. The first Winter Games were held in 1924. The direction of the modern Olympic movement and the regulation of the Games are vested in the International Olympic Committee, headquartered at Lausanne, Switzerland.

Outside Interference

The Olympics are supposed to be nonpolitical but have been marked (and marred) by politics. Although officially only individuals win Olympic medals, nations routinely assign political significance to the feats of their citizens and teams. Between 1952 and 1988 rivalry between the United States and the Soviet Union, rooted in mutual political antagonism, resulted in each boycotting games hosted by the other (Moscow, 1980; Los Angeles, 1984). Athletes from more than 50 countries didn't participate.

In 1936, Adolf Hitler, who called blacks an inferior race, opened the Olympics in Berlin, Germany, as a propaganda show. It was thus a great triumph for humanity when Jesse Owens, a black man from Ohio State University, won four gold (first place) medals. Hitler ducked out of the stadium so he wouldn't have to congratulate Owens.

In 1972, the Games in Munich, Germany, were struck with horror when 11 Israeli athletes were kidnapped and murdered by Palestinian terrorists.

The International Olympic Committee (IOC), which sets and enforces Olympic policy, has struggled with the licensing and commercialization of the games, the need to schedule events to accommodate American television networks (whose broadcasting fees help underwrite the games), and the monitoring of athletes who seek illegal competitive advantages, often through the use of performance-enhancing drugs. The IOC itself has also been the subject of controversy.

Olympic Games and Terrorism

At least five European countries' Olympic committees received letters in Russian making a «terrorist threat» before the Olympic Games (7–23 February 2014, Sochi, Russia), but Olympic chiefs said they posed no danger. Despite the assurances, the letters to committees in Italy, Hungary, Germany, Slovenia and Slovakia briefly caused alarm and underlined nervousness over security at the event.

Amid heightened concern about the possibility of terrorists targeting the Sochi Winter Olympics, the city was protected by an unprecedented «ring of steel» by Russian police, the army and security forces. In an interview with foreign TV networks before the Olympics, President Vladimir Putin said the security would be extensive but low visible: «Security is to be ensured by some 40,000 law enforcement and special services officers ... We will protect our air and sea space, as well as the mountain cluster. I hope things will be organised in such a way that they don't catch the eye and, as I have already said, will not, so to say, depress the participants in the Olympic Games.»

Sources: Columbia Encyclopedia, Concise Britannia Encyclopedia, Guardian



ANSWER THE FOLLOWING QUESTIONS

1. What has terrorism to do with the Olympic Games?
2. What kind of games are considered to be Olympic?
3. What country is the original home of the Olympic Games?
4. When did politicizing of the Olympic Games begin?
5. What was peculiar about the Olympic Games in Germany in 1936?
6. What facts of terrorism during the Olympic Games do you know?
7. What kind of danger did the the Sochi Winter Olympics, 2014, face?
8. What made a number of participant countries worry before the Sochi Winter Olympics, 2014?
9. What steps are terrorists taking to intimidate the sportsmen and the public?
10. What was Russia's response to the international concern?
11. What kind of security to protect the sportsmen and the audience was provided by the host country in 2014?

Unit 3

HUMAN RIGHTS

Useful Words and Expressions for Speech Practice	
human rights	права человека
to require limitations	ввести ограничения, требовать ограничений
to maximize an individual's liberty	максимально расширить/увеличить свободы личности
to minimize the restriction upon an individual's freedom	довести до минимума ограничения свободы личности
an act or omission	действие или бездействие
breach of a duty	невыполнение обязательства, нарушение закона
to enshrine individual freedoms	обеспечивать свободы личности
international law	международное право
to draw up documents (agreements, treaties, conventions)	составлять документы (соглашения, договора, конвенции)
to protect and increase civil liberties	защищать и расширять гражданские права
the United Nations Organization	Организация Объединенных Наций
Universal Declaration of Human Rights	Всеобщая декларация прав человека
the Council of Europe	Совет Европы
to adopt	принять (конвенцию, декларацию)
Convention on Human Rights and Fundamental Freedoms	Конвенция о защите прав человека и основных свобод
to come into force	вступить в силу
the right to life, liberty and security	право на жизнь, на свободу и на личную неприкосновенность
prohibition of torture	запрещение пыток

prohibition of slavery and forced labour	запрещение рабства и принудительного труда
the right to a fair trial	право на справедливый суд
the right to freedom of thought, conscience and religion	право на свободу мысли, совести и религии
the right to freedom of opinion and expression	право на свободу убеждений и на свободное выражение их
the right to freedom of peaceful assembly and association	право на свободу мирных собраний и ассоциаций
the right to marry and to found a family without any limitation due to race, nationality or religion	право вступать в брак и основывать семью без всяких ограничений по признаку расы, национальности или религии
to observe the fundamental human rights and freedoms	соблюдать основные права и свободы человека

Task 1. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law. Pay special attention to the words and word combinations in bold type.

THE EUROPEAN CONVENTION ON HUMAN RIGHTS

While it is true to say that all societies require **limitations upon total individual freedom to do, say, write, meet, etc.**, it is also true that any civilized society will **attempt to maximize the liberty and minimize the restriction upon an individual's freedom.**

The problem of human rights is a matter of liberties rather than rights. According to Professor Williams, a liberty means **any occasion on which an act or omission is not a breach of a duty.** A right exists where there is a positive law on the subject; a liberty where there is no law against it.

In English law there is no written constitution nor any Bill of Rights to enshrine individual freedoms. Since the Second World War a number of **international agreements, treaties, conventions and so on have been drawn up to protect, stabilize and increase civil liberties.**

As examples, consider the following:

1) **the Universal Declaration of Human Rights** — United Nations Organization. This was adopted by the General Assembly on December 10, 1948.

2) **the European Convention on Human Rights and Fundamental Freedoms, 1950** — Council of Europe. This is not an institution of the European Community, but an international organization of twenty-one West European states which was formed in 1949; it was the first post-war attempt at unifying Europe. Twenty of the twenty-one are parties to the convention — Liechtenstein being an exception. The convention came into force on September 3, 1953.

The European Convention on Human Rights (ECHR) is based on the Universal Declaration of Human Rights (UDHR) which **was adopted by the General Assembly of the United Nations** in 1948. This Declaration sought to define a set of individual rights which were considered to be fundamental to **the well-being of citizens of all countries**. They included **the right to an adequate standard of living, the right to work, the right to a fair trial and the right to own property**. The ECHR is not as broad as the UDHR but is nevertheless an important document.

The Convention **was drafted under the auspices of the Council of Europe**, an international organization composed of 21 West European states which was formed in 1949 as the result of the first post-war attempt at unifying Europe. The impetus for the Convention came from the need to define more closely the obligations of members of the Council concerning «human rights», and, more generally, from the wish **to provide a bulwark against communism** and to prevent a recurrence of conditions which Europe had then recently witnessed. It was believed that **the Convention would serve as an alarm that would bring violations of human rights to the attention of the international community in time for it to take action to suppress them**. In practice, this function of the Convention, which imagines large-scale violations of human rights, has largely remained dormant. The Convention has instead been used primarily to raise questions of isolated weaknesses in legal systems that basically **conform to** its requirements and which are representative of the «common heritage of political traditions, ideals, freedom and the rule of law» to which the preamble to the Convention refers. Most commonly such questions have concerned the **administration of criminal justice**, although the impact of the Convention in other areas is increasingly being explored. The Convention is concerned mainly with civil and political rights. The rights included in the Convention include **the right to life, the right to liberty and security of person, the right not to be subjected to inhuman or degrading treatment, not to be required to perform forced or compulsory labour, the right to a fair hearing, to respect for private life, to freedom of thought, conscience**

and religion, to freedom of expression and assembly and free elections.

These, and the other provisions of the ECHR are called Articles.

The parties to the Convention are Austria, Belgium, Cyprus, Denmark, France, the Federal Republic of Germany, Greece, Ireland, Italy, Luxembourg, Malta, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey and the United Kingdom. Liechtenstein is a member of the Council of Europe but not a party to the Convention.



ANSWER THE FOLLOWING QUESTIONS

1. Do all societies require limitations upon total individual freedom to do, say, write, meet?
2. Does any civilized society try to minimize the restriction upon an individual's freedom?
3. Do you agree that the problem of human rights is a matter of liberties rather than of rights?
4. Give a definition of the term «right».
5. Give a definition of the term «liberty».
6. Is there any written constitution or any Bill of Rights to enshrine individual freedoms in English law?
7. Are there any treaties or conventions to protect and increase civil liberties in international law? What do you remember about them?

Task 2. Read and translate the following word combinations:

to define a set of individual rights
the well-being of citizens of all countries

the right to an adequate standard of living

the right to own property

under the auspices of the Council of Europe

the impetus for the Convention
to prevent a recurrence of conditions in practice

large-scale violation of human rights
to remain dormant

common heritage of political traditions

the administration of criminal justice

Task 3. (a) Complete the sentences with the words and word combinations from the boxes:

commonly	concerning	freedom
criminal justice	obligations	violations
impact	well-being	post-war attempt
mainly		

- (1) The Council of Europe was formed as the result of the first _____ at unifying Europe.
- (2) These rights were considered to be fundamental to the _____ of citizens of all countries.
- (3) It was necessary to define more closely the _____ of members of the council _____ «human rights».
- (4) It will bring _____ of human rights to the attention of the international community.
- (5) Most _____ such question have concerned the administration of _____.
- (6) The _____ of the Convention in other areas is increasingly being explored.
- (7) The Convention is concerned _____ with civil and political rights.

(b)

human rights	individual freedoms	adopted
limitations	proclaimed	a breach of a duty
the restriction	agreements, treaties,	came into force
written constitution	conventions	according to

- (1) All societies require _____ upon total individual freedom to do, say, write, meet.
- (2) Any civilized society tries to minimize _____ upon an individual's freedom.
- (3) The problem of _____ is a matter of liberties rather than of rights.
- (4) In English law there is no _____

- (5) In English law there is not any Bill of Rights to enshrine ____
- (6) In international law there are some ____ for the protection of human rights and fundamental freedoms.
- (7) The United Nations Organization ____ the Universal Declaration of Human Rights on 10 December, 1948.
- (8) The Council of Europe ____ the European Convention on Human Rights and Fundamental Freedoms in 1953.
- (9) The European Convention on Human Rights and Fundamental Freedoms ____ on 3 September, 1953.
- (10) ____ Professor Williams a liberty means any occasion on which an act or omission is not ____

Task 4. (a) Complete the text below with the words and word combinations from the box:

liberty	of discrimination
six years	by a majority

The Convention for the Protection of Human Rights and Fundamental Freedoms proclaims the main human rights and freedoms: the right to life, ____ and security, prohibition of torture, prohibition of slavery and forced labour, right to a fair trial, no punishment without law, right to respect for private and family life, freedom of thought, conscience and religion, freedom of opinion and expression, freedom of peaceful assembly and association, the right to marry and to found a family without any limitation due to race, nationality or religion, prohibition ____ and so on.

The European Court of Human Rights was set up to ensure the observance of the fundamental human rights and freedoms. It functions on a permanent basis. The term of office of every judge is ____ and expires when the judge is 70 years old. The judges must hold office until replaced. The judges must be of high moral character. No one can dismiss the judge from his office unless the other judges decide ____ of two-thirds that he does not fulfill the required conditions any more.

(b) Match the English expressions with their Russian equivalents in the box:

NB | **breach** — нарушение (права, закона, договора и т.д.)

(1) breach of duty	(a) несправедливость, нарушение принципов правосудия
(2) breach of faith	(b) нарушение права, закона
(3) breach of justice	(c) нарушение обязательств
(4) breach of law	(d) нарушение общественного порядка
(5) breach of obligations	(e) злоупотребление доверием, вероломство
(6) breach of promise	(f) злоумышленное нарушение
(7) breach of the peace	(g) нарушение обещания, нарушение данного слова
(8) malicious breach	(h) нарушение, неисполнение обязанности
(9) breach of confidence	(i) нарушение договора
(10) breach of contract	(j) нарушение порядка
(11) breach of order	(k) нарушение доверия



Task 5. Translate the following word combinations and sentences into English:

права человека
цивилизованное общество
расширить свободы граждан
довести до минимума ограничения
свобод граждан
по мнению (кого-либо)
нарушение закона (невыполнение
обязательства)
обеспечивать свободы личности
международное право
составлять документы
соглашение
договор
конвенция
Вторая мировая война

Организация Объединенных Наций
защищать и расширять граждан-
ские права
провозглашать
Всеобщая декларация прав человека
Совет Европы
Конвенция о защите прав человека
и основных свобод
вступить в силу
право на жизнь, на свободу и на
личную неприкосновенность
запрещение пыток
запрет рабства и принудительного
труда
право на справедливый суд

право на невмешательство / уважение частной и семейной жизни	Европейский суд по правам человека
право на свободу мысли, совести и религии	функционировать на постоянной основе
право на свободу убеждений и на свободное выражение их	срок полномочий
право на свободу мирных собраний и ассоциаций	уволить судью, лишит судью полномочий
право вступать в брак и основывать семью без всяких ограничений по признаку расы, национальности или религии	если только не... принять решение большинством голосов в две трети соответствовать предъявляемым требованиям

- (1) Вопрос о правах человека в большей степени является проблемой свобод, нежели прав.
- (2) По мнению профессора Уильямса, свобода означает любые условия, при которых действие или бездействие не являются нарушением закона.
- (3) Любое цивилизованное общество пытается расширить свободы граждан и довести до минимума ограничения свобод граждан.
- (4) Свобода существует там, где нет закона, ее ограничивающего.
- (5) Генеральная Ассамблея Организации Объединенных Наций провозгласила Всеобщую декларацию прав человека в 1948 г.
- (6) Совет Европы принял Европейскую Конвенцию о защите прав человека и основных свобод в 1953 г.
- (7) Европейский суд по правам человека был учрежден в целях обеспечения соблюдения основных прав и свобод человека.
- (8) Срок полномочий каждого судьи шесть лет.
- (9) Срок полномочий судьи истекает, когда ему исполняется 70 лет.
- (10) Судья должен выполнять свои обязанности, пока ему не будет найден преемник. Судьи должны обладать высокими моральными качествами.
- (11) Никто не может лишить судью полномочий за исключением случаев, когда другие судьи большинством голосов в две трети принимают решение, что данный судья уже не соответствует предъявляемым к нему требованиям.



Task 6. Study the Universal Declaration of Human Rights. What human rights and fundamental freedoms listed in the Declaration aren't observed throughout the world yet? Study the texts below and give your opinion on the problem of human rights.

In past centuries infants in China were sometimes kidnapped and turned into «animal children». Every day, starting with the back, the captors would remove a bit of the unfortunate child's skin and transplant pieces of the hide of a bear or dog in its place. The process was tedious, for the hide adhered only on spots, and the children often died in the midst of treatment. The captors also destroyed their victims' vocal cords, forced them to walk on all fours, and tortured them to such an extent that the innocent infants were soon bereft of all reason. One result of such atrocities was the «wild boy of Kiangse», exhibited in the nineteenth century before a group of westerners in China. The child walked on all fours, made a peculiar barking sound, and was covered with a fuzzy, leathery kind of hide. An American doctor named Macgowan who witnessed that spectacle recorded that another method of creating child-monsters in China was to deprive the children of light for several years so that their bones would become deformed.

Notes:

the hide of a bear	шкура медведя
to destroy vocal cords	разрушать голосовые связки
to force smb to walk on all fours	заставлять кого-либо ходить на четвереньках
to torture smb to such an extent that...	мучить кого-либо до такой степени, что...
to be bereft of all reason	лишиться рассудка
to make barking sounds	производить гавкающие звуки
fuzzy	пушистый
leathery	похожий на кожу
to deprive the children of light	лишать детей света

* * *

In seventeenth-century Europe there were wandering bands of smugglers called *comprachicos* whose stock-in-trade was buying children, deforming them, and selling them to the aristocracy, who thought it fashionable to have freaks in court. The *comprachicos*' «arts» included slunting children's growth, placing muzzles on their faces to deform them (it was from this

practice that Dumas took his theme for *The Man in the Iron Mask*), slitting their eyes, dislocating their joints, and malforming their bones. James II of England hired *comprachicos* to kidnap the heirs of families whose lines he wished to extinguish. Victor Hugo's *The Man Who Laughs* had a grotesque permanent smile carved by the *comprachicos*.

Notes:

wandering bands of smugglers	бродячие группы контрабандистов
stock-in-trade	шаблонные манеры и уловки, присущие определенным лицам; (зд.) ремесло
a freak	уродец
in court	при дворе
a muzzle	морда, намордник
to slit	разрезать в длину, расщеплять, раскалывать
to dislocate joints	перемешать конечности / части тела
to malform (bones)	деформировать, уродовать (кости)
an heir (of a family)	наследник (семьи)
to extinguish	уничтожать

Useful Words and Expressions for Speech Practice	
domestic violence / domestic abuse	домашнее насилие
spousal abuse	супружеское насилие
sexual abuse	сексуальное насилие
physical assault	физическое нападение
cohabitants and non-married intimate partners	сожители и неженатые партнеры
perpetrators of domestic violence	виновные в домашнем насилии
to bring perpetrators to justice	привлечь виновных к суду
to prosecute the perpetrators	преследовать виновных по закону
to lead to criminal violence	привести к преступному насилию
to seek justice	искать правосудия
to gain justice	добиться правосудия

to ban discrimination and violence against women	запретить дискриминацию и насилие над женщинами
to escape violence	избегнуть насилия
drug and alcohol dependence	наркотическая и алкогольная зависимость
sleep disorders	нарушения сна
sexual dysfunction	сексуальные расстройства
strained family relationships	натянутые семейные отношения
suicide attempts	попытки самоубийства
an inability to adequately respond to the needs of one's children	неспособность адекватно реагировать на нужды своих детей
to respect, protect and fulfill the rights of women	уважать, защищать и исполнять права женщин
family reunification or maintenance	воссоединение и сохранение семьи
to promote and protect the human rights of women	развивать и защищать права женщин
to claim freedoms and entitlements at the national and international levels	заявлять о свободах и правах на национальном и международном уровнях
to reduce criminal penalty with impunity	сократить уголовное наказание безнаказанно

Task 7. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law. Pay special attention to the words and word combinations in bold type.

DOMESTIC VIOLENCE

Domestic violence is a pattern of controlling and aggressive behaviors from one adult, usually a man, towards another, usually a woman, within the context of an intimate relationship.

Domestic violence (also known as **domestic abuse** or **spousal abuse**) occurs when a family member, partner or ex-partner attempts to physically or psychologically dominate another. Domestic violence often refers to

violence between spouses, or spousal abuse but can include cohabitants and non-married intimate partners. Domestic violence occurs in all cultures; people of all races, ethnicities, sexes and classes can be **perpetrators of domestic violence**. Domestic violence is perpetrated by both men and women.

Domestic violence has many forms. Violence can be criminal and includes **physical assault** (hitting, pushing, shoving, etc.), **sexual abuse** (unwanted or forced sexual activity), and **stalking**. Although emotional, psychological and financial abuses are not criminal behaviors, they are forms of abuse and can lead to criminal violence. There is a number of dimensions including the following.

Violence and abuse affect all kinds of people every day. It doesn't matter what race or culture you come from, how much money you have, how old you are, or if you have a disability. Violence doesn't discriminate.

Abuse can be physical, mental, and emotional. Violence against women in any form is a crime, whether the abuser is a family member, someone you date; a current or past spouse, boyfriend, or girlfriend; an acquaintance; or a stranger. You are not at fault. You don't cause the abuse to occur. **Too often the crime of domestic violence is hidden away.**

Domestic violence is any incident of threatening behavior, violence or abuse between adults who are or have been in a relationship together, or between family members, **regardless of gender** or sexuality.

The Russian government estimates that 14,000 women were killed by relatives in 2005, yet the country still has no law specifically addressing domestic violence. In South Africa, more women are shot at home in acts of domestic violence than are shot by strangers on the streets or by intruders.

All too often, **violence against women in the family is considered a private matter and not treated by the authorities as a crime**. However, all governments are responsible for protecting their citizens from abuse, whether committed by officials or by private individuals («non-state actors»). If a state fails to prevent, investigate and punish acts of violence against women with sufficient diligence, then it shares responsibility for the abuses.

Violence in the family includes battering by intimate partners and others, sexual abuse of young women, marital rape and traditional practices harmful to women. Abuse of domestic workers can also be considered in this category. Violence in the family is often physical, psychological, and sexual.

Long-term effects of domestic violence on women who have been abused may include: **anxiety, chronic depression, chronic pain, dehydration dissociative states, drug and alcohol dependence, eating disorder**

ders, emotional «over-reactions» to stimuli, general emotional numbing, malnutrition panic attacks, poor adherence to medical recommendations, repeated self-injury, self-neglect, sexual dysfunction, sleep disorders, strained family relationships, suicide attempts, an inability to adequately respond to the needs of their children.

Domestic violence can severely impair a parent's ability to nurture the development of their children. Mothers who are abused may be depressed or preoccupied with the violence.

(Renvoize, Jean (1982). *Incest: A Family Pattern // Guidelines for Psychological Evaluations in Child Protection Matters*, American Psychological Association. — London: Routledge&Kegan Paul. February 1998.)

Notes:

chronic depression	хроническая депрессия
dehydration dissociative state	диссоциативные состояния
stalking	преследование
eating disorders	пищевые расстройства
emotional «over-reactions» to stimuli	чрезмерные реакции на раздражители
general emotional numbing	общее эмоциональное оцепенение
malnutrition panic attacks	неправильное питание, вызванное приступами страха
poor adherence to medical recommendations	нежелание следовать медицинским рекомендациям
repeated self-injury	рецидивное членовредительство самому себе
self-neglect	пренебрежение собой



ANSWER THE FOLLOWING QUESTIONS

1. What is domestic violence?
2. When does domestic abuse happen?
3. Does domestic violence occur in all cultures and affect all kinds of people?
4. What is the difference between criminal and not criminal violence?
5. Why do women hide away domestic violence?
6. Does any law specifically addressing domestic violence exist?
7. What are long-term effects of domestic violence on women?

Task 8. Replace the words and word combinations in brackets by their equivalents from the text above:

- (1) (*Домашнее насилие*) is a pattern of controlling and (*агрессивное поведение*) from one adult, usually a man, towards another, usually a woman, (*в контексте личных взаимоотношений*).
- (2) Domestic violence often refers to (*акты насилия между супругами*) but can also include (*сожители и неженатые партнеры*).
- (3) Domestic violence (*виновны*) by both men and women.
- (4) Violence can be criminal and includes (*физическое нападение: избиение, толкание и т.п., сексуальное насилие: нежелательные или насильственные сексуальные действия и преследование*).
- (5) Too often a crime of domestic violence (*скрывается*).
- (6) All too often violence against women in the family (*рассматривается как частное дело*) and not treated (*властями*) as a crime.
- (7) However, all governments (*несут ответственность за защиту своих граждан от насилия*), whether committed by officials or by private individuals (*частный субъект деяния*).
- (8) If a state (*не может предотвратить насилие*), (*прилагая достаточные усилия*), then it shares responsibility for the abuse.
- (9) Among long-term effects of domestic violence on women are (*преувеличенные реакции, расстройства сна, попытки суицида, пищевые расстройства, истощенные диссоциативные состояния*).



Task 9. (a) Translate the following word combinations into English in writing:

эмоциональная заторможенность	хроническая депрессия
уход за детьми	предотвращать акты насилия
серьезно влияет на способность	алкогольная и наркотическая зави-
родителей осуществлять вос-	симости
питание детей	совершенные официальными ли-
длительное воздействие	цами или индивидуумами

невыполнение медицинских рекомендаций	виновные в домашнем насилии
истощенное эмоциональное состояние	нежелательные или вынужденные психологическое нападение преследование
рассматривается как частное дело	может случиться с любым
натянутые отношения в семье	может повлиять на любого
с достаточным усердием	не зависит от возраста
субъект деяния	не зависит от того, имеется ли у вас инвалидность
законы, относящиеся к...	сожители
угрожающее поведение грабителями	неженатые партнеры
со стороны одного взрослого по отношению к другому	в настоящее время являться супругом
бывшие партнеры	вы не виноваты
бывшие супруги	

(b) Translate the following sentences into English in writing:

1. Насилие не избирательно. Многие люди сталкиваются с насилием и оскорблениями каждый день. При этом не имеет значения, к какой расе или культуре вы принадлежите, сколько у вас денег, сколько вам лет, инвалид ли вы. Насилие может быть физическим, психическим и эмоциональным.

2. Виновниками домашнего насилия могут быть как мужчины, так и женщины. Домашнее насилие может часто происходить между супругами, сожителями или неженатыми партнерами. Домашнее насилие происходит, когда член семьи, партнер или бывший партнер предпринимает попытку физически или психологически подавить другого.

3. В стране все еще нет законов, относящихся к проблеме домашнего насилия. Государство ответственно за защиту своих граждан от насилия, даже если насилие совершено «негосударственным» субъектом деяния. Домашнее насилие может оказать серьезное негативное влияние на способность родителей заботиться о развитии своих детей.

Task 10. (a) Match the English expressions with their Russian equivalents in the table:

(1) to bring a case before the court	(a) возбудить уголовное преследование
(2) to bring an action (against sb)	(b) возбудить судебное дело, тяжбу
(3) to bring a prosecution	(c) предъявить иск (кому-либо), возбудить судебное дело
(4) to bring a suit	(d) выдвигать обвинения
(5) to bring a witness	(e) предъявлять доказательства
(6) to bring charges	(f) возбудить судебное дело, подать в суд
(7) to bring evidence	(g) привлечь к ответственности
(8) to bring to account	(h) привлечь к суду
(9) to bring to justice	(i) выставить свидетеля
(10) to bring to responsibility	(j) призвать к ответу
(11) to bring to trial	(k) отдать в руки правосудия

(b)

(1) case at law	(a) версия обвинения
(2) case for the defense	(b) выступать по делу
(3) case for the prosecution	(c) уголовное дело
(4) to appear in the case	(d) судебное дело; предмет судебного разбирательства
(5) to defend a case	(e) опровергнуть версию; доказательства; обвинение
(6) to dismiss a case	(f) версия защиты
(7) to drop a case	(g) защищаться (на суде); представлять доводы
(8) to disprove the case	(h) рассматриваемое дело; данное дело
(9) to prepare a case for trial	(i) прекратить дело
(10) to review the case	(j) решить дело; раскрыть преступление

(11) to solve a case	(k) отказаться от иска, обвинения
(12) criminal case	(l) гражданское дело
(13) civil case	(m) подготовить дело к слушанию в суде
(14) case in point	(n) обычный случай; обычное, рутинное судебное дело
(15) routine case	(o) пересмотреть дело

(c)

NB | **run** — (1) иметь хождение (о валюте); (2) быть действительным, действовать, иметь юридическую силу (в течение определенного срока); (3) управлять, вести дела; (4) следовать за

(1) to run a risk	срок должностных полномочий
(2) to run a war	подвергаться риску
(3) run of office	срок действия (договора)
(4) run of validity	заявлять иск, претензию
(5) to run a claim	вести войну



QUOTATIONS FOR COMMON DISCUSSION

Society prepares the crime; the criminal commits it.

Buckle

Crime is contagious. If the government becomes a law-breaker, it breeds contempt for law.

Brandeis



Debate: HOW CAN VICTIMS OF DOMESTIC VIOLENCE BE PROTECTED?

Give examples of domestic violence from your own life or somebody you know, or from the books you have read. Answer the following questions.

1. What laws could you make concerning domestic violence? Must they be severe?
2. What must be done to prevent hiding away the crime of domestic violence?
3. Must a victim talk with a health care provider if she/he has been physically hurt?
4. If a victim has been sexually, physically or emotionally abused, must she/he seek help from other family members, friends or community organizations?
5. Do you think community organizations can play an important role in protecting victims of domestic violence? Think of how these organizations could be built.

Task 11. Match the English expressions with their Russian equivalents in the table:

(1) issue of the day	(a) запретить дискриминацию и насилие против женщин
(2) to claim at any level	(b) привлечь виновных к суду
(3) to ban discrimination and violence against women	(c) развивать и защищать права женщин (в рамках прав человека)
(4) to promote and protect the human rights of women	(d) женщины, которые заявляют властям о насилии
(5) to reduce criminal penalty — сократить уголовное наказание	(e) государство не выполняет своих обязательств
(6) to seek justice	(f) заявить на любом уровне
(7) to gain justice	(g) сократить уголовное наказание

(8) laws are flawed	(h) животрепещущая проблема
(9) women who report abuse	(i) действовать по отношению к женщинам иначе, чем по отношению к мужчинам
(10) the state fails in its obligations	(j) безнаказанно
(11) to bring perpetrators to justice	(k) избежать насилия
(12) to treat women differently from men	(l) восстановление семьи
(13) to escape violence	(m) добиться правосудия
(14) family reunification	(n) законы не работают
(15) family maintenance	(o) воссоединение семьи
(16) with impunity	(p) искать правосудия



Task 12. Translate the following sentences into English in writing:

Большинство актов насилия над женщинами не расследуется. Виновные не преследуются по закону. Виновные совершают преступления безнаказанно. Существуют общества, в которых насилие над женщинами рассматривается как норма, а не как преступление. Женщины не ищут правосудия, так как они уверены, что не достигнут его. В некоторых странах законы дискриминационны по отношению к женщинам или они настолько бессильны, что не могут защитить женщин от насилия. Женщины боятся обратиться в правоохранительные органы в страхе потерять возможность воспитывать своих детей. Во многих странах полиция и следственные органы не хотят верить и помогать женщинам, подвергшимся насилию со стороны членов их семей. Государство несет ответственность за расследование и преследование по закону актов насилия над женщинами. Слишком часто общество является соучастником государства в бездействии относительно привлечения виновных к суду. Правоохранительная система применяет законы по-разному по отношению к мужчинам и к женщинам. В некоторых странах закон наказывает домашнее насилие, но супружеское изнасилование на подлежит наказанию. Законы некоторых стран вы-

(8) penalty of confinement / custodial penalty	(h) под страхом наказания
(9) non-custodial penalty	(i) смертная казнь
(10) money penalty	(j) наказание, не связанное с лишением свободы



QUOTATIONS FOR COMMON DISCUSSION

And who are the greater criminals — those who sell the instruments of death, or those who buy and use them?

Anonymous

Whoever profits by the crime is guilty of it.

Anonymous

Small crimes always precede great ones. Never have we seen timid innocence pass suddenly to extreme licentiousness.

Racine



Debate: WHAT ARE THE REAL CAUSES OF DOMESTIC VIOLENCE?

Think it over and give your own ideas on the following problems:

- (1) What are the real causes of controlling and aggressive behavior from a man towards a woman within the context of an intimate relationship? Maybe it's the influence of «the men's world» because domestic violence occurs in all cultures, races, religions; or men have to prove their masculinity by aggressive behavior?
- (2) Comment upon the cases of emotional, psychological and financial abuses. Being not criminal behaviors, they still can lead to it.
- (3) Why do women usually fail to report violence?



IOWA FUNNY LAWS

- It is a violation of the law to sell or distribute drugs or narcotics without having first obtained the appropriate Iowa drug tax stamp.
- It is illegal to accept a gratuity or tip in Iowa.
- One-armed piano players must perform for free.
- Riverboat gamblers have a 5\$ maximum bet.
- Tanning bed facilities must warn of the risk of getting a sunburn.
- You may shoot Native Americans if there are more than five of them on your property at any one time.
- Ministers must obtain a permit to carry their liquor across state lines.
- It is illegal to hunt from an aircraft.
- An owner or employee of an establishment in Iowa that sells alcohol can't legally consume a drink there after closing for business.



ROLE-PLAY

Role-play the following situation:

Your closest friend has got to hospital after being attacked by her husband at home. Her children have also been involved in the fight and been injured. You meet your lawyer in hospital. You tell him/her about the problem and ask him/her to take appropriate steps. But your friend is not sure about the action for assault and battery concerning her husband. Appoint one student as a lawyer, one as a victim, one as a witness, one as a doctor, one as the husband and one as your friend.

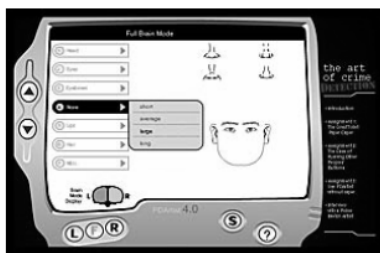
Unit 4

CRIME DETECTION

Useful Words and Expressions for Speech Practice	
to stop, search, arrest and place a person under detention	остановить человека, обыскать, арестовать и заключить под стражу
to enforce law	следить за соблюдением закона
investigation of offences	расследование правонарушений
breach of law	нарушение закона
to arrest people suspected of having committed the offence	арестовывать подозреваемых в совершении преступления
to have powers to arrest people with/without a warrant issued by a court	иметь полномочия на арест с (без) ордером на арест, выданным судом
A suspect may refuse to answer police questions or to give evidence in court.	Подозреваемый может отказаться отвечать на вопросы полиции и давать показания в суде.
to be detained without charge	быть задержанным без предъявления обвинения
to be charged with the offence	быть обвиненным в правонарушении
to be released on bail	освободить на поруки
to keep in custody	содержать под стражей
to discharge from custody	освободить из-под стражи
to apprehend the perpetrators	задержать преступников
to provide evidence	обеспечить доказательства
to interrogate suspects and witnesses	опрашивать подозреваемых и свидетелей
surveillance techniques	методы наблюдения
to identify the perpetrator	опознать преступника
eyewitness testimony	свидетельства очевидцев
to collect clues	собирать улики
(in)sufficient evidence	достаточные улики
forensic medicine	судебная медицина

Task 1. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law. Pay special attention to the words and word combinations in bold type.

CRIME DETECTION



Crime Detection is discovery, identification, and analysis of criminal evidence as a means of law enforcement. The responsibility of law enforcement agencies is to detect crimes, apprehend the perpetrators, and provide evidence that will convince judges and juries that the

perpetrators are guilty beyond a reasonable doubt. To accomplish these aims a variety of methods are used, including reconstructing the crime, collecting physical clues, and interrogating suspects and witnesses.

The methods of detection employed are dictated by the nature of the crime and the procedures permitted by the legal system. Most investigations begin with careful, objective observations that are then assembled, collated, and matched against applicable law. If there is reason to assume that a crime has indeed been committed, further investigation is undertaken using scientific methods and techniques. Technological advances have been incorporated into criminal investigation as well; for example, trace clues such as dust, paint, glass, and other microscopic evidence may be analyzed.

Surveillance

One of the oldest ways of detecting criminal activity is through surveillance. This method is used when it is likely that a crime will take place at a specific location or when certain persons are suspected of criminal activity. The first situation usually is handled by fixed police observation known as a stakeout; the second circumstance may require mobile observation as well, perhaps on foot or by automobile. Some situations may call for aerial observation (using helicopters) or electronic procedures (using listening devices that monitor telephone lines).

The observation method must be legal. Surveillance techniques, for example, may include placing personnel in strategic locations and equipping them with optical aids, such as binoculars or scopes with the capacity to detect an object illuminated only by moonlight, or with electronic devices, sensitive to a conversation taking place at a considerable distance. Where a

possibility exists of invasion of privacy, a court order is required to make the police action and the information obtained acceptable at a trial.

Allied to surveillance are covert or undercover observations, which usually are confined to activities such as gambling, dealing in narcotics, and other major organized crimes. Informants are the source of much useful information in investigations; they may be citizens motivated by civic duty or sometimes, criminals motivated by self-interest.

Interrogation

The information needed to further an investigation must be obtained from people who have some significant knowledge concerning the crime. Witnesses or victims are interviewed, and suspects are interrogated. Eyewitnesses to a crime are often asked to identify the perpetrator, although identification errors have prompted psychologists



to explore the processes and pitfalls of memory, recall, and recognition. Experiments under controlled conditions indicate that jurors will convict four times as often if eyewitness testimony is offered, even when the visual acuity of the witness is discredited. Eyewitness identifications, therefore, must be considered carefully, and the credibility of the identification must be tested to ensure that error is unlikely.



Interrogation is used when the information sought is not readily forthcoming, perhaps because of hostility or guilt. Often some key to the solution of a crime, such as the location of the weapon in a murder case, is known only to the perpetrator. Without information provided by the suspect, a crime may go unsolved. Legal safeguards against abuse now surround this process. Before using any information obtained from an interrogation, the court must be assured that the suspect was advised of his or her rights.

If proper legal procedures are not followed, any evidence obtained is inadmissible in a trial.

One more important method of investigation is different types of records (e.g. fingerprints, intelligence files, which contain criminal specialties, associates, and skills and other information that might suggest future criminal involvement and the means by which the criminals can be apprehended. Records are also used for a general analysis of crime, so that police administrators can be informed of criminal trends and the best ways to suppress them). Business and public records are consulted by investigators to locate wanted or missing persons.

Task 2. Match the words with their Russian equivalents:

(1) covert	(a) улика
(2) clue	(b) нарушитель уголовного закона; преступник
(3) surveillance	(c) скрытый, тайный, секретный
(4) perpetrator	(d) наблюдение, надзор



ANSWER THE FOLLOWING QUESTIONS

1. What is crime detection?
2. What kind of methods can be used for detection of a crime?
3. What kind of surveillances do you know and in what situations are they used?
4. What purposes does an interrogation have?
5. What records can be used during an investigation?



It is interesting to know...

MINISTRY OF JUSTICE?

Actually there is no such thing in Britain. The things that such a ministry takes care of in other countries are shared between a number of authorities, in particular the Home Office, which administers prisons and supervises the police, and the office of the Lord Chancellor, which oversees the appointment of judges, magistrates and other legal officers.



Task 3. Study the information below and give your opinion on the problem of fingerprint evidence.

FROM THE HISTORY OF FINGERPRINTING...

March 27, 1905

Fingerprint evidence is used to solve a British murder case

The neighbors of Thomas and Ann Farrow, shopkeepers in South London, discover their bodies in their home. Thomas was already dead, but Ann was

still breathing. She died four days later without ever having regained consciousness. The brutal crime was solved using the newly developed fingerprinting technique. Only three years earlier, the first English court had admitted fingerprint evidence in a petty theft case. The Farrow case was the first time that the cutting-edge technology was used in a high-profile murder case.

Since the cash box in which the Farrows stored their cash receipts was empty, it was clear to Scotland Yard investigators that robbery was the motive for the crime. One print on the box did not match the victims or any of the still-tiny file of criminal prints that Scotland Yard possessed. Fortunately, a local milkman reported seeing two young men in the vicinity of the Farrow house on the day of the murders. Soon identified as brothers Alfred and Albert Stratton, the police began interviewing their friends.

Alfred's girlfriend told police that he had given away his coat and changed the color of his shoes the day after the murders. A week later, authorities finally caught up with the Stratton brothers and fingerprinted them. Alfred's right thumb was a perfect match for the print on the Farrow's cash box.

The fingerprint evidence became the prosecution's only solid evidence when the milkman was unable to positively identify the Strattons. The defense put up expert Dr. John Garson to attack the reliability of the fingerprint evidence. But the prosecution countered with evidence that Garson had written to both the defense and prosecution on the same day offering his services to both.

The Stratton brothers, obviously not helped by the discrediting of Garson, were convicted and hanged on May 23, 1905. Since then, fingerprint evidence has become commonplace in criminal trials and the lack of it is even used by defense attorneys.

Notes:

cutting-edge — передовой, современный

high-profile — привлекающий внимание, заметный, выдающийся
to catch up (with) — настигать



ANSWER THE FOLLOWING QUESTIONS

1. Who found the bodies?
2. What was the motive for the crime?
3. What technology was used to solve the crime?
4. Where were strange fingerprints found?
5. What did Alfred's girlfriend tell police?
6. How were criminals identified?



Task 4. Study the information below and give your opinion on the problem of DNA evidence.

GENETIC FINGERPRINTING

Genetic fingerprinting is a technique developed in the UK by Professor Alec Jeffreys and now allowed as a means of legal identification. It determines the pattern of certain parts of the genetic material DNA that is unique to each individual. Like conventional fingerprinting, it can accurately distinguish humans from one another, with the exception of identical siblings from multiple births. It can be applied to as little material as a single cell.

Genetic fingerprinting involves isolating DNA from cells, then comparing and contrasting the sequences of component chemicals between individuals. The DNA pattern can be ascertained from a sample of skin, hair, blood, or semen.

Genetic fingerprinting was first allowed as a means of legal identification at a court in Britain 1987. It is used in paternity testing (from 1988), forensic medicine, and inbreeding studies. The world's first national DNA database began operating in the UK April 1995.

DNA evidence as evidence in criminal trials in England and Wales

Evidence from an expert who has compared DNA samples must be accompanied by evidence as to the sources of the samples and the procedures for obtaining the DNA profiles. The judge must ensure that the jury must understand the significance of DNA matches and mismatches in the profiles. The judge must also ensure that the jury does not confuse the «match probability» (the probability that a person that is chosen at random has a matching DNA profile to the sample from the scene) with the «likelihood ratio» (the probability that a person with matching DNA committed the crime). Phillips LJ gave this example of a summing up, which should be carefully tailored to the particular facts in each case:

Members of the Jury, if you accept the scientific evidence called by the Crown, this indicates that there are probably only four or five white males in the United Kingdom from whom that semen stain could have come. The Defendant is one of them. If that is the position, the decision you have to reach, on all the evidence, is whether you are sure that it was the Defendant who left that stain or whether it is possible that it was one of that other small group of men who share the same DNA characteristics.

Juries should weigh up conflicting and corroborative evidence, using their own common sense and not by using mathematical formulae, so as to avoid «confusion, misunderstanding and misjudgment».



Task 5. Translate the following text into English

СОСТАВ ПРЕСТУПЛЕНИЯ

Каждое преступление с точки зрения уголовного права характеризуется набором определенных признаков. Если все необходимые признаки обнаруживаются в действительном событии, то мы вправе говорить о совершении преступления. Эти признаки предусматриваются нормами действующего уголовного права. Совокупность таких признаков называется *составом преступления*.

Согласно требованиям английского уголовного права, преступление, как правило, должно состоять из двух частей. Эти части называются элементами состава преступления. Отсутствие любой части не позволяет говорить о том, что перед нами преступление, как бы мы отрицательно ни относились к происшедшему. В теории английского уголовного права элементы состава преступления принято обозначать латинскими выражениями — *actus reus* (то, что относится к объективной стороне преступления, — противоправное действие) и *mens rea* (то, что относится к субъективной стороне преступления, — преступное намерение).

Таким образом, необходимым условием уголовной ответственности за совершенное преступление является наличие обоих элементов состава преступления — *actus reus* и *mens rea*. Этот принцип нашел закрепление в известной латинской максиме «*Actus non facit reum, nisi mens sit rea*» («Действие само по себе не делает человека виновным, если он не действует с виновным умонастроением»). Обратную сторону этого принципа можно сформулировать так: как бы ни были преступны мысли, без действия нет и не может быть преступления. Если *actus reus* отсутствует, то уголовная ответственность не наступает. Уголовное право призвано контролировать поведение, но не мысли людей.



Task 6. Read the article, fill in the table «Types of Punishments in Britain» and tell about different types of punishment in Great Britain.

THE SENTENCE OF THIS COURT IS...

If it is someone's first offence, and the crime is a small one, even a guilty person is often unconditionally discharged. He or she is set free without punishment.

The next step up the ladder is a conditional discharge. This means that the guilty person is set free but if he or she commits another crime within a stated time, the first crime will be taken into account. He or she may also be put on probation, which means that regular meetings with a social worker must take place.

A very common form of punishment for minor offences is a fine, which means that the guilty person has to pay a sum of money.

Another possibility is that the convicted person is sentenced to a certain number of hours of community service.

Wherever possible, magistrates and judges try not to imprison people. This costs the state money, the country's prisons are already overcrowded and prisons have a reputation for being «schools for crime». Even people who are sent to prison do not usually serve the whole time to which they were sentenced. They get «remission» of their sentence for «good behaviour».

There is no death penalty in Britain, except for treason. It was abolished for all other offences in 1969. Although public opinion polls often show a majority in favour of its return, a majority of MPs has always been against it. For murderers, there is an obligatory life sentence.

<i>Punishment (description if possible)</i>	<i>Crime and the circumstances (if possible)</i>
unconditional discharge conditional discharge on probation Fine community service imprisonment	first offence, the crime is small for murderers for treason



STUPID CRIMINALS

A man went into a drug store and announced his intentions to commit robbery. He pulled a Hefty Bag over his face to conceal his identity. He did not, however, cut eyeholes in the mask and was tackled by a brave customer.

DON'T WORRY MAN... I THOUGHT OF EVERYTHING

A group of drug smugglers hatched a plan to empty the tank of a propane truck and use it to smuggle six thousand pounds of marijuana across the border from Mexico into Texas. Though clever...the men were not too bright: they were caught because they misspelled the name of the gas company they had painted on the side of the truck.

Task 7. Make as many word combinations as possible matching the left and right columns:

to pay off	a crime
to accuse	detective
private	a witness
to open a bank account	for six months
to bring	someone's pocket
to imprison	an amnesty
to pick into	a house
to grant	threats
to break	on bail
to use	robbery
to be released	law
armed	science
to enforce	a fee
forensic	in a false name
to charge	a suspect

Task 8. Translate the following sentences into English using given words and word combinations which do with legal matters.

to carry drugs; drug dealers	using force or threats
to break the law	in order to steal from someone
innocent	the suspect
to commit a crime	to show evidence of one's innocence
to accuse of a crime	
to receive a heavy sentence	to prove guilt
to take control of a plane by force	malice aforethought
to make the pilots change the course	mens rea
to testify in court	to intend to commit a crime
criminal act	to regulate human behaviour
criminal state of mind	to run business
to enter someone's land without permission	to be adequate to deal with
intending to steal	computer crimes
intending to commit an act of violence	computer fraud
	intoxicated
	intoxication is not a defense
	to be responsible for one's actions

- (1) Наркокурьеры нелегально провозят наркотики из одной страны в другую.
- (2) Если вы паркуетесь на тротуаре, вы должны знать, что нарушаете закон.
- (3) Он невиновен, он не совершал преступления, в котором его обвиняют.
- (4) Это было серьезное преступление, и грабители получили суровый приговор.
- (5) Угонщики силой захватили самолет и приказали пилотам изменить курс.
- (6) Я готов свидетельствовать в суде о том, что произошло.
- (7) Любое преступление составляют два важных элемента: само преступное действие и преступное намерение.
- (8) Термин «burglary» означает проникновение в чьи-либо владения без разрешения с намерением кражи имущества и совершения акта насилия.
- (9) Термин «robbery» означает использование силы или угроз с целью ограбления.

- (10) Подозреваемый не должен ничего доказывать, однако, он может сам себе помочь, предоставив доказательства своей невиновности.
- (11) Государство должно доказать вину подозреваемого.
- (12) Заранее обдуманый злой умысел относится к виновной воле преступления и говорит о том, что убийца намеревался совершить преступление.
- (13) Большинство уголовных законов в мире относится к актам насилия и кражам, однако, законы регулируют любое человеческое поведение: что мы говорим и пишем, что носим, как поступаем со своей землей, как ведем бизнес и многое другое.
- (14) Существовавшие ранее законы о кражах не могли применяться в отношении компьютерных преступлений, а именно, кражи информации, компьютерного мошенничества.
- (15) Человек, находящийся под воздействием алкоголя или наркотиков, несет ответственность за свои действия, несмотря на то, что, будучи в состоянии интоксикации, он может даже не осознавать, что он делает.
- (16) Интоксикация не является обстоятельством, освобождающим от ответственности.



Task 9. Render the following text into English and give your opinion on the problem:

«Силен народ там, где сильны законы»

Публий Сир

«Величайшее поощрение преступления — безнаказанность»

Марк Туллий Цицерон

«С плохими законами и хорошими чиновниками вполне можно править страной. Но если чиновники плохи, не помогут и самые лучшие законы»

Отто Бисмарк

41% граждан боятся давления в случае дачи показаний, а 90% опрошенных готовы изменить данные показания или вовсе промолчать. При расследовании и рассмотрении уголовных дел по тяжким и особо тяж-

ким преступлениям угрожают каждому пятому свидетелю. От 150 до 300 тыс. свидетелей подвергаются давлению со стороны преступных кланов.

Вот уже несколько лет как в России (с января 2005 г.) действует закон о защите свидетелей. По данным ВНИИ МВД, каждый год в этой роли выступают примерно 10 млн. человек. Из них около 2,5 миллионов в ходе судебных заседаний круто меняют свои показания. Они боятся мести, хотя им обещают содействие по программе защиты свидетелей. По мнению экспертов, сегодня в личной охране нуждаются около 5000 важных очевидцев. Трети из них после судебных процессов необходимо менять не только место жительства, но и внешний вид. Этим людям будут «придумывать» новую биографию. И при неких исключительных обстоятельствах могут предложить сделать пластическую операцию.

Что-то подобное случалось и в советское время. Только МВД СССР делало это лишь в особых случаях. Так, новые имя-фамилию и биографию получил сын маньяка Андрея Чикатило Юрий. И сделано это было из гуманных побуждений.

Как охраняют участников судопроизводства? Следователей, судей, прокуроров? От защиты они нередко отказываются сами, мотивируя это тем, что выполняют свою работу... В августе 2004 г. была убита судья Долгопрудненского суда 35-летняя Наталия Урлина. Она вела сразу несколько уголовных дел. Урлиной угрожали, но она отказывалась от охраны. Убийца с ружьем подкараулил ее по дороге на работу и тяжело ранил. Женщина умерла в реанимации. В октябре 2007 г. была убита судья одного из районных судов Новосибирска Валентина Свирина. Она тоже получала угрозы.

Генеральная Ассамблея ООН приняла Декларацию об основных принципах правосудия для жертв преступлений и злоупотребления властью (ноябрь 1985 г.). ООН потребовала от государств принятия серьезных мер для охраны жизни свидетелей, обеспечения их собственной безопасности, а также безопасности их семей. Даже наиболее консервативная в деле реформы уголовной юстиции Великобритания разработала специальную «Хартину прав жертв». В России в 1995 г. под защиту взяли судей и следователей: вышел закон «О государственной защите судей, должностных лиц правоохранительных и контролирующих органов». Но ни слова о свидетелях из толпы! Только через 10 лет появился Закон «О государственной защите потерпевших, свидетелей и иных участников уголовного судопроизводства».

Кто подлежит государственной защите? Потерпевший, свидетель, частный обвинитель, подозреваемый, обвиняемый, подсудимый, их защитники и законные представители. А также осужденный, оправданный и лицо, в отношении которого уголовное дело либо уголовное преследование было прекращено. Кроме того, эксперт, специалист, переводчик, понятой, а также участвующие в уголовном судопроизводстве психолог, гражданский истец, гражданский ответчик и законные представители; представители потерпевшего, гражданского истца, гражданского ответчика и частного обвинителя. В программе защиты свидетелей предусматриваются пластические операции, переезд в другой город, смена жилья. Свидетелю также полагаются личная охрана, охрана жилища и имущества, временное помещение в безопасное место, замена документов, изменение места работы или учебы, обеспечение конфиденциальности сведений о защищаемом лице, выдача специальных средств индивидуальной защиты, связи и оповещения об опасности.

Программа защиты свидетелей впервые появилась в США. За 30 лет существования через нее прошли 16 тыс. человек. Из них 7000 сегодня живут под другими именами. Самый известный в США свидетель, проходивший по программе защиты свидетелей, — агент ФБР Джозеф Пистоне. Под именем Донни Браско он внедрился в мафию. Сотни гангстеров были приговорены к заключениям на срок от 5 до 100 лет.

В Италии на период следствия и суда свидетелям, жертвам преступления и «пентито» (так называют раскаявшегося мафиози) гарантируется анонимность. А после их окончания — новые документы и пожизненная пенсия. Мафиози, нарушившие омерту (кодекс молчания для членов мафии), растворялись навсегда. Им делали пластические операции, меняли голоса. Ежегодно на программу защиты свидетелей на Апеннинском полуострове тратится около 60 млн. евро. Государством зарезервировано 1416 квартир для свидетелей. Смертельных случаев со свидетелями в Италии не регистрировалось уже более 10 лет.

(Попова Н. Свидетель требует парик. И броневик! // Аргументы недели. № 19(157). 14 мая 2009 г. С. 8—9)

Task 10. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law. Pay special attention to the words and word combinations in bold type.



Capital punishment or the **death penalty**, is the execution of a person by judicial process as a punishment for an offense. Crimes that can result in a death penalty are known as *capital crimes* or *capital offences*. The term *capital* originates from Latin *capitalis*, literally «regarding the head» (Latin *caput*). Hence, a capital crime was originally one punished by the severing of the head.

Capital punishment has been practiced in virtually every society, and thus can be considered to be a cultural universal or close to it, excluding those with state religious proscriptions against it. It is a matter of active controversy in various countries and states, and positions can vary within a single political ideology or cultural region. In the EU member states, if the *Treaty of Lisbon*² is ratified and implemented, Article 2 of the Charter of Fundamental Rights of the European Union will prohibit capital punishment.

Today, most countries are considered by Amnesty International³ as abolitionists, which allowed a vote on a nonbinding resolution to the UN to promote the abolition of the death penalty. But more than 60% of the worldwide population live in countries where executions take place insofar as the four most populous countries in the world (the People's Republic of China, India, the United States and Indonesia) apply the death penalty and are unlikely to abolish it at any time soon.

² The Treaty of Lisbon (also known as the Reform Treaty) is an international agreement signed in Lisbon on 13 December 2007 that would change the workings of the European Union (EU). The treaty has not been ratified by all EU member states.

³ Amnesty International (commonly known as Amnesty and AI) is an international non-governmental organisation which defines its mission as «to conduct research and generate action to prevent and end grave abuses of human rights and to demand justice for those whose rights have been violated».

Task 11. (a) Match the English expressions with their Russian equivalents in the table:

(1) to abolish the death penalty	(a) мораторий на смертную казнь
(2) abolition of capital punishment	(b) ошибочные свидетельские показания
(3) suspension of capital punishment	(c) отмена смертной казни
(4) inevitability of error	(d) возмездие / месть
(5) an expository execution	(e) отменить смертную казнь
(6) erroneous testimony	(f) сдерживающее средство против насилия
(7) to inflict the death penalty	(g) неизбежность (судебной) ошибки
(8) to sentence to death	(h) привести в исполнение смертный приговор
(9) deterrent to violent crime	(i) сдерживать преступность
(10) deterrence	(j) показательная казнь
(11) to deter crime	(k) сдерживание
(12) retribution / revenge	(l) приговорить к смерти

(b)

(1) coerced confession	(a) признать себя виновным
(2) to admit one's guilt / to confess	(b) долгосрочное тюремное заключение
(3) to plead guilty	(c) признать свою вину
(4) long-term imprisonment	(d) вынужденное признание (вины)
(5) short-term imprisonment	(e) лжесвидетель, клятвопреступник
(6) life imprisonment	(f) телесные наказания
(7) corporal punishment	(g) отбыть пятилетний тюремный срок
(8) perjured testimony / perjury	(h) пожизненное тюремное заключение
(9) perjurer	(i) косвенные улики
(10) circumstantial evidence (against smb)	(j) быть осужденным на три года тюрьмы

(11) to be sentenced to three years in prison	(к) краткосрочное тюремное заключение
(12) to serve five years in prison	(l) отбывать срок наказания (тюремного заключения)
(13) to serve a term	(m) лжесвидетельство



Task 12. Study the information below and give your opinion on the problem of the inevitability of error.

CAPITAL PUNISHMENT: INEVITABILITY OF ERROR

Capital punishment is an intolerable denial of civil liberties. We should seek to prevent executions and to abolish capital punishment by litigation, legislation, commutation or by the weight of a renewed public outcry against this brutal institution.

Unlike all other criminal punishments, the death penalty is uniquely irrevocable. Speaking to the French Chamber of Deputies in 1830, years after the excesses of the French Revolution, which he had witnessed, the Marquis de Lafayette said, «I shall ask for the abolition of the punishment of death until I have the infallibility of human judgment demonstrated to me. Although some proponents of capital punishment would argue that its merits are worth the occasional execution of innocent people, most would also insist that there is little likelihood of the innocent being executed? Yet large bodies of evidence show that innocent people are often convicted of crimes, including capital crimes and that some of them have been executed».

Since 1900 in the USA there have been on the average more than four cases per year in which an entirely innocent person was convicted of murder. Scores of these persons were sentenced to death. In many cases, a reprieve or commutation arrived just hours, or even minutes, before the scheduled execution.

In the mid-seventies of the 20th century authorities in New Mexico were forced to admit they had sentenced to death four white men — motorcyclists from Los Angeles — who were innocent. The accused offered a documented alibi at their trial, but the prosecution dismissed it as an elaborate ruse. The jury's verdict was based mainly on what was later revealed to be perjured testimony (encouraged by the police) from an alleged eyewitness. Thanks to persistent investigation by newspaper reporters and the confession of the real killer, the error was exposed and the defendants were released after eighteen months on death row.

In Georgia in 1975 Earl Charles was convicted of murder and sentenced to death. A surviving victim of the crime erroneously identified Charles as the gunman; her testimony was supported by a jail-house informant who claimed he had heard Charles confess. Incontrovertible alibi evidence, showing that Charles was in Florida at the very time of the crime, eventually established his innocence — but not until he had spent more than three years under death sentence. His release was owing largely to his mother's unflagging efforts.

In 1989 Texas authorities decided not to retry Randall Dale Adams after the appellate court reversed his conviction for murder. Adams had spent more than three years on death row for the murder of a Dallas police officer. He was convicted on the perjured testimony of a 16-year-old youth who was the real killer. Adam's plight was vividly presented in the 1988 docudrama, *The Thin Blue Line*, which convincingly told the true story of the crime and exposed the errors that resulted in his conviction.

The stories above have a reassuring ending. The innocent prisoner is saved from execution and is released. But when prisoners are executed, no legal forum exists in which unanswered questions about their guilt can be resolved. In May 1992, R.K. Coleman was executed in Virginia despite widely publicized doubts surrounding his guilt and evidence that pointed to another person as the murderer — evidence that was never submitted at his trial. At the time of his execution, his case was marked with many of the features found in other cases where the defendant was eventually cleared. Were Coleman still in prison, his friends and attorneys would have a strong incentive to resolve these questions. But with Coleman dead, further inquiry into the facts of the crime for which he was convicted is unlikely.

**These are all little known facts about the system dealing
with inmates, prisons and the law in the USA**

- The death penalty doesn't deter crime. Since the death penalty was reinstated in 1976, the South has carried out 80% of the nation's executions, yet it has the highest murder rate of any region in the country.
- About 4% of American population is in prison, add that to the 4%-6% unemployment rate and that means about 1 out of 10 US citizens are either in jail or unemployed.
- A study by the US General Accounting Office found racial prejudice in death sentencing. The race of the murder victim was shown

to be a determining factor; killers of whites were proportionately more likely to be executed than were killers of blacks.

- Most prison inmates are «kept» in their cells (sometimes at 200% capacity) for 20+ hours a day. Often inmates are confined to their cell 22+ hours a day, they are let out for meals and a very short time to exercise.
- Experts estimate that at least 1/2 of 1% of the current inmate population is innocent. Records of these statistics are not kept. That would be 8000 innocent out of 1.6 million.
- It is estimated that half of all death row inmates are minorities.
- State and Federal prisons held about 1.6 million prisoners at the end of 1996.



QUOTATIONS FOR COMMON DISCUSSION

Every unpunished murder takes away something from the security of every man's life.

Webster

All crime is a kind of disease and should be treated as such.

Gandhi

The average man does not know what to do with his life, yet wants another one which will last forever.

France



Debate: CAPITAL PUNISHMENT: FOR AND AGAINST

The fundamental questions raised by the death penalty are whether it is an effective deterrent to violent crime, and whether it is more effective than the alternative of long-term imprisonment. Study the information above and give your opinion on this problem.

1. Do you agree that capital punishment can be seen as a deterrent to violent crime?

2. Can capital punishment be considered as the society's desire for retribution?
3. Should murderers be subject to the principle «an eye for an eye and a tooth for a tooth» and receive the death penalty?
4. Should we try to correct the offender's moral attitudes and anti-social behaviour and to assist him or her to return to normal life (to rehabilitate the offender) in any case?



CREATIVE WRITING

Taking into account the vocabulary and the ideas of the texts above write an essay on the points concerning capital punishment:

- Even a stopped clock is right twice a day.
- In skating over thin ice our safety is in our speed.
- The pain of the mind is worse than the pain of the body.
- It is never late to mend.
- If someone takes advantage of my trust, it's his fault, and if he does it a second time, it's mine.
- It is better that ten guilty persons escape than one innocent suffer.

Be sure of the right translation of the statements in connection with the topic discussed.



Task 13. Study the information below and give your opinion on the problem of corruption.

Corruption — improper and usually unlawful conduct intended to secure a benefit for oneself or another. Its forms include bribery, extortion, and the misuse of inside information. It exists where there is community indifference or a lack of enforcement policies. In societies with a culture of ritualized gift giving, the line between acceptable and unacceptable gifts is often hard to draw. Corruption obtains when an official transfers a benefit to an individual who may or may not be entitled to the benefit, in exchange for an illegal payment (the bribe). By taking the bribe, the official breaks a legally binding promise he gave to his «principal» (usually the state administration or a private company) to allocate the benefit to those entitled to it. Corruption is neither a property of a social system or an institution, nor a trait of an individual's character, but rather an illegal exchange.

Many argue that in the long term corruption breeds inefficiency. Also, with multiple officials and many potential bribers, corruption can generate

further corruption, leading a country to fall into a «trap» where bribery is pervasive. In extreme cases, where everybody takes bribes, the concept loses analytical clout.

In accordance with its own empirical findings, the World Bank, which studies the problem of corruption, promotes policies fostering economic deregulation and liberalization, civil liberties, and the rule of law. Yet, no single recipe exists to eradicate corruption and more work is needed to isolate mechanisms that fetter this social bad.



Task 14. Debate: ANTI-CORRUPTION METHODS

Read the newspaper articles below and answer the following questions

- (1) *What do you think about the problem of corruption in Russia and in other countries?*
- (2) *How to fight against corruption?*

ANTI-CORRUPTION IN RUSSIA

MOSCOW, October 30 (RIA Novosti) — Russian President Vladimir Putin criticized the punishment system Wednesday for those found guilty in Russia of corruption.

Speaking at a session of the Anti-Corruption Council, Putin said 692 people had been found guilty on corruption charges in the first half of this year, but «only eight percent of bribe-takers were sentenced to prison terms».

«Most of them were ordered to pay fines, which the criminals are not paying by finding all possible loopholes in the law,» he said.

The president said, however, that the number of corruption-related crimes had decreased in the country in the first six months of this year, totaling 29,500 in comparison to 34,000 in the same period of 2012.

«But we definitely need to analyze these figures,» he said. «There is no room for self-complacency in considering the hidden and latent nature of corruption crimes.»

The president also said the fight against corruption in the judiciary and law enforcement should be particularly brutal, as it «erodes public trust in the authorities and state policy.»

The Russian government has been campaigning for years to stamp out corruption among officials, but with little apparent success. Russia was ranked 133rd of 174 countries in Transparency International's Corruption Perceptions Index last year.

NOVO-OGARYOVO, November 15 (RIA Novosti) — Russian President Vladimir Putin pledged to fight corrupt officials regardless of their rank or any other factors that may hinder the effort.

«We will in the most serious way ... continue eradicating this infection regardless of position or party membership,» Putin said at a meeting of the Agency for Strategic Initiatives, which is tasked with promoting the country's development, including fostering young leaders.

«Let everyone know about that,» he said.

He said that more than 7,500 anti-corruption cases had been initiated only on the basis of evidence gathered by the Federal Security Service. The cases involved representatives of many parties.

Putin noted the case of a former Tula Region governor — a clear reference to Vyacheslav Dudka, who recently received over nine years in prison for taking a 40 million ruble (\$1.2 million) bribe.

He also referred to other cases, including Wednesday's detention of the mayor of the southern Russian city of Astrakhan, Mikhail Stolyarov, a member of the pro-Kremlin ruling party United Russia, who is reportedly suspected of extorting a \$300,000 bribe.

Putin said he was monitoring the investigation into Stolyarov.

«Regarding such high-profile cases ... law enforcement agencies preliminarily report to me about federal officials, about regional and municipal heads,» the president said.

MOSCOW, December 3 (RIA Novosti) — Russian President Vladimir Putin has ordered the establishment of a new anti-corruption department in the presidential administration, according to a decree published Tuesday.

The department will be responsible for monitoring current anti-corruption laws and suggesting legislative changes to counter corruption, the Kremlin said. ...

Russia is perceived to be the most corrupt of the world's leading economies in surveys conducted by anti-graft organization Transparency International, on a par with Pakistan, Gambia and Mali.

Despite a recent high profile anti-corruption drive, even government officials admit that billions of dollars are paid in bribes in Russia every year and that graft remains endemic.

(<http://en.rian.ru/russia>)

Task 15. Complete the sentences with the appropriate words from the table

bribe-takers were sentenced	legislative changes
fight corrupt officials	judiciary and law enforcement
senior security officials	to pay fines
chaired	corruption-related crimes
suspected of extorting	found guilty
basis of evidence	

- (1) Speaking at a session of the Anti-Corruption Council, Putin said 692 people had been _____ on corruption charges in the first half of this year, but «only eight percent of _____ to prison terms.»
- (2) Most of them were ordered to _____, which the criminals are not paying by finding all possible loopholes in the law.
- (3) The president said, however, that the number of _____ had decreased in the country in the first six months of this year, totaling 29,500 in comparison to 34,000 in the same period of 2012.
- (4) The president also said the fight against corruption in the _____ should be particularly brutal, as it «erodes public trust in the authorities and state policy.»
- (5) Russian President Vladimir Putin pledged to _____ regardless of their rank or any other factors that may hinder the effort.
- (6) He said that more than 7,500 anti-corruption cases had been initiated only on the _____ gathered by the Federal Security Service.
- (7) He also referred to other cases, including Wednesday's detention of the mayor of the southern Russian city of Astrakhan, Mikhail Stolyarov, a member of the pro-Kremlin ruling party United Russia, who is reportedly _____ a \$300,000 bribe.
- (8) The department will be responsible for monitoring current anti-corruption laws and suggesting _____ to counter corruption.
- (9) Russia's presidential administration already has an anti-corruption council, which is _____ by Putin and attended by top government ministers and _____.

Task 16. Render the text below into English in writing paying attention to the notes in brackets. Give a gist of this text in English.

ПРАВОВОЕ РЕГУЛИРОВАНИЕ ЭТИКИ ОФИЦИАЛЬНЫХ ЛИЦ

В американском обществе, где основой благоденствия индивида (*basis of an person's well-being*) служит материальный успех, а пути его достижения ограничены нормами права, проявляется стремление достигнуть желаемых результатов обходными путями (*in a roundabout way*). Один из них — подкуп должностных лиц (*bribery of officials*), занимающих ключевые посты во властных и экономических структурах общества и государства. Способы оказания такого рода воздействия многочисленны и разнообразны.

Термин «коррупция» не имеет четкого юридического определения. Строго говоря — это не правовой термин. Авторитетный юридический энциклопедический словарь Джеймса Бэллентайна определяет коррупцию как «трудный термин, не всегда правильно понимаемый; подразумевает множество форм правонарушающего поведения официальных лиц». Слово «коррупированный» данный словарь толкует как «извращающий назначение органов государства в целях извлечения личной выгоды; препятствующий процессу отправления правосудия».

Классическое пособие Роллина Перкинса по уголовному праву содержит следующее доктринальное описание коррупции: «Слово «коррупция» указывает на нечистоплотность и непорядочность и когда оно встречается в уголовном законе, оно означает безнравственное или в огромной степени ненадлежащие действия... Неправомерное отправление должности (*to exercise one's duty*) является корруппированным поведением должностного лица в ходе исполнения его должностных обязанностей или когда оно действует под видом отправления должности».

К актам коррупции обычно относят следующие действия:

- (а) попытка получения или получение, прямо или косвенно, правительственным чиновником или лицом, осуществляющим любых видов публичные функции, денежных средств, а также иных доходов, таких как подарок, предпочтение материального характера, преимущество для себя или иного лица или организа-

- ции, в обмен на конкретное действие или бездействие при осуществлении его публичных функций;
- (б) предложение или предоставление, прямо или косвенно, правительственному чиновнику или лицу, осуществляющему публичные функции, любых видов денежных средств, а также иных доходов, таких как подарок, предпочтение, обещание или преимущество для себя либо иного лица или организации, в обмен на любое действие или бездействие при осуществлении его публичных функций;
 - (в) действие или бездействие, совершенные правительственным чиновником или лицом, осуществляющим публичные функции, в нарушение своих обязанностей с целью незаконного приобретения дохода (*illegal profit*) для себя или третьих лиц;
 - (г) противозаконное использование или сокрытие имущества, приобретенного в результате одного из вышеупомянутых действий;
 - (д) участие в качестве основного исполнителя (*actual doer*), соучастника (*accomplice*), подстрекателя (*instigator*), пособника (*accomplice*), либо иным образом, в совершении или покушении на совершение (*committing or attempt upon committing a crime*), а также в пособничестве или сговоре с целью совершения одного из вышеупомянутых действий.

Таким образом, коррупция как социальное явление подрывает легитимность публичных институтов власти (*to undermine legitimacy of public authorities*). Нарушая установленный правопорядок, она способна создавать перекосы в регулируемых государством экономических отношениях и провоцировать ошибки в публичном администрировании.

Коррупция оказывает также деморализующее влияние на общество (*to demoralize the society*). Когда обнаруживается, что коррумпирована хотя бы часть чиновничьего аппарата органов власти, подрывается общественное доверие к государственной власти, поскольку сама система уже не представляется неподкупной.

По данным Министерства юстиции США, такого рода всеохватывающая коррупция, например, наблюдалась в штатах Оклахома, Нью-Йорк и Миссисипи. Во Флориде в 1930-е годы даже возникло понятие «фундаментальная коррупция социальной инфраструктуры».

Источник: США: правовое регулирование этики официальных лиц. М., 2002. С. 4—15.

Task 17. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law. Pay special attention to the words and word combinations in bold type.

E-MAIL FRAUD

Fraud has existed perhaps as long or longer than money. Any new sociological change can endanger new forms of fraud, or other crime. Almost as soon as e-mail became widely used, it began to be used **to defraud people via E-mail fraud**. **E-mail fraud** can take the form of a «con game» or scam. Confidence tricks tend to exploit the inherent greed and dishonesty of their victims; the prospect of a «bargain» or «something for nothing» can be very tempting. E-mail fraud, as with other «bunco schemes» relies on naïve individuals who put their confidence in get-rich-quick schemes such as «too good to be true» investments or offers to sell popular items at «impossibly low» prices. Many people have **lost their life savings due to fraud**.

Forms of E-mail fraud:

Spoofing. E-mail sent from someone pretending to be someone else is known as spoofing. Spoofing may take place in a number of ways. Common to all of them is that the actual sender's name and the origin of the message are **concealed or masked from the recipient**. Many, if not most, instances of E-mail fraud use at least minimal spoofing, as most frauds are clearly **criminal acts**. **Criminals** typically try **to avoid easy traceability**.

Fishing for data. Some **spoof messages** purport to be from an existing company, perhaps one with which **the intended victim** already has a business relationship. The «bait» in this instance may appear to be a message from «the fraud department» of, for example, the victim's bank, which asks the customer to: «**confirm their information**»; «**log in to their account**»; «**create a new password**», or similar requests. **If the «fish» takes the «bait», they are «hooked»** — their account information is now in the hands of the con man, to do with as wish.

Bogus offers. E-mail solicitations to purchase goods or services may be instances of attempted fraud. The **fraudulent offer** typically features a popular item or service, **at a drastically reduced price**.

Items may be offered in advance of their actual availability, for instance, the latest video game may be offered prior to its release, but at a similar price to a normal sale. In this case, the «greed factor» is the desire to get something that nobody else has, and before everyone else can get it,

rather than a reduction in price. Of course, the item is never delivered, as it was not a legitimate offer in the first place. Such an offer may even be no more than **an attempt to obtain the victim's credit card information**, with the intent of using the information **to fraudulently obtain goods or services**, paid for by the helpless victim, who may not know they were scammed until their credit card has been «used up».

Requests for help. The «request for help» type of E-mail fraud takes this form. An E-mail is sent requesting help in some way, but including a reward for this help as a «hook», such as a large amount of money, a treasure, or some artifact of supposedly great value.

This type of scam has existed at least since the Renaissance, known as the «Spanish Prisoner» or «Turkish Prisoner» scam. In its original form, this scheme has the con man support to be in correspondence with a wealthy person who has been **imprisoned under a false identity**, and is relying on the confidence artist **to raise money to secure his release**. The con man tells the «mark» (victim) that he is «allowed» to supply money, for which he should expect a generous reward when the prisoner returns. The confidence artist claims to have chosen the victim for their reputation for honesty.

Other forms of fraudulent help requests are represented by romance scam. Under this, **fraudsters** (pretended males or females) **build online relationships**, and after some time, they ask for money from the victims, claiming the money is needed to the fact they have lost their money (or their luggage was stolen), they have been beaten or otherwise harmed and they need to get out of the country to fly to the victim's country.

This confidence trick is similar to the face-to-face con, known as the «Stranger With a Kind Face», which is the likely origin of at least the title of the vaudevillian routine known by the same name, as «Niagara Falls», or «Slowly I turned...»

The modern E-mail version of this scam, is known as the «Nigerian scam», «Nigerian All-Stars», etc., because it is typically based in Nigeria, as **an advance fee fraud**. The lottery scam is a contemporary twist on this scam.

(<http://www.dom-da.ru/doma>)

Notes:

«con game» or scam

spoofing

bogus offers

If the «fish» takes the «bait», they are «hooked».

мошенничество; жульничество; обман

надувательство

липовые предложения

Если «рыбка» захватит «наживку», она «на крючке».



ANSWER THE FOLLOWING QUESTIONS

1. Why has fraud existed as long as money?
2. What qualities of character does e-mail fraud exploit?
3. Why are people so much attracted by get-rich-quick schemes?
4. What are the forms of e-mail fraud?
5. Characterize the main forms of e-mail fraud.

Task 18. Replace the words and word combinations in brackets by their equivalents from the text above:

- (1) (*Мошенничество*) has existed perhaps as long or longer than money.
- (2) Almost as soon as e-mail became widely used, it began to be used (*одурачивать людей с помощью интернет-мошенничества*).
- (3) (*Мошенничество на доверии*) tend to exploit (*врожденную жадность и нечестность*) of their victims: (*перспектива совершить выгодную сделку*) or «something for nothing» can be very tempting.
- (4) E-mail sent from someone (*притворяющимся кем-то другим*) is known as spoofing.
- (5) The actual sender's name and the origin of the message (*скрыты или замаскированы от получателя*).
- (6) Criminals typically try (*затруднить поиск / отслеживаемость*).
- (7) (Если «рыбка» захватит «наживку», она «на крючке») — their account information is now in the hands of the con men, who do with as they wish.
- (8) E-mail (*запросы о покупке товаров или услуг*) may be instances of attempted fraud.
- (9) Of course, the item is never delivered, as it was not a (*законное предложение*) in the first place.

Task 19. Match the English expressions with their Russian equivalents in the table:

(1) fraud	(a) врожденная жадность и нечестность
(2) to be defrauded	(b) заявить о чем-либо в правоохранительные органы
(3) a confidence trick	(c) предполагаемая жертва
(4) inherent greed and dishonesty	(d) мошенничество
(5) to put confidence in get-rich-quick schemes	(e) запросы о покупке товаров или услуг
(6) to be concealed or masked from the recipient	(f) собрать деньги для обеспечения чьего-либо освобождения
(7) fishing for data	(g) затруднить поиск / отслеживаемость
(8) to try to avoid easy traceability	(h) спрятаться или замаскироваться от получателя
(9) the intended victim	(i) Это было незаконное предложение.
(10) solicitations to purchase goods or services	(j) выуживание информации
(11) prior to release	(k) довериться схемам быстрого обогащения
(12) It was not a legitimate offer.	(l) мошенничество с выплатой денег авансом
(13) a generous reward	(m) еще до выпуска в продажу
(14) to raise money to secure sb's release	(n) щедрое вознаграждение
(15) an advance fee fraud	(o) мошенничество на доверии
(16) web bugs	(p) стать жертвой мошенничества
(17) to report sth to law enforcement authorities	(q) сетевые жучки для прослушивания



Task 20. Translate the following word combinations into English in writing:

мошенничество с выплатой денег авансом	по невероятно низкой цене
щедрое вознаграждение	врожденная жадность
собрать деньги для освобождения	потерять свои сбережения
мошенническая просьба о помощи	намеченная жертва
мошенническим образом приоб- рести товары или услуги	выуживание информации
незаконное предложение	зацепить на крючок
до выпуска в продажу	захватить наживку
запрос о покупке товаров или услуг	прослеживаемость
снижение цены	притворяться кем-то
	скрыты или замаскированы
	довериться схемам быстрого обо- гащения

Task 21. (a) Match the English expressions with their Russian equivalents in the table:

(1) to have an alibi	(a) «железное» алиби
(2) to raise an alibi	(b) сомнительное алиби
(3) corroborated / substantiated alibi	(c) установленное алиби
(4) dubious / questional alibi	(d) иметь алиби
(5) established alibi	(e) подтвержденное алиби
(6) ironclad alibi	(f) заявить алиби

(b)

NB | sentence — 1) наказание; 2) приговор;
приговаривать; 3) решение церковного суда

(1) a sentence	(a) наказание, определенное в законе
(2) sentence fixed by law	(b) приговорить к длительному сроку лишения свободы
(3) to pass a sentence	(c) отбывать наказание
(4) to sentence long	(d) выносить приговор
(5) to sentence short	(e) приговор
(6) life sentence	(f) отбыть наказание
(7) to serve sentence	(g) приговорить к краткому сроку лишения свободы
(8) to sentence to community service	(h) пожизненное заключение
(9) suspended / conditional sentence	(i) условное наказание (условный приговор)
(10) to complete the sentence	(j) приговорить к общественным работам



QUOTATIONS FOR COMMON DISCUSSION

If poverty is the mother of crimes, want of sense is the father.

La Bruyere

Organized crime constitutes nothing less than a guerilla war against society.

Lyndon Jonson

I'm proud of the fact that I never invented weapons to kill.

Edison



Debate: WHY IS E-MAIL FRAUD SO WIDELY SPREAD?

Give examples of e-mail fraud from your own life or somebody you know, or from the books you have read. Answer the following questions

- Is it really in the nature of people to put their confidence in get-rich-quick schemes?
- People read and hear about e-mail crimes of different forms, still they become victims of such crimes. What are the reasons?
- Are most people so naive to let other people defraud them?
- Give examples of e-mail fraud from your own experience or somebody you know, or you have read in newspapers.

Task 22. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.

THE CAUSES OF CRIME

Part I

No one knows why crime occurs. The oldest theory, based on theology and ethics, when crime and sin were considered to be the same thing, is that criminals are perverse persons who deliberately commit crimes or who do so at the instigation of the devil or other evil spirits who possess those who don't conform to social norms or follow rules. People are not bad by nature, but sometimes simply too timid to resist the vicious demons that play on their weaknesses and cut their bond with the source of their Power. Humans are good by nature, but not everyone is made of steel so as to defend themselves against the demonic forces — destructive emotions and detrimental attitudes, such as fear, ignorance, hatred, worry, revenge, envy, attachment, greed, lust, doubt, prejudice, pride, vanity, impatience, sloth, discrimination, arrogance, ambition, addiction, gluttony, criticism, blame, anxiety, frustration and so on. We all get attacked by those faulty ethereal

goblins of our minds and hearts, but most of us succeed to resist them. It's easy to act on anger, greed, revenge but it takes courage and strength to determine that there is something more important than that.

There are two core reasons why weakness prevails with some people: lack of faith and imbalance. People sometimes don't believe enough in the power of their own internal weapons against inner demons such as courage, tolerance, understanding, forgiveness, mercy, honesty, sincerity, integrity, honor, modesty, humbleness, generosity, love, compassion, kindness, detachment, patience, self-discipline, temperance, etc. As a result of not trusting inner resources, there is not enough motivation to develop them and use them.

There is no balance between physical skills, mental calmness and emotional state. Most criminals are simply too strong physically, pumping up the body muscles, but not enough the mental and emotional muscles. The reason why their strength becomes weakness is because they are not balanced.

The causes of crime are analyzed by many scientists — lawyers, sociologists, psychologists, economists, biologists. However, none of the existing theories give an exhaustive explanation of all types of crime.

Trying to explain the crimes biologists searched for natural causes due to the tendency of some people to crime.

Italian criminologist *Cesare Lombroso* in 1870 came to the conclusion that some people are born with criminal tendencies. In his view, criminal types can be determined by the skull. Lombroso didn't deny the influence of society on the development of criminal behavior, but believed that most criminals biologically degenerate.



Cesare Lombroso

In the second half of the 20th century, attempts were made to link the criminal tendencies of a certain set of chromosomes in the genetic code. There is speculation that among the perpetrators of serious crimes, a disproportionate share of people with extra Y chromosomes. A number of studies conducted in prisons of an intensive regime, obtained a result showing that such deviation was one of hundred of prisoners, compared with one per thousand for the general population. However, studies on larger tracts of population showed that men with abnormal set of chromosomes are not more likely to commit violent acts than with the ordinary set.

Searching for the origin of antisocial personality disorders and their influence over crime led to studies of twins and adopted children in the 1980s. Identical twins have the exact same genetic makeup. Researchers found that identical twins were twice as likely to have similar criminal behavior than fraternal twins who have similar but not identical genes, just like any two siblings. Other research indicated that adopted children had greater similarities of crime rates to their biological parents than to their adoptive parents. These studies suggested a genetic basis for some criminal behavior.



ANSWER THE FOLLOWING QUESTIONS

1. Is there any unanimous decision concerning the causes of crime?
2. Explain the main ideas of the theory based on theology and ethics.
3. Why does weakness prevail with some people?
4. How do you explain the tendency of some people to crime?
5. What did the study of twins show?

Task 23. Replace words and word combinations in brackets by their English equivalents from the text above.

1. The oldest theory, based on theology and ethics, when crime and sin considered to be the same thing, is that criminals are (порочные люди) who (преднамеренно совершают преступления) or do so (по наущению дьявола и других злых духов) who possess those who (не приспособляется к социальным нормам) or follow rules.

2. Not everyone can defend himself against the demonic forces — (разрушительных эмоций) and (вредных отношений), such as (страх, невежество, ненависть, беспокойство, месть, зависть, привязанность, жадность, похоть, сомнение, предрассудки, тщеславие, нетерпение, лень, дискриминация, высокомерие, амбиции, обжорство, критицизм, обвинение, тревога, разочарование).

3. People sometimes don't believe enough in the power of their own internal weapons against inner demons such as (храбрость, терпение, понимание, прощение, жалость, честность, искренность, неподкупность, честь, скромность, смирение, щедрость, любовь, сострадание, доброта, чуждость искушениям, спокойствие, самодисциплина, умеренность).

4. Most criminals are simply too strong physically, (накачивая мышцы физического тела), but not enough the mental and emotional muscles.

5. However, none of the existing theories give an (исчерпывающее объяснение всем типам преступлений).

5. Trying to explain the crimes, biologists search for natural causes due to the (склонности некоторых людей к совершению преступлений).

6. Italian criminologist Cesare Lombroso in 1870 (пришел к заключению) that (некоторые люди рождаются с преступными наклонностями).

6. Lombroso (не отрицал влияния общества) on the development of criminal behavior, but believed that (большинство преступников биологически выродившиеся люди).

7. (Однояйцевые близнецы имеют одинаковый генетический набор).



Task 24. Translate the following text into Russian in written form. Answer the questions after the text.

THE CAUSES OF CRIME

Part II

In the 60s many psychiatrists believed that criminal behavior was lodged in certain parts of the brain, and lobotomies were frequently done on prisoners.

With new advances in medical technology, the search for biological causes of criminal behavior became more sophisticated. In 1986 psychologist Robert Hare identified a connection between certain brain activity and anti-social behavior. He found that criminals experienced less brain reaction to dangerous situations than most people. Such a brain function, he believed, could lead to greater risk-taking in life, with some criminals not fearing punishment as much as others.

Studies related to brain activity and crime continued into the early twenty-first century. Testing with advanced instruments probed the inner workings of the brain. With techniques called computerized tomography (CT scans), magnetic resonance imaging (MRI), and positron emission tomography (PET), researchers searched for links between brain activity and a tendency to commit crime. Each of these tests can reveal brain activity.

Research on brain activity investigated the role of neurochemicals, substances the brain releases to trigger body activity, and hormones in influencing criminal behavior. Studies indicated that increased levels of some neurochemicals, such as serotonin, decreases aggression. Serotonin is a substance produced by the central nervous system that has broad sweeping affect on the emotional state of the individual. In contrast higher levels of others, such as dopamine, increases aggression. Dopamine is produced by the brain and affects heart rate and blood pressure. Researchers expected to find that persons who committed violent crimes have reduced levels of serotonin and higher levels of dopamine. This condition would have led to periods of greater activity including aggression if the person is prone to aggression.

In the early 21st century researchers continued investigating the relationship between neurochemicals and antisocial behavior, yet connections proved complicated. Studies showed, for example, that even body size could influence the effects of neurochemicals and behavior.

Researchers also looked at relationship between hormones (bodily substances that affect how organs in the body function), such as testosterone and cortisol, and criminal behavior. Testosterone is a sex hormone produced by male sexual organs that cause development of masculine body traits. Cortisol is a hormone produced by adrenal glands located next to the kidneys that effects how quickly food is processed by the digestive system. Higher cortisol levels lead to more glucose to the brain for greater energy, such as in times of stress or danger. Animal studies showed a strong link between high level of testosterone and aggressive behavior. Testosterone measurements in prison populations also showed relatively high levels in the inmates as compared to the US adult male population in general.

Studies of sex offenders in Germany showed that those who were treated to remove testosterone as part of their sentencing became repeat offenders only 3 percent of the time. This rate was in stark contrast to the usual 46 percent repeat rate. These and similar studies indicate testosterone can have a strong bearing on criminal behavior.

Cortisol is another hormone linked to criminal behavior. Research suggested that when the cortisol level is high a person's attention is sharp and he or she is physically active. In contrast, researchers found low levels of cortisol were associated with short attention spans. Lower activity levels, often linked to antisocial behavior including crime. Studies of violent adults have shown lower levels of cortisol; some believe this low level serves to numb an

offender to the usual fear associated with committing a crime and possibly getting caught.

Studies by such 20th century investigators as the American criminologist Bernard Gluck and the British psychiatrist William Healy indicated that about one-fourth of a typical convict population is psychotic, neurotic, or emotionally unstable and another one-fourth is mentally deficient. These emotional and mental conditions don't automatically make people criminals, but do, it is believed, make them more prone to criminality. Recent studies of criminals have thrown further light on the kinds of emotional disturbances that may lead to criminal behavior.

It is difficult to isolate brain activity from social and psychological factors, as well as the effects of substance abuse, parental relations, and education. Yet since some criminals are driven by factors largely out of their control, punishment will not be an effective deterrent, help and treatment become the primary responses.



ANSWER THE FOLLOWING QUESTIONS

1. Explain the psychiatric theory of the causes of crime.
2. Why aren't some criminals afraid of punishment as much as law-obiding people?
3. How was inner working of the brain tested?
4. What was the role of neurochemicals in the brain activity?
5. Do emotional and mental conditions automatically make people criminals?

Task 25. Replace words and word combinations in brackets by their English equivalents from the text above.

- (1) In the 60s many psychiatrists believed that criminal behavior (сосредоточено в центральных частях мозга).
- (2) (С развитием медицинских технологий) the search for biological causes of criminal behavior became more (усложненными).
- (3) In 1986 psychologist Robert Hare (выявил связь между определенной мозговой деятельностью и антисоциальным поведением).

- (4) Research on brain activity investigated the role of neurochemicals (веществ, вырабатываемых мозгом для запуска телесной деятельности) and hormones (и их влияние на преступное поведение).
- (5) Studies indicated that increased levels of some neurochemicals, such as serotonin, (понижает агрессию).
- (6) In contrast higher levels of others, such as dopamine, (увеличивает агрессию).
- (7) This condition would have led to periods of greater activity including aggression if the person is (склонен к агрессии).
- (8) Researchers also looked at relationship between hormones (телесные вещества, воздействующие на функционирование органов тела).
- (9) (Исследования на животных) showed (сильную связь между высоким уровнем тестостерона и агрессивным поведением).
- (10) Studies of the 20th century investigators (определили) that about one-fourth of a typical convict population is (психически, нервно или эмоционально нестабильными) and another one-fourth is (психически больными).
- (11) These emotional and mental conditions (не делают автоматически людей преступниками), but do, it is believed, make them (более склонными к преступности).
- (12) (Поскольку преступниками движут факторы, не поддающиеся их контролю), punishment will not be (эффективным сдерживающим средством).



Task 26. Translate the following text into Russian in written form. Answer the questions after the text.

THE CAUSES OF CRIME

Part III

Psychological theory of crime, as well as biological, associates criminal tendencies with a particular type of personality.

In the 20th century some psychologists, based on the ideas of *Sigmund Freud*, have suggested that a small proportion of people develop «im-moral» or psychopathic personality. According to Freud, most of our moral standards come from self-imposed constraints, which are taught in early childhood. Due to the special nature of the relationship with parents, some children have not produced similar self-restraint, and thus there is no basic sense of morality. Psychopaths can be described as people who find pleasure in the violence itself. However, such features have far not all violators of the law.

A great number of scientists stick to the sociological theory. One of the most important aspects of the sociological approach is the emphasis on the relationship of conformity and deviation in different social contexts.

First, in modern societies there are many subcultures, and the norm of behavior in one subculture may be regarded as a deviation in the other.

Second, in societies there are strong differences between rich and poor, and these differences have extremely strong influence on the propensity to crime of various social groups. Some types of crimes — such as pickpocketing — are committed mostly by people from the poorest. Other types of crimes — such as embezzlement or tax evasion — by definition, committed by people, who have, on the contrary, high welfare.

Third, the very understanding of what constitutes criminal behavior may vary significantly.

American sociologist and criminologist Edwin Sutherland links crime to the fact that he called differential association. The idea of differential association is very simple. In a society containing many subcultures, some social communities encourage illegal actions, and others — no. According to Sutherland, criminal behavior is absorbed mainly in the primary groups — in particular in peer groups. A person's peer group strongly influences a decision to commit a crime. For example, young boys and girls who do not fit into expected standards of academic achievement or participate in sports or social programs can commit a crime to attract attention to themselves. Drugs and alcohol impair judgment and reduce inhibitions (socially defined rules of behavior), giving a person greater courage to commit a crime. Deterrents, such as long prison sentences have little meaning when a person is high or drunk. Children of



Sigmund Freud

families who cannot afford adequate clothing or school supplies can also fall into the same trap. Researchers believe these youths may abandon schoolmates in favor of criminal gangs, since membership in a gang earns respect and status in a different manner. In gangs, antisocial behavior and criminal activity earns respect and street credibility.

People make choices about their behavior; some even consider a life of crime better than a regular job — believing crime brings in greater rewards, admiration, and excitement — at least until they are caught. Others get an adrenaline rush when successfully carrying out a dangerous crime. Many criminals believe that crime pays. Only 20 percent of the people involved in illegal activities ever get caught. Since prisons are overcrowded, criminals can usually bargain for lesser penalties by pleading guilty. Many of them are confident that they can escape arrest.



ANSWER THE FOLLOWING QUESTIONS

1. How did Freud and his successors explain «immoral» personality?
2. How does sociological theory explain the relationship between conformity and deviation in different social contexts?
3. What is the idea of differential association?
4. Why do some people consider a life of crime better than a regular job?

Task 27. Replace words and word combinations in brackets by their English equivalents from the text above.

- (1) Psychological theory of crime (связывает криминальные наклонности с определенным типом личности).
- (2) According to Freud, most of our (моральных норм) come from (самопринуждений), which are taught in early childhood.
- (3) Psychopaths can be described as people who (находят удовольствие в самом насилии).
- (4) One of the most important aspects of the (социального подхода) is the emphasis on the relationship of (приспосабливаемости и отклонения/конформизма и девиации) in (различных социальных контекстах).

- (5) In modern societies there are many subcultures, and (норма поведения в одной субкультуре может рассматриваться как отклонение/девиация в другой).
- (6) Such types of crime as (растрата) or (уклонение от налогов) — (по определению) committed by people, who have (высокий достаток).
- (7) (Само понимание того, что представляет собой преступное поведение, может быть очень различным).
- (8) In a society containing many subcultures, (некоторые социальное объединения поощряют незаконные действия).
- (9) A person's (группа сверстников) strongly influences a decision to commit a crime.
- (10) Membership in a gang (приносит уважение и положение) in a different manner.
- (11) Since prisons are overcrowded, criminals can usually (рассчитывать на) lesser penalties by (в случае признания вины).



Task 28. Translate the following text into Russian in written form. Answer the questions after the text.

THE CAUSES OF CRIME

Part IV

Many prominent criminologists of the 19th century, particularly those associated with the socialist movement, 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.

Variables affecting crime are not readily measurable or applicable on all locations. There are numerous factors one needs to take into consideration.

- Some investigators have gathered evidence tending to show that crimes against person, such as homicide, are relatively more numerous in warm climate, whereas crimes against property, such as theft, are more frequent in cold regions. Other studies seem to indicate that the incidence of crime declines in direct ratio to drops in barometric pressure, to increased humidity, and to higher temperature.
- Lack of proper education and great role-models causes many to fail to distinguish right from wrong. In most cases offenders don't think they are doing something wrong, it seems right from their point of view.
- Lack of love and respect can be a major issue related to crime.
- Society bombards us with commercial values, making us want more and more material things, to the point when some would do anything (including criminal acts) to get them.
- TV violence.
- Sometimes individuals don't mean to cause harm, but are drawn into it by a chain of events that are beyond their control or influence.
- Poor parenting skills; erratic or harsh discipline; lack of parental control; parental conflicts; family dysfunction or breakdown; criminal, anti-social or alcoholic parents.
- Fatherlessness is also one of underestimated causes of crime.
- It has long been known by police officers that cold winter nights keep criminals off the streets and crime levels down. Crime scientists speculate that one of the hidden consequences of global warming will be an increase in street crime during mild winters. Studies have suggested that warmer temperatures boost aggression hormones such as epinephrine and testosterone.
- Fraudulent court rulings are one cause of extra crimes.

Since the 20th century the notion that crime can be explained by any single theory has fallen into disfavor among investigators. Instead, ex-

perts incline to so-called multiple factor, or multiple causation theories. They reason that crime springs from a multiplicity of conflicting and converging influences — biological, psychological, cultural, economic and political. The multiple causation explanations seem more credible than the earlier, simpler theories. An understanding of the causes of crime is still elusive, however, because the interrelationship of causes is difficult to determine.



ANSWER THE FOLLOWING QUESTIONS

1. How do poverty and unemployment influence inclination to crime according to the ideas of the 19th century criminologists associated with the socialist movement?
2. What are the ideas of present-day criminologists in this respect?
3. Are variables affecting crime measurable or applicable on all locations? Why?
4. Speak about numerous factors which lead to criminal behavior.
5. Can crime be explained by any single theory?

Task 29. Replace words and word combinations in brackets by their English equivalents from the text above.

- (1) They pointed out that persons who (не в состоянии адекватно обеспечить себя и свои семьи легальным путем) are frequently driven to theft, burglary, prostitution, and (другие правонарушения).
- (2) The (условия существования) of the poor, particularly those (в трущобах), are characterised by (перенаселенностью, отсутствием личного пространства, неадекватными условиями для игры и отдыха и отсутствием санитарных норм).
- (3) (Отсутствие соответствующего образования и примеров для подражания) causes many (неумение отличить добро от зла).
- (4) (Телевидение навязывает нам коммерческие ценности), making us want more and more material things.

- (5) Sometimes individuals (не хотят причинить вреда), but are drawn into it by (стечением обстоятельств, которые выше их).
- (6) (Безотцовщина) is also one of underestimated causes of crime.
- (7) Experts (склоняются) to so-called (множественный фактор), or multiple causation theories.



THE CAUSES OF CRIME

Crimes are increasing throughout the world now. What are the reasons for all these crimes?

Resources:

<http://wikipedia.org/>

<http://www.apsu.edu/oconnort/1010/1010lect02.htm>

Большой юридический словарь. <http://slovari.yandex.ru/>

<http://www.allpravo.ru/library/doc542p/instrum1706/item1759.html>

Unit 5

JUVENILE DELINQUENCY

Useful Words and Expressions for Speech Practice	
juvenile delinquency	детская преступность
juvenile delinquent	малолетний преступник
Juvenile court	суд по делам несовершеннолетних
delinquent act	правонарушение; преступление
to commit a crime	совершить преступление
within the jurisdiction	в компетенции
to be subject to prison sentence	подвергнуться тюремному заключению
criminal intent	преступное намерение
to be morally responsible for his/her behavior	нести моральную ответственность за свое поведение
limited responsibility	ограниченная ответственность
to impose a penalty	наложить наказание
state institutions	государственные учреждения
to subject the child to the full force of criminal law	подвергнуть ребенка полной мере уголовной ответственности
to implement laws	осуществлять, проводить в жизнь законы
the court orders out-of-home residential placement of offenders	суд выносит решение изолировать правонарушителей
to crack on juvenile crime	принять меры против детской преступности
to avoid harsh treatment	избегать жестокого отношения
official agencies	государственные службы
to focus (to center) on the individual or on society	сосредоточиться на личности или на обществе
to be engaged in criminal behavior	заниматься преступной деятельностью

through interaction with others socially alienated to be inclined to commit a criminal act; to be inclined to criminality Children commit crimes in response to their failure to rise above their socioeconomic status. disadvantaged families lack of adequate parental control to achieve adult status	взаимодействуя с другими отчужденный от общества быть склонным к совершению преступных действий Дети совершают преступления в ответ на невозможность изменить свой социальный и экономический статус. неблагополучные семьи отсутствие соответствующего родительского контроля достичь совершеннолетия
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Task 1. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law. Pay special attention to the words and word combinations in bold type.

FROM THE HISTORY OF JUVENILE DELINQUENCY. CAUSES OF DELINQUENCY

Juvenile crime, in law, is a term, denoting various offences committed by children or youths under the age of 18. Such acts are sometimes referred to as **juvenile delinquency**. Children's offenses typically include **delinquent acts**, which would be considered crimes if **committed by adults**, and status offenses, which are less serious misbehavior such as **truancy and parental disobedience**. Both **are within the jurisdiction of the juvenile court**; more serious offenses committed by minors may be tried in criminal court and **be subject to prison sentences**.

Under Anglo-American law, a crime is an illegal act committed by a person who has **criminal intent**. **A long-standing presumption** held that, although a person of almost any age can commit a criminal act, children under 14 years old were unlikely to have criminal intent. Many juvenile courts have now discarded this so-called infancy defense and have found that delinquent acts can be committed by children of any age.

Since ancient times enlightened legal systems have distinguished between juvenile delinquents and adult criminals. **The immature** generally

were not considered **morally responsible** for their behavior. Under the Code Napoleon in France, for example, **limited responsibility** was ascribed to children under the age of 16. Despite the apparent humanity of some early statutes, however, the punishment of juvenile offenders until the 19th century was often severe. In the US, child criminals were treated as adult criminals. Sentences for all offenders could be harsh and the death penalty **was** occasionally **imposed**.

The first institution expressly for juveniles, **the House of Refuge**, was founded in New York City in 1824 so that institutionalized delinquents could be kept apart from adult criminals. By the mid-19th century other **state institutions** for juvenile delinquents were established, and their populations soon included not only young criminals but also less serious offenders and dependent children. The movement spread rapidly throughout the US and abroad. These early institutions were often very rigid and punitive.

In the second half of the 19th century increased attention was given to the need for special legal procedures that would protect and guide the **juvenile offender** rather than **subject the child to the full force of criminal law**.

The first juvenile court was established in Chicago in 1899. With an increase in juvenile crime statistics, **legislatures have implemented many new laws** in an attempt to **crack on juvenile crime**. Juveniles enter the justice system through arrests, and two thirds of these juvenile criminals are processed through a juvenile court. **Probation** is one of the most common sentences given to a juvenile criminal. Fifty eight percent of all juvenile sentences involve probation punishments. In fourteen percent of juvenile crime cases, **the court orders out-of-home residential placement** of offenders.

One of the principal reasons for the new system was **to avoid the harsh treatment** previously **imposed on delinquent children**. An act of **wrongdoing by a minor** was seen as an indication of the child's need for care and treatment rather than a justification for **punishing that child through criminal penalties**. Besides the juvenile court, other innovations in working with juvenile delinquents have appeared in the 20th century, including **child-guidance clinics, juvenile-aid bureaus attached to police departments or other official agencies, and special programs in schools**.

Many theories concerning the causes of juvenile crime **focus on the individual or on society** as the major contributing influence. Theories **centering on the individual** suggest that **children engage in criminal behavior** because they were not sufficiently penalized for previous delinquent acts or they have learned criminal behavior **through interaction with oth-**

ers. A person who becomes **socially alienated** may be more **inclined to commit a criminal act**. Theories focusing on the role of society in juvenile delinquency suggest that **children commit crimes in response to their failure to rise above their socioeconomic status**, or as a **repudiation of middle-class values**.

Most theories of juvenile delinquency have focused on children from **disadvantaged families**, ignoring the fact that children from **affluent homes** also commit crimes. The latter may commit crimes because of **lack of adequate parental control**, **delays in achieving adult status**, and **hedonistic tendencies**. All theories, however, are **tentative** and are **subject to criticism**.

Источники. <http://www.history.com/>

http://www.onlinelawyersource.com/criminalcriminal_law/juvenail/statistics.html

<http://www.sciencedaily.com/>



ANSWER THE FOLLOWING QUESTIONS

1. What is juvenile delinquency?
2. What lies within the jurisdiction of juvenile court?
3. What is a crime under Anglo-American law?
4. How do legal systems have distinguished between juvenile delinquents and adult criminals?
5. How did the attitude to juvenile offenders change in the second half of the 19th century? What was the purpose of new social legal procedures?
6. What has been done by the legislatures to crack on the juvenile delinquency?
7. What are the theories concerning the causes of juvenile crime?

Task 2. Replace words and word combinations in brackets by their English equivalents from the text above.

- (1) Children's offences typically include (противоправные акты), which would be considered crimes if (совершены взрослыми), and status offences, which are less serious misbehavior such as (прогулы и непослушание).
- (2) In Anglo-American law, a crime is an illegal act committed by a person who has (преступное намерение).

- (3) A long-standing presumption held that, although a person of almost any age can commit a criminal act, children under 14 years old were unlikely to have (преступные намерения).
- (4) The (несовершеннолетние) generally were not considered (морально ответственные) for their behavior.
- (5) Sentences for all offenders could be harsh and (иногда выносился смертный приговор).
- (6) In the second half of the 19th century increased attention was given to the need for special legal procedures that would protect and guide the children rather than (заставить ребенка отвечать по всей строгости закона).
- (7) With an increase in juvenile crime statistics in 1990s, state and federal (законодатели ввели новые законы).
- (8) (Условный приговор) is one of the most common sentences given to a juvenile criminal.
- (9) Fifty eight percent of all juvenile sentences involve (условный приговор).
- (10) In fourteen percent of juvenile crime cases, the court orders (изолируют малолетних преступников от общества).
- (11) A person who becomes (отвергнутым обществом) may be more (склонным к совершению преступления).
- (12) Theories focusing on the role of society in juvenile delinquency suggest that children commit crimes in response to their (неспособность изменить свой социально-экономический статус).



Task 3. (a) Translate the following word combinations into English in writing:

детская преступность	менее серьезное правонарушение
причины детской преступности	прогул
правонарушения, совершенные	в компетенции суда по делам несо-
детьми или подростками до 18	вершеннолетних
лет	совершить преступление
преступления, совершенные взрос-	подвергнуться тюремному заклю-
лыми	чению
рассматривать как преступление	преступное намерение

нести моральную ответственность за свое поведение	принимать меры против детской преступности
ограниченная ответственность	избегать жестокого отношения
наложить наказание	лица, отчужденные от общества
несовершеннолетние	быть склонным к совершению преступных действий
приговорить к смертной казни	неспособность изменить свой социальный статус
содержать малолетних преступников отдельно от взрослых	отсутствие должного родительского контроля
государственные учреждения	

(b) Translate the following sentences into English in writing:

Детская преступность включает в себя преступления, совершенные детьми или малолетними преступниками до 18 лет. К понятию детской преступности относятся преступные действия, которые могут рассматриваться как преступления, если они совершены взрослыми.

Детские преступления относятся к компетенции суда по делам несовершеннолетних.

По англо-американскому законодательству, преступление — это противоправный акт, совершаемый человеком с преступным намерением.

Предполагалось, что несовершеннолетние преступники не несут моральной ответственности за свое поведение.

В США малолетних преступников раньше судили наравне со взрослыми.

Для всех правонарушителей приговоры были суровыми, и частыми были приговоры к смертной казни.

Первоначальные государственные учреждения были часто очень жесткими и карательными.

Законодатели провели в жизнь много законов в попытке принятия мер против детской преступности.

Несовершеннолетним преступникам по большей части дают условный приговор.

Ребенок нуждается в заботе и участии больше, чем в наказании по всей строгости закона.

Отторгнутый обществом человек может быть более склонным к совершению преступления.

Не только дети из неблагополучных семей совершают преступления.

Task 4. Match the English expressions with their Russian equivalents in the table:

NB | **board** — совет; комитет; управление; департамент; коллегия; министерство; правление

(1) administrative board	(a) муниципальное управление
(2) executive board	(b) государственный комитет
(3) municipal board	(c) административный совет
(4) police board	(d) счетная комиссия (при выборах)
(5) returning board	(e) исполнительный орган
(6) statutory board	(f) полицейское управление
(7) supervisory board	(g) совет молодежи
(8) youth board	(h) наблюдательный совет



Task 5. QUOTATIONS FOR COMMON DISCUSSION.

Petty laws breed great crimes.

Ouida

The things most people want to know about are usually none of their business.

George B. Shaw

A man should be upright not be kept upright.

Aurelius



ANSWER THE FOLLOWING QUESTIONS

1. Are you able to defend yourself in a dangerous situation?
2. Have you had to defend yourself recently?
3. Did you learn how to fight and defend yourself as a child?
4. Are you physically strong?
5. Have you studied some form of martial art, like karate?
6. Have you ever been frightened when you were out at night?
7. Have you ever been attacked? Has someone you know been attacked?

Task 6. (a) Match the English expressions with their Russian equivalents in the table:

NB | **offence** — (1) посягательство; (2) правонарушение; (3) преступление

(1) offence against morality	(a) нарушение закона; правонарушение
(2) offence against the law	(b) уголовно наказуемое преступление в общественном месте в состоянии явного опьянения
(3) offence against the person	(c) преступление против нравственности
(4) offence against the property	(d) преступное нападение (словесное оскорбление и угроза физическим насилием или покушение на нанесение удара либо угроза таковым)
(5) offence of assault	(e) преступление против личности
(6) offence of attempting to commit a crime	(f) преступление против собственности
(7) offence of drunkenness	(g) мелкое правонарушение, проступок
(8) grave offence	(h) покушение на совершение преступления
(9) minor offence	(i) предполагаемое преступление
(10) reported offence	(j) тяжкое преступление
(11) street offence	(k) зарегистрированное правонарушение
(12) suspected offence	(l) уличное преступление

(b) Remember the following words and word combinations and make sentences of your own, using them:

NB | **institution** — (1) учреждение; (2) институт (правовой, политический)

institute of confinement
correctional institution

место лишения свободы
исправительное учреждение

penal institution	пенитенциарное, карательное учреждение; пенитенциарий; тюрьма
open type institution	исправительное учреждение открытого типа
maximum security institution	тюрьма особо строгого режима
medium security institution	тюрьма с режимом средней строгости
mental institution	психиатрическая больница
institution of justice	орган юстиции
legal institution	правовой институт; юридическое учреждение



QUOTATIONS FOR COMMON DISCUSSION

One law for the rich and another for the poor.

Saying

The playthings of our elders are called business.

Saint Augustine

The difference between men and boys is the price of their toys.

Frost



Debate: WHY DO YOUNGSTERS COMMIT CRIMES?

Choose the ideas below or think of your own. Give examples from your own life or somebody you know, or from the books you have read.

- social environment
- widespread poverty
- disadvantaged families
- lack of parental control

- delays in achieving adult status
- hedonistic tendencies
- psychological problems
- genetic problems
- drugs and alcohol
- failure to rise above their social and economic status
- breakdown of traditional patterns of family living
- something else?



ALASKA FUNNY LAWS

It is illegal for a moose to walk on the sidewalk downtown.

Moose may not be viewed from an airplane.

Waking a sleeping bear for the purpose of taking a photograph is prohibited.

It is illegal to whisper in someone's ear while they are moose hunting.

No one may tie their pet dog to the roof of a car.

It is illegal to string a wire across any road.

It is considered an offense to feed alcoholic beverages to a moose.

Employers of bars may not let their bartenders serve while they are drunk themselves.

Owners of flamingos may not let their pet into barber shops. (Or any other animal.)

One may not roam the city with a bow and arrows.



CREATIVE WRITING

Using the active vocabulary and the information from the texts above comment on the following idea in writing:

All of us who are worth anything, spend our manhood in learning the follies, or expiating the mistakes of our youth.

Shelly

Give your opinion on the idea that in all the faults of the young the blame is of the elders.

Chapter II

LAW WORLDWIDE

ПРАВО В РАЗНЫХ ЧАСТЯХ СВЕТА

Unit 1

CENTRAL FEATURES OF THE BRITISH LAW SYSTEM



Useful Words and Expressions for Speech Practice

case law	прецедентное право
common law	общее право (Англии), обычное право; неcodифицированное право; неписанный закон
a party to a legal action	сторона по делу
action	обвинение, иск; судебный процесс
to start / to bring / to enter / to lay an action against smb	возбудить дело против кого-либо
a dissatisfied party	недовольная сторона
to pass / to give / to render judgement (on smb)	выносить судебное решение / приговор (кому-либо)
a litigant	сторона в судебном процессе
equity	справедливость, право справедливости (дополнение к обычному праву)

Court of Equity	суд совести, суд, решающий дела, основываясь на праве справедливости
to exercise equity jurisdiction	отправлять правосудие в рамках права справедливости
statute law	писанный закон (противоположный common law)
civil code	гражданский кодекс
to try a case	рассматривать дело
trial	судебное разбирательство; судебный процесс



STUPID CRIMINALS

Two thieves caused several thousand dollars damage to a funeral home in Arab, Alabama recently while trying to steal gas from a flower van parked outside the building. The pair had used a knife to cut a hole in the van's fuel tank and were draining the gas into a container. The plan fell apart when one of the thieves lit a cigarette lighter so they could see how much gas they had gotten.

Task 1. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.

BRITISH CONSTITUTION

The British constitution has evolved over many centuries. Unlike the constitutions of America, France and many Commonwealth countries, the British constitution has not been assembled at any time into a single, consolidated document. Instead it is made up of common law, statute law, conventions etc.

Of all the democratic countries in the world, only Israel is comparable to Britain in having no single document codifying the way its political institutions function and setting out the basic rights and duties of its citizens. Britain does, however, have certain important constitutional documents, including the *Magna Carta* (1215) which protects the rights of the community against the Crown; the *Bill of Rights* (1689) which extended the powers of Parliament, making it impracticable for the Sovereign to ignore the wishes of the Government; and the *Reform Act* (1832), which reformed the system of parliamentary representation. *Common law* as a constitutional source has never been precisely defined — it is deduced from custom or legal precedents and interpreted in court cases by judges. Conventions are another source of Constitution. They are rules and practices which are not legally enforceable, but which are regarded as indispensable to the working of government. Many conventions are derived from the historical events through which the British system of government has evolved. One convention is that Ministers are responsible and can be held to account for what happens in their Departments.

Unlike constitutions that make explicit provision for their amendment and are often difficult to change, the English constitution may be changed easily. It may be altered, and in the past it has been altered, through the slow accretion of custom, by an act of Parliament, or by judicial interpretation.

The flexibility of the British constitution helps to explain why it has developed so fully over the years. However, since Britain joined the European Community in 1973, the rulings of the European Court of Human Justice have increasingly determined and codified sections of British law in those areas (covered by the various treaties) to which Britain is a party. In the process British constitutional and legal arrangements are beginning to resemble those of Europe.



ANSWER THE FOLLOWING QUESTIONS

1. What type of Constitution does Great Britain have?
2. What is the structure of British Constitution?
3. What are the advantages of unwritten Constitution?



Compare the British and Russian Constitutions (flexibility and alteration, protection of human rights, etc.)



Task 2. Translate into English.

Отличительной характеристикой британской Конституции является отсутствие какого-либо единого документа, который можно было бы назвать основным законом страны. Более того, не существует даже точного перечня документов, которые бы относились к Конституции.

Это вызвано особым (по сравнению с другими странами Европы) характером права Великобритании, которое относится к англосаксонской системе. Отличительная особенность этой системы — использование в качестве источника права судебного прецедента, а также длительное самостоятельное развитие британского права.

Выделяют несколько составляющих Конституции: статутное право, общее право, конституционные соглашения, которым соответствуют следующие источники права: статуты, судебные прецеденты и конституционные соглашения.

В праве Великобритании отсутствует различие между «конституционным» и «текущим» законом — действует общий порядок принятия и изменения законов, что определяет «гибкий» характер основного закона, возможность его модификации без прохождения сложной процедуры изменения или дополнения, как в других странах (принятие на референдуме или большинством в парламенте и пр.).

Конституция Великобритании, в отличие от многих других документов конституционного британского права, является единой для Соединенного Королевства Англии, Уэльса, Шотландии и Северной Ирландии.

Task 3. Match the following words and expressions and define them:

(1) written constitution	(a) implied
(2) political conventions	(b) written law
(3) explicit	(c) unwritten constitution

Task 4. Study the text below, making sure you fully comprehend it.

MAGNA CARTA

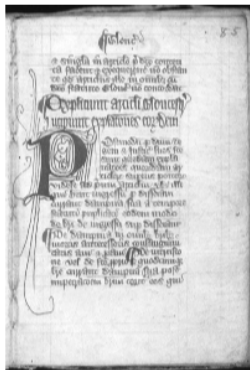


Magna Carta (Latin for Great Charter, literally «*Great Paper*»), also called Magna Carta Libertatum (*Great Charter of Freedoms*), is an English legal charter, originally issued in the year 1215. It was written in Latin. Magna Carta required King John of England to proclaim certain rights (mainly of his barons), respect certain legal procedures, and accept that his will could be bound by the law. It explicitly protected certain rights of the King's subjects. But it was not in King John's best interests. Nor was it his original thought.

Today we also know the *Magna Carta* as a **forerunner** of American rights and liberties. People refer to it with **reverence**. But granting the «Great Charter» was not in the king's best interests. Why did he agree to it? Or *did* he?

John was always in trouble with someone. The fourth son of Henry II and Eleanor of Aquitaine, he was **ineligible** to **inherit** land (hence his nickname «Lackland»). Because he inherited no land, he was always **conniving** to gain land by other means.

But when he finally became king he lost English holdings in France. For much of his reign, John was preoccupied in regaining those lost French territories. To pay for his battles, he increased taxes on the landed barons. Finally, the English barons revolted



against the high taxes and captured London in May of 1215. They issued their terms of rapprochement: The monarch would be forced to sign a charter giving legal rights to the barons and creating obligations on the part of the crown.

Presented with the Magna Carta, he agreed to its terms for one purpose only: to buy time.

Main Provisions

For Great Britain, Magna Carta is Statute Number One. Of the Magna Carta's 63 provisions, the most important categories were:

- Independence of the church in England,
- Freedom from undue tax burdens;
- Judicial rights: the fundamental concept of habeas corpus («you have the body») by which no one can be imprisoned without due process of law; fines should be proportionate to the offense;
- Anti-corruption and fair trade: Magna Carta guarantees that no royal officer may take any commodity such as corn, wood, or transport without payment or consent; the document proclaimed the safety and right of entry and exit of foreign merchants.

Charter was confirmed by later English kings. Its eminent place, and effect, in the modern world of law remains unquestioned.

Task 5. Find equivalents of the following word combinations in the text:

- (1) провозгласить определенные права
- (2) уважать определенные правовые процедуры
- (3) связанный законом
- (4) королевские подданные
- (5) предвестник американских прав и свобод
- (6) не иметь права наследовать землю
- (7) быть коварным с целью завоевать земли
- (8) восстать против высоких налогов и
- (9) условия примирения
- (10) обязательства со стороны короны
- (11) налоговое бремя
- (12) изымать товары

Task 6. Match the terms with their definitions:

inherit	impose a legal or contractual obligation
revolt	predecessor
bind	to receive (property, a right, title, etc.) by succession or under a will
terms	legally or officially unable to be considered for a position or benefit
Forerunner	take violent action against an established government or ruler; rebel
Ineligible	conditions under which an action may be undertaken or agreement reached; stipulated or agreed requirements

Task 7. Complete the text using the words from the box:

sign, precedent, attempt, influential, became known, rights, viewed

HISTORY OF THE «GREAT CHARTER»

Frustrated by King John's abuse of power, in 1215 English barons demanded that he _____ a charter to recognize their _____. This famous charter _____ as Magna Carta (Latin for «Great Charter»), which granted «to all freemen of our kingdom» certain rights and liberties.

Magna Carta came to be seen as the _____ for many future legal documents, establishing the common law as the supreme authority in England to which even the king was subject. Subsequent interpretations of Magna Carta shaped its legacy as one of the most _____ legal documents in world history.

While Magna Carta was not the first _____ to limit a king's power, it was the first written limitation of the power of the king, marked with the king's great seal. In addition, it planted the seed for many concepts found within our legal system today and is _____ as a foundational, landmark document of the rule of law.



ANSWER THE FOLLOWING QUESTIONS

1. What are the main provisions of Magna Carta?
2. Why John he was ineligible to inherit land?
3. Why did John increase taxes for barons and what was their reaction on it?
4. Why did John agree to sign barons' terms?
5. What kinds of rights were protected by Magna Carta?
6. What are the effects of the document?

Task 8. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.

THE BILL OF RIGHTS

(An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown).

The English Bill of Rights grew out of the Glorious Revolution of 1688. During the revolution King James II abdicated and fled from England. He was succeeded by his daughter, Mary, and her husband, William of Orange, a Dutch prince. Parliament proposed a Declaration of Rights and presented it to William and Mary on February 13, 1689. Only after they accepted the declaration did Parliament proclaim them king and queen of England. Parliament then added several clauses to the declaration and formally enacted the amended bill as the Bill of Rights on December 16, 1689.

Its main purpose was to declare illegal various practices of James II, such as the royal prerogative of dispensing with the law in certain cases. The result of a long struggle between the Stuart kings and the English people and Parliament, it made the monarchy clearly conditional on the will of Parliament and provided freedom from arbitrary government. It also dealt with the succession to the throne. The succession was stated to lie in the heirs of the protestant Mary, and then her younger sister Anne. None could succeed who were of the catholic faith, or had married catholics.

The Bill of Rights combined past grievances against the deposed king with a more general statement of basic liberties.

The statute *prohibited the monarch from royal interference with the law*. Though the sovereign remains the fount of justice, he or she cannot unilaterally establish new courts or act as a judge or suspend laws.

The Bill *prohibited the monarch from levying taxes or customs duties without Parliament's consent*.

The statute *prohibited the raising and maintaining of a standing army during peacetime*. The agreement of parliament became necessary before the army could be moved against the populace when not at war.

More importantly, it *proclaimed fundamental liberties*, including *freedom of elections* and *freedom of speech in parliament*. This means that the proceedings of parliament can not be questioned in a court of law or any other body outside of parliament itself; this forms the basis of modern parliamentary privilege.

People were granted *freedom to petition the monarch* and *freedom from excessive bail and from cruel and unusual punishments, freedom from fine and forfeiture without a trial*.

The Bill of Rights became one of the cornerstones of the unwritten English constitution. The Bill of Rights has also had a significant impact on U.S. law, with many of its provisions becoming part of the U.S. Constitution and Bill of Rights.

Task 9. Match the following expressions with their Russian equivalents:

to succeed the throne	наследовать престол
to occupy / to sit on the throne	отречься от престола
to dispense with law	свергать с престола
to depose from a throne	обходиться без закона
to abdicate from the throne	сидеть на троне, царствовать



Task 10. True or false?

1. After the revolution King James II abdicated and escaped from England.
2. Parliament proclaimed William and Mary king and queen of England and after that they accepted the Declaration of Rights.
3. The Declaration approved some practices of James II, such as the royal prerogative of dispensing with the law in certain cases.

4. But Parliament still was not free from arbitrary government.
5. Only Catholics could succeed the throne.
6. The sovereign could establish new courts or act as a judge or suspend laws.
7. The monarch couldn't levy taxes or customs duties and maintain a standing army.
8. According the Declaration members of Parliament received legal immunity.
9. The Bill protected people from cruel and unusual punishments, from fine and forfeiture without a trial.

Task 11. Complete the table:

THE BILL OF RIGHTS

<i>Sphere of regulation</i>	<i>Provisions</i>
law justice taxes army liberties succession to the throne	prohibition of royal interference with the law.....

Task 12. Fill in the gaps in the text using the words from the box:

precursor, required, limits, subject, raise, accept, designed, passed, prevented, toleration

FROM THE HISTORY OF THE BILL OF RIGHTS

This bill was a ____ to the American Bill of Rights, and set out strict ____ on the Royal Family's legal prerogatives such as a prohibition against arbitrary suspension of Parliament's laws. More importantly, it limited the right to ____ money through taxation to Parliament.

William of Orange and his wife Mary were crowned King and Queen of England in Westminster Abbey on April 11, 1689. As part of their oaths, the new King William III and Queen Mary were ____ to swear that they would obey the laws of Parliament. At this time, the Bill of Rights was read to both William and Mary. «We thankfully ____ what you have offered us,» William replied, agreeing to be ____ to law and to be guided in his actions by the decisions of Parliament.

The Bill was formally ____ through Parliament after the coronation. On December 16, 1689, the King and Queen gave it Royal Assent which represented the end of the concept of divine right of kings. The Bill of Rights was ____ to control the power of kings and queens and to make them subject to laws passed by Parliament. This concession by the royal family has been called the «bloodless revolution» or the «glorious revolution.» It was certainly an era for a more tolerant royal prerogative.

The Bill of Rights was one of three very important laws made at this time. The other two were the 1689 Toleration Act (which promoted religious ____) and the 1694 Triennial Act, which ____ the King from dissolving Parliament at his will and held that general elections had to be held every three years.



ANSWER THE FOLLOWING QUESTIONS

1. What historical events preceded the Bill of Rights?
2. What was the main purpose of the Bill of Rights?
3. How was the power of monarch restricted?
4. What kind of civil rights were received by the people?
5. How were the members of Parliament protected by the Bill?

Task 13. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.

HABEAS CORPUS

Personal liberty is regarded as the most fundamental of all freedoms, and where individuals are wrongfully deprived of their liberty, the fact that, on

release, they can sue their captor for damages under the ordinary civil law is not regarded as sufficient.

Habeas Corpus is an ancient remedy which allows a person detained to challenge the legality of detention and, if successful, get themselves quickly released. It does not punish the person responsible for the detention, but once the detainee is set free, they can still pursue any other available remedies for compensation or punishment.

Habeas Corpus may be sought by, among others, convicted prisoners; those detained in custody pending trial or held by the police during criminal investigations; those awaiting extradition; psychiatric patients; and those with excessive bail conditions imposed on them. Application is made to the Divisional Court, and takes priority over all other court business.

The procedure for the issuing of writs of *Habeas Corpus* was first codified by the *Habeas Corpus Act 1679*. Then, as now, the writ of *Habeas Corpus* was issued by a superior court in the name of the Sovereign, and commanded the addressee (a lower court, sheriff, or private subject) to produce the prisoner before the Royal courts of law. A *Habeas Corpus* petition could be made by the prisoner himself or by a third party on his behalf and, as a result of the *Habeas Corpus Acts*, could be made regardless of whether the court was in session, by presenting the petition to a judge.

The right to petition for a writ of *habeas corpus* has long been celebrated as the most efficient safeguard of the liberty of the subject. Albert Venn Dicey wrote that the *Habeas Corpus Acts* «*declare no principle and define no rights, but they are for practical purposes worth a hundred constitutional articles guaranteeing individual liberty*».

Suspension of Habeas Corpus

In most countries, however, the procedure of *habeas corpus* can be suspended in time of national emergency. For example the US Constitution explicitly defines when it can be overridden: «*The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.*»

On October 17, 2006, President Bush signed a law (*Military Commissions Act of 2006*) suspending the right of *habeas corpus* to persons «determined by the United States» to be an «enemy combatant» in the Global War on Terror. It was a response to the Global War on Terrorism, considered to have been triggered by the September 11, 2001 terrorist attacks in New York City and the Pentagon. The Act grants the President of the United States almost unlimited authority in establishing and conducting military commissions to try persons held by the U.S., and considered to be «unlawful enemy combatants» in the Global War on Terrorism. In addition,

the Act suspends the right of «unlawful enemy combatants» to present, or to have presented in their behalf, writs of habeas corpus.

Criticism of Suspending the Right of Habeas Corpus

President Bush's action drew severe criticism, mainly for the law's failure to specifically designate who in the United States will determine who is and who is not an «enemy combatant». Jonathan Turley, professor of constitutional law at George Washington University stated, «*What, really, a time of shame this is for the American system. What the Congress did and what the president signed today essentially revokes over 200 years of American principles and values.*»

In fact, the Military Commissions Act of 2006 was not the first time in the history of the U.S. Constitution that its guaranteed right to writs of habeas corpus has been suspended by an action of the President of the United States. In the early days of the U.S. Civil War President Abraham Lincoln suspended writs of habeas corpus. Both presidents based their action on the dangers of war, and both presidents faced sharp criticism for carrying out what many believed to be an attack on the Constitution.

Situation in Continental Europe

Protection against arbitrary imprisonment by the writ of Habeas Corpus is not found in continental Europe. In the democratic countries of Western Europe, however, the codes of criminal procedure require that an arrested person be informed with reasonable promptness of the charges and be allowed to seek legal counsel. In many other countries, persons are subjected at times to lengthy periods of imprisonment without being informed of the charges. The writ of Habeas Corpus has been adopted in many Latin American countries, either by constitutional provision or statutory enactment, but has frequently been nullified in practice during times of political or social upheaval.

Task 14. Find the appropriate definitions:

upheaval	to prevent from possessing or enjoying
sue	to set aside or disregard with superior authority or power
deprive	to hold in abeyance; to postpone an action
override	a document under seal, issued in the name of the Crown or a court, commanding the person to whom it is addressed to do or refrain from doing some specified act
suspend	a strong, sudden, or violent disturbance, as in politics, social conditions, etc.

writ	a sum of money by which a person is bound to take responsibility for the appearance in court of another person or himself or herself, forfeited if the person fails to appear
bail	to institute legal proceedings
challenge	questioning of a statement or fact; a demand for justification or explanation



ANSWER THE FOLLOWING QUESTIONS

1. What kind of fundamental human rights is protected by Habeas Corpus writ?
2. How can Habeas Corpus protect the rights of a detained person?
3. Who has a right to petition for a writ of Habeas Corpus?
4. In what situations the privilege of the writ of Habeas Corpus can be suspended? Give examples from the history.
5. Why did Military Commissions Act of 2006 draw severe criticism? What is your opinion on this matter?
6. What do you know about protection against arbitrary imprisonment in Europe and other countries?



Task 15. Translate the following text into English:

Хабейс Корпус Акт — законодательный акт, принятый парламентом Англии в 1679, составная часть Конституции Великобритании — определяет правила ареста и привлечения к суду обвиняемого в преступлении. Он предоставляет суду право контролировать законность задержания и ареста граждан.

Согласно этому закону, если обвиняемый считал свой арест незаконным, то судьи были обязаны требовать проверки законности ареста; заключение обвиняемого в тюрьму могло производиться только по предъявлении приказа с указанием причины ареста.

Акт обязывал судей выдавать *Хабейс Корпус* во всех случаях, за исключением тех, когда основанием ареста являлось обвинение дан-

ного лица в государственной измене или тяжком уголовном преступлении.

По получении предписания *Хабеас Корпус* смотритель обязан был в течение 3—20 дней (в зависимости от дальности расстояния) доставить арестованного в суд. В случае задержки судебного расследования закон предусматривал освобождение арестованного под залог (чем не могли воспользоваться малоимущие);

Правительству предоставлялось право приостанавливать действие акта в чрезвычайных случаях, но лишь с согласия обеих палат парламента и не более, чем на один год. Эта мера практиковалась в очень редких случаях, в Англии и Шотландии она не применялась с 1818 г.



Task 16. Writing

Using the information from the texts explain the meaning of Habeas Corpus as a part of the British Constitution



Task 17. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.

CONSTITUTIONAL CONVENTIONS IN BRITAIN



courts will enforce them, but because political expedience and respect for tradition demand their observance.

Constitutional conventions are the part of unwritten British constitution. They play a key role in British constitutional law. Conventions are informal or «moral» rules of practice for government which has evolved over the years. They arise from usage, or agreement and they are observed not because the

They are primarily concerned with the relationship between the Crown (or monarch), the executive and the legislature. British Constitution has many political conventions. For example:

- The Prime Minister alone advises the monarch on a dissolution of parliament
- The monarch grants the Royal Assent to all legislation. (Since the early 1700s. Previously monarchs could and did refuse or withhold the Royal Assent.)
- The House of Lords should not reject a budget (money bills) passed by the House of Commons.
- The monarch appoints and dismisses members of Cabinet but he exercises these powers in accordance with the Prime Minister's advice.
- The monarch abstains from attending cabinet meetings.
- Parliament must be summoned at least once a year, though legally it need only meet once in three years (Meeting of Parliament Act 1694 — generally known as the «Triennial Act»); this convention is grounded firmly upon political expedience: for Parliament alone can grant the Government the funds it needs annually for the public administration.

Constitutional conventions are unenforceable in law as they are not written in any document having legal authority but they are obeyed for the practical reason of political convenience. Conventions are rarely ever broken. The person who breaches a convention is often heavily criticized. Political difficulties and public disfavor could result from a failure to observe a convention. Sometimes such breach can result in a constitutional crisis which could need to be resolved by legislation. For example, the convention that the House of Lords should not reject bills passed by the House of Commons dealing with taxation and public expenditure (money bills) was breached by the House of Lords in 1909. As a result the Parliament Act 1911 was passed. This allows a money bill to be presented for the Royal Assent without the approval of the House of Lords if it has not been approved by that House after one month.

The main advantage of unwritten conventions is their flexibility. They evolve gradually to adapt to changing political circumstances and values without the need of the formal procedure required under many written constitutions. But conventions also have a certain moral force and adherence to them is seen to.

Notes:

The word *Convention* has the following meanings:

(1) *собрание, съезд*

constitutional convention — *амер.* конституционный конвент

Syn: meeting, assembly

(2) *соглашение, договоренность, договор, конвенция*

Geneva Conventions — Женевские соглашения, the conventions for suspending hostilities — соглашение о приостановлении военных действий

Syn: contract, agreement, covenant

(3) *обычай, традиция, правила поведения*

Syn: tradition, custom, usage



(a) ANSWER THE FOLLOWING QUESTIONS

1. How did the conventions arise?
2. What is the difference between conventions and laws?
3. What conventions do you know?
4. What kind of relation do they regulate?
5. Why are the conventions observed?
6. What could result from a failure to observe a convention?
7. What events preceded the Parliament Act 1911?
8. What is the role of conventions as a constitutional source?

(b) Correct mistakes in the following statements:

1. Conventions are written constitutional documents.
2. They are enforceable by the court as they have constitutional meaning.
3. If a person breaks a convention, he will face severe punishment.
4. According to the law Parliament must be summoned at least once a year.
5. The House of Lords authorized to reject any bill passed by the House of Commons.
6. Unwritten conventions make the constitution more rigid because it is difficult to change them if they are out of date.



CALIFORNIA FUNNY LAWS

Sunshine is guaranteed to the masses.

Bathhouses are against the law.

It is a misdemeanor to shoot at any kind of game from a moving vehicle, unless the target is a whale.

Women may not drive in a house coat.

No vehicle without a driver may exceed 60 miles per hour.

Peacocks have the right of way to cross any street, including driveways.

Nobody is allowed to ride a bicycle in a swimming pool.

You are not permitted to wear cowboy boots unless you already own at least two cows.

It is prohibited to sleep in a parked vehicle.

Bowling on the sidewalk is illegal.

Detonating a nuclear device within the city limits results in a \$500 fine.

Task 18. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.

KEY PRINCIPLES OF BRITISH CONSTITUTION

The separation of powers

One of the fundamental principles underlying the British constitution is that of the separation of powers. According to this principle, developed by the eighteenth-century French philosopher Montesquieu, all state power can be divided into three types: *executive*, *legislative* and *judicial*. The *executive* represents what we would call the Government and its servants, such as the police and civil servants; the *legis-*



lative power is Parliament; and *judicial* authority is exercised by the judges.

The basis of Montesquieu's theory was that these three types of power should not be concentrated in the hands of one person or group, since this

Civil servants are the permanent bureaucracy of Crown that supports UK Government Ministers. They are employees of the Crown and not Parliament. Civil servants also have some traditional and statutory responsibilities which protect them from being used for the political advantage of the party in power. Senior civil servants may be called to account to Parliament.

would give them absolute control, with no one to check that the power was exercised for the good of the country. Instead, Montesquieu argued, each type of power should be exercised by a different body, so that they can each keep an eye on the activities of the other and make sure that they do not behave unacceptably.

Montesquieu believed that England, at the time when he was writing, was an excellent example of this principle being applied

in practice. Whether that was true even then is debatable, and there are certainly areas of weakness now.

The Supremacy of Parliament

A second fundamental principle of our constitution has traditionally been the supremacy of Parliament (also called parliamentary sovereignty). This means that Parliament is the highest source of English law; so long as a law has been passed according to the rules of parliamentary procedure, it must be applied by the courts. The legal philosopher, Dicey, famously explained that according to the principle of parliamentary sovereignty Parliament has «*under the English Constitution, the right to make or unmake any law whatever; and, further, that no person or body is recognised by the law of England as having a right to override or set aside the legislation of Parliament*». So if, for example, Parliament had passed a law stating that all newborn boys had to be killed, or that all dog owners had to keep a cat as well, there might well be an enormous public outcry, but the laws would still be valid and the courts would, in theory at least, be obliged to uphold them.

The rule of law

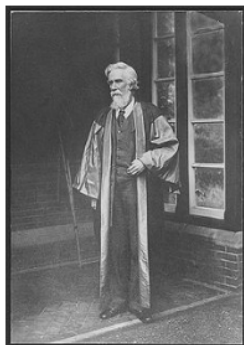
The third basic principle of British constitution is known as the *rule of law*. It is developed from the writings of the nineteenth-century British jurist and constitutional theorist *Albert Venn Dicey* (1835—1922). According to

A. Dicey, the rule of law had three elements. *First*, that there should be no sanction without breach, meaning that nobody should be punished by the state unless they had broken a law. *Secondly*, that one law should govern everyone, including both ordinary citizens and state officials. *Thirdly*, that the rights of the individual were not secured by a written constitution, but by the decisions of judges in ordinary law.

The real importance of the rule of law today lies in the basic idea underlying all three of Dicey's points (but especially the first) that the state should use its power according to agreed rules, and not arbitrarily.

A practice that has recently come to light which appears to breach the rule of law is that of «extraordinary rendition». This describes the kidnapping of people by state representatives and their subsequent detention, without recourse to established legal procedures (such as a formal request for the extradition of a suspect). The US intelligence service has kidnapped a large number of foreign nationals suspected of involvement with the terrorist organisation, Al Qaeda, from around the world and removed them to secret locations without following any established legal procedures. It has been alleged that the UK has provided the US with some assistance in this practice through, in particular, the provision of information about suspects and the use of UK airports.

The Constitutional Reform Act 2005 introduced some major reforms to the British constitution. This Act expressly states in its first section that it «does not adversely affect... the existing constitutional principle of the rule of law».



Albert Venn Dicey

Task 19. Find the equivalents in the text:

судебная власть осуществляется
судьями
пристально следить за деятельностью других
сомнительный
основной принцип
суверенитет парламента
отменить закон парламента
общественный протест

принцип господства права
нет наказаний при отсутствии нарушений
закон должен управлять каждым
защищены писаной конституцией
обращение к установленным правовым процедурам
разведка



ANSWER THE FOLLOWING QUESTIONS

1. What are the functions of different branches of power?
2. What does the separation of powers mean?
3. How do you understand the principle of parliamentary sovereignty?
4. Who can control the legislative activity of Parliament?
5. What are the elements of the rule of law?
6. What are the examples of violation of the rule of law today?

Task 20. Complete the text using words and word combinations from the box:

case law

more predictable

modern court system

to standardize the law

in the south

different parts

conquest

the hierarchy of the

decisions of judges

SOURCES OF ENGLISH LAW

English law stems from seven main sources, though these vary a great deal in importance. The basis of English law today is _____ (a mass of judge-made decisions) which lays down rules to be followed in future cases. Another form of law is a statute, or an Act of Parliament. As well as being a source of law in their own right, statutes contribute to case law, since the courts occasionally have to interpret statutory provisions, and such decisions lay down new precedents. Delegated legislation is a related source, laying down detailed rules made to implement the broader provisions of statutes.

The legislation of the European Community is the only type of law that can take precedence over statutes in the UK and influence the decisions of the courts in interpreting statutes. Custom, equity and obligations relating to international treaties are minor sources of law, though Britain's obligations under the European Convention on Human Rights have produced notable contributions to law reform.

Before the Norman _____, different areas of England were governed by different systems of law, often adapted from those of the various invaders who had settled there; roughly speaking, Dane law applied in the north, Mercian law around the midlands, and Wessex law _____ and west. Each was based largely on local custom. The king had little control over the country as a whole, and there was no effective central government.

When William the Conqueror gained the English throne in 1066, he established a strong central government and began, among other things, _____. Representatives of the king were sent out to the countryside to check local administration, and were given the job of adjudicating in local disputes, according to local law. When these «itinerant justices» returned to Westminster, they were able to discuss the various customs of _____ of the country, and, by a process of sifting, reject unreasonable ones and accept those that seemed rational, to form a consistent body of rules.

During this process of sifting — which went on for around two centuries — the principle of *stare decisis* («let the decision stand») grew up. Whenever a new problem of law came to be decided, the decision formed a rule to be followed in all similar cases, making the law _____. In the middle of the 13th century the «common law» ruled the whole country. The principles behind this «common law» are still used today in creating case law.

From the basic idea of *stare decisis*, a hierarchy of precedent grew up, in line with _____. A judge must follow decisions made in courts which are higher up the hierarchy than his or her own. This process was made easier by the establishment of a regular system of publication of reports of cases in the higher courts. The body of decisions made by the higher courts, which the lower ones must respect, is known as «case law» (or «common law»). Case law comes from the _____. The decisions of juries don't make case law.

Notes:

the Norman conquest	завоевание (Англии) норманнами (1066 г.)
William the Conqueror	Вильгельм Завоеватель
Dane law	датские законы (установленные в северо-восточной Британии в X в.); область, где действовали эти законы
Mercian	мерсийский
to produce notable contributions to...	внести значительный вклад в...
statutory provisions	положения/условия статуты
delegated legislation	право министров издавать приказы, имеющие силу законов
itinerant justice	судья, объезжающий свой округ

to lay down rules to be followed in future cases

to lay down new precedents

to adjudicate (on, upon) in local disputes according to local law
to sift

sifting

устанавливать/сформулировать правила, которым необходимо следовать при рассмотрении других дел
создавать новые прецеденты
выносить решение/судить местные тяжбы в соответствии с местными законами
тщательно рассматривать, анализировать (факты)
тщательный анализ



ANSWER THE FOLLOWING QUESTIONS ABOUT THE SOURCES OF ENGLISH LAW

1. What are the main sources of English law?
2. What is a statute?
3. What is delegated legislation?
4. How great is the influence of the legislation of the European Community upon the British court system?
5. How great is the influence of customs, equity and obligations relating to international treaties upon the British court system?
6. How great was the influence of the European Convention on Human Rights upon the law reform in Britain a few decades ago?
7. What systems of law were there in different areas of England before the Norman conquest?
8. Did William the Conqueror establish a strong central government?
9. What did William the Conqueror do to standardize the law?
10. How did the «itinerant justices» form a consistent body of rules?
11. How long did the process of sifting during which the principle of stare decisis grew up go on?
12. What does the principle of stare decisis mean?
13. When did the «common law» rule the whole country?
14. Do British lawyers still use the principles behind this «common law» in creating case law today?
15. Where from did the hierarchy of precedent as well as the hierarchy of the modern court system grow up?
16. How does the hierarchy of precedent work today?

17. Is there a regular system of publication of reports of cases in the higher courts?
18. Do the decisions of juries make case law?

Task 21. Fill in the gaps with the words and word combinations from the box:

lay down	take precedence over	judges
contribute to	a consistent body of	adjudicated
as a whole	rules	lower courts
judge-made decisions	higher courts	justice
delegated legislation	predictable	itinerant justices
statute	standardize the law	
minor sources	relating to	

- (a) Case law is a mass of ____.
- (b) Statutes ____ case law.
- (c) A ____ is an Act of Parliament.
- (d) Court decisions ____ new precedents.
- (e) Customs, equity and obligations ____ international treaties are ____ of law.
- (f) ____ lays down detailed rules to implement the broader provisions of statutes.
- (g) The legislation of the European Community can ____ statutes in the UK and influence the decisions of the courts in interpreting statutes.
- (h) Before the Norman conquest the king had little control over the country ____.
- (i) When William the Conqueror gained the English throne he began to ____.
- (j) The king's representatives checked local administration and ____ in local disputes according to local law.
- (k) The «itinerant justices» rejected unreasonable customs, accepted rational ones and formed ____.
- (l) In the middle of the 13th century the law became more ____.
- (m) There is a regular system of publication of reports of cases in the ____.
- (n) The ____ must respect the decisions of the higher courts.

- (o) Case law comes from the decisions of ____, not from those of juries.
- (p) The king sent _____ to the countryside to check the local administration.
- (q) The police do everything they can to bring criminals to ____.



Task 22. Translate the following words and word combinations into English:

- (1) прецедентное право; основа английского права; семь основных источников английского права; сформулировать правила, которым необходимо следовать при рассмотрении других (будущих) дел; влиять на решения судов; законодательство европейского сообщества; единственный вид права; формулировать подробные правила в целях исполнения положений статутот; перед норманнским завоеванием; на севере, на юге, на западе, на востоке; эффективное централизованное управление; иметь контроль над страной в целом; выносить решения по тяжбам в соответствии с местными законами; в целом; в ходе тщательного анализа, который продолжался два века,...
- (2) Сколько существует источников английского права? Отличаются ли они по важности?
- (3) В настоящее время основа английского права — прецедентное право.
- (4) Прецедентное право — это блок судебных решений, которым необходимо следовать при рассмотрении других дел.
- (5) Второй источник английского права — это статут (или постановление парламента).
- (6) Судьи вынуждены учитывать положения статутот, а вынесенные таким образом решения создают новые судебные прецеденты.
- (7) Третий, связанный с предыдущим, источник английского права — это право министров издавать приказы, имеющие силу законов.
- (8) Обычай, право справедливости и обязательства по международным договорам — это дополнительные / второстепенные источники английского права.

- (9) Европейская конвенция о защите прав человека внесла значительный вклад в правовую реформу Великобритании несколько десятилетий назад.
- (10) Перед норманнским завоеванием в разных регионах Англии действовали разные системы права, основанные на местных обычаях.
- (11) До норманнского завоевания в Англии не было эффективного централизованного управления. Король не мог контролировать всю страну полностью.
- (12) Каждое новое судебное решение представляло собой правило, которое должно было соблюдаться во всех последующих делах, что делало законодательство более предсказуемым.
- (13) В середине тринадцатого века система прецедентного права доминировала на территории всей страны.
- (14) В основе современной судебной системы лежит принцип *stare decisis*.
- (15) Судья должен придерживаться судебных решений судов более высокой инстанции.
- (16) Блок решений судов высших инстанций является основой прецедентного права.

Task 23. (a) Complete the sentences using the word combinations from the second column:

(1) There are seven main sources of English law:	(a) in the north of England.
(2) Before the Norman conquest Dane law was	(b) sent his representatives to the countryside to adjudicate in local disputes according to local law.
(3) To standardize the law William the Conqueror	(c) in the south and in the west of England.
(4) Before the Norman conquest Mercian law was	(d) case law, statutes, delegated legislation, the legislation of the European Community, customs, equity and obligations relating to international treaties.
(5) Before the Norman conquest there was no	(e) around the midlands.
(6) Before the Norman conquest the Wessex law was	(f) they discussed various customs of different parts of the country and formed a consistent body of rules.

(7) William the Conqueror gained the English throne	(g) effective central government.
(8) When the «itinerant justices» returned to Westminster	(h) rejected unreasonable local customs and accepted those that seemed rational.
(9) During the process of sifting the «itinerant justices»	(i) in 1066.

(b)

(1) The principle of <i>stare decisis</i>	(a) in the middle of the 13 th century.
(2) Each new court decision forms a rule	(b) from the basic idea of stare decisis.
(3) British lawyers use the principle of <i>stare decisis</i>	(c) means «let the decision stand».
(4) The hierarchy of the modern court system grew up	(d) makes the law more predictable.
(5) The principle of <i>stare decisis</i>	(e) which are higher up the hierarchy than his own.
(6) A judge must follow decisions of courts	(f) to be followed in all similar cases.
(7) Case law comes from	(g) the decisions of judges.
(8) The decisions of juries	(h) in creating case law today.
(9) The «common law» ruled England	(i) don't make case law.

Task 24. Match the English expressions with their Russian equivalents in the table on the basis of the text «How Judicial Precedent Works»:

(a) to follow a case	(1) считать решение по делу недействительным/аннулировать
(b) to distinguish two cases	(2) аннулировать/отменить/изменить решение по делу
(c) to overrule a case	(3) дать вердикт по делу на основе прецедентного судебного решения
(d) to reverse a case	(4) провести различие между двумя судебными делами

HOW JUDICIAL PRECEDENT WORKS

If the judge sees that there is a similar earlier court decision he may do any of the following:

Follow. If the facts are sufficiently similar to those of the earlier case, the judge follows the precedent and applies the law in the same way to produce a decision.

Distinguish. If the facts of the case before the judge are different from those of the earlier one, the judge distinguishes the two cases and need not follow the earlier one.

Overrule. Where the earlier decision was made in a lower court, the judge can overrule that earlier decision if he disagrees with the lower court's interpretation of the law. The earlier decision remains the same but will not be followed.

Reverse. In case of appealing the decision of a lower court to a higher one, the higher court may change it if the judge feels that the lower court has wrongly interpreted the law. So when a decision is reversed, the higher court usually also overrules the lower court's statement of the law.

In practice the process is rather more complicated than this, since decisions are usually made on the basis of several previous cases, not one.



What are the advantages and disadvantages of case law?



Task 25. Read the text below and give a definition of a «judgment».

PARTS OF THE JUDGMENT

In deciding a case, there are two basic tasks; first, establishing what the facts are, meaning what actually happened); and secondly, how the law applies to those facts. The judges listen to the evidence and the legal argument and then prepare a written decision as to which party wins. This decision is known as the judgment, and is usually long, containing quite a lot of comment which is not strictly relevant to the case, as well as an explanation of the legal principles on which the judge has made a decision. The explanation of the legal principles on which the decision is made is called the *ratio decidendi* —

Latin for the «reason for deciding». It is this part of the judgment, known as binding precedent, which forms case law. All the parts of the judgment which do not form part of the *ratio decidendi* of the case are called *obiter dicta* — which is Latin for «things said by the way». None of the *obiter dicta* forms part of the case law, though judges in later cases may be influenced by it, and it is said to be a persuasive precedent.

Notes:

a binding precedent
a persuasive precedent

обязывающий прецедент
убедительный прецедент



Task 26. Translate the following words and word combinations into English.

- (1) рассмотреть дело в суде; две основные задачи; установить, каковы факты (что в реальности) произошло; как закон может быть применен к данным фактам; слушать свидетельские показания; юридический спор; подготовить в письменной форме решение о том, в пользу какой стороны решено дело; судебное решение; прямо/строго относящийся к делу; часть судебного решения; формировать прецедентное право; в последующих делах; использовать часть судебного решения *obiter dicta*
- (2) В судебном решении содержится много комментариев, которые часто не имеют прямого отношения к делу.
- (3) В судебном решении присутствует также объяснение юридических принципов, на базе которых судья выносит свой вердикт.
- (4) Часть судебного решения, известная как обязывающий прецедент, является источником формирования прецедентного права.
- (5) Все части судебного решения, которые не формируют *ratio decidendi*, называются *obiter dicta*.
- (6) Часть судебного решения, известная как убедительный прецедент, не является источником формирования прецедентного права, хотя судьи могут использовать ее постулаты в последующих делах.

Task 27. Complete the sentences using the word combinations from the second column:

(1) In deciding a case there are two basic tasks:	(a) the «reason for deciding».
(2) Obiter dicta is Latin for	(b) as to which party wins.
(3) Ratio decidendi is Latin for	(c) «things said by the way».
(4) The judge prepares a written decision	(d) is not strictly relevant to the case.
(5) The comment in the judgement	(e) first, establishing what the facts are; and secondly, how the law applies to those facts.
(6) The ratio decidendi part of the judgement is known as	(f) a persuasive precedent.
(7) The obiter dicta part of the judgement is often called	(g) a binding precedent.

Task 28. Fill in the gaps with the words and word combinations from the box:

evidence	is known
legal principles	judgement
persuasive precedent	binding precedent
applies	later cases

- The witness gave ___ in a clear firm voice.
- This rule ___ to everybody.
- The written decision as to which party wins ___ as the judgement.
- The ___ is usually long because it contains a lot of comment which is not strictly relevant to the case.
- The explanation of the ___ on which the judge makes the decision is known as *ratio decidendi*.
- The part of the judgement known as ___ forms case law.
- The part of the judgement known as ___ does not usually form the case law.
- Judges in ___ may use the obiter dicta part though it does not usually form the case law.

Task 29. Complete the text using words and word combinations from the box:

common law (2)

applied this common law

the «fountain of justice»

the Middle Ages

one of the available

types of writ

to do justice in each case

on a flexible basis

with the people

a developed case law

and recognizable principles

predictable

EQUITY

In ordinary language, equity means fairness, but in law it applies to a specific set of legal principles, which add to those provided in the common law. Lawyers often contrast «common law» and «equity». Equity and _____ may be different, but both are law.

The common law was developed after the Norman Conquest through the «itinerant justices» traveling around the country and sorting out disputes. By about the twelfth century, common law courts which _____ had developed. Civil actions in these courts had to be started by a writ, which set out the cause of the action or the grounds for the claim made, and there grew up different types of writ. Early on, new writs were created to suit new circumstances, but in the thirteenth century this was stopped. Litigants had to fit their circumstances to _____. If the case did not fall within one of those types, there was no way of bringing the case to the common law court.

In _____ many of the dissatisfied parties petitioned the king (known as _____) who didn't want to spend time considering those petitions and relied on the advice of his Chancellor _____. The Chancellor, the king's chief minister, was usually a member of the clergy, and was thought of as «keeper of the king's conscience». Soon litigants began to petition the Chancellor himself, and in the end of the 15th century (by 1474), petitions were referred directly to the Lord Chancellor who dealt with cases _____. He was more concerned with the fair result than with rigid principles of common law. This was the beginning of the Court of Chancery which became very popular _____.

In 1615, in the Earl of Oxford's Case, conflicting judgments of the common law courts and the Court of Chancery were referred to the king for a decision, and he advised that where there was conflict, equity should prevail. Had this decision not been made, equity would have been worthless — it could not fulfill its role of filling in the gaps of the _____ unless it was dominant.

In the seventeenth century the initial flexibility of equity led to uncertainty, and the jurist John Seldon observed that equity varied with the length of the Chancellor's foot. Strictly formulated rules of common law were predictable. Equity was unpredictable. Finally equity lost flexibility and conscience and became formalized. Lord Nottingham (Lord Chancellor in 1673—1682) decided that a judge exercising equity jurisdiction should follow existing principles. Equity began to be ruled by precedent, had _____. By the nineteenth century, equity had become _____, and was no less formalized and rigid than the common law.

So there was no reason why it needed its own courts. Consequently the Judicature Acts of 1873—1875, which established the basis of the court structure that we have today, provided that equity and common law could both be administered by all courts, and that there would no longer be different procedures for seeking equitable and common law remedies. Although the Court of Chancery remained as a division of the High Court, like all other courts it can now apply both common law and equity.

Notes:

a writ	предписание, повестка
to serve writ on smb	послать кому-либо судебную повестку
to set out the cause of the action	изложить причину судебного иска
grounds for the claim	основания для судебного иска
to raise a claim	предъявить претензию, иск
to lay claim to smth	предъявлять права на что-либо
to claim damages	требовать возмещения убытков
Chancellor	канцлер
Lord (High) Chancellor	лорд-канцлер (глава судебного ведомства и верховный судья Англии, председатель палаты лордов и одного из отделений верховного суда)
the Court of Chancery	суд лорд-канцлера, суд совести
equitable	справедливый, беспристрастный



ANSWER THE FOLLOWING QUESTIONS ABOUT EQUITY

1. What does 'equity' mean in ordinary language?
2. What does 'equity' mean in law?
3. When did the common law appear?
4. What did litigants have to start civil actions with?

5. What was the purpose of the writs which litigants have to start civil actions with?
6. Why were new writs created in the 11th and in the 12th centuries? When did it stop?
7. Could litigants bring the case to the common law court if the case did not fall within one of the available types of writ?
8. Who did many of the dissatisfied parties petition in the Middle Ages? Why?
9. Whose advice did the king rely on to do justice? Why?
10. When were petitions referred directly to the Lord Chancellor, and not to the king?
11. In what way did the Lord Chancellor deal with the cases referred to him?
12. Why did the Court of Chancery become very popular with the people?
13. Was equity predictable or unpredictable? Was its flexibility an advantage or a disadvantage (преимущество или недостаток) in comparison with the strictly formulated rules of common law?
14. What did the initial flexibility of the Court of Chancery lead to in the seventeenth century?
15. What did the jurist John Seldon say about equity?
16. When and why did equity lose its flexibility and conscience and become formalized?
17. What did Lord Nottingham think about administering justice in the Court of Chancery?
18. What legal principles did the Judicature Acts of 1873—1875 establish?
19. Did the Court of Chancery remain as a division of the High Court or as an independent body?
20. Can all courts administer both equity and common law today?

Task 30. Complete the sentences using words and word combinations from the box:

ordinary language
flexible basis
rigid principles
legal principles
grounds for the claim

fair result
«itinerant justices»
bring the case
exercising equity
jurisdiction

circumstances
adoption
unpredictable
administer

- (1) In ___ equity means fairness.
- (2) In law equity applies to a number of ___ which add to those of common law.
- (3) The common law appeared after the Norman conquest through the ___ traveling around the country.
- (4) Litigants had to set out the cause of the action or the ___ in the writ.
- (5) At first courts created new writs to suit new ___.
- (6) If the case did not fall within one of the available types of writ, litigants could not ___ to the common law court.
- (7) The Lord Chancellor was more concerned with the ___ than with ___ of common law.
- (8) The Lord Chancellor dealt with cases on a ___.
- (9) Strictly formulated rules of common law were predictable and equity was ___.
- (10) Lord Nottingham decided that a judge ___ should follow existing principles.
- (11) With the ___ of the system of precedent in the Court of Chancery equity became as formalized and rigid as the common law.
- (12) The Judicature Acts of 1873—1875 provided that all courts could ___ both equity and common law.



Task 31. Translate the following words and word combinations into English:

противопоставлять общее право и право справедливости	средние века
возбудить дело против кого-либо	недовольная сторона
изложить причину судебного иска	подать прошение королю
основания для предъявления претензий	известный как «источник справедливости»
разные виды судебных исков	полагаться на советы/суждения лорд-канцлера
создавать новые формы судебных исков	рассматривать судебные дела с гибкостью
соответствовать новым условиям	беспокоиться о справедливости решения
не выходить за рамки существующих типов судебных исков	жесткие/негибкие принципы
обратиться с иском в суд общего права	общего права

первоначальная гибкость суда
 лорд-канцлера
 привести к неопределенности
 четко сформулированные законы/правила общего права
 предсказуемый/непредсказуемый
 в конце концов
 потерять гибкость и совесть
 стать формальным
 судьей, отправляющий правосудие в
 рамках права справедливости
 следовать/принимать решение на
 основе уже действующих/существующих принципов

к девятнадцатому веку
 принятие прецедентной системы в
 суде лорд-канцлера
 отправлять правосудие на базе как
 общего права, так и права
 справедливости
 заложить основы структуры судопроизводства
 подобно другим судам
 структурное подразделение Высшего Суда.

- (1) В своем обычном языковом значении термин «equity» обозначает справедливость.
- (2) В юриспруденции термин «equity» применяется относительно нескольких правовых принципов, которые являются дополнением к общему праву.
- (3) Чтобы возбудить дело, истцы должны были послать ответчику судебную повестку определенной формы.
- (4) В судебном иске истец должен был изложить причину судебного иска и указать основания для предъявления претензий.
- (5) Новые формы судебных исков соответствовали новым условиям.
- (6) Истцу приходилось формулировать свои претензии таким образом, чтобы это соответствовало одному из уже существующих типов судебных исков.
- (7) В Средние века многие недовольные подавали прошение королю.
- (8) Король часто полагался на суждение лорда-канцлера при отправлении правосудия.
- (9) В пятнадцатом веке люди обращались с прошениями напрямую к лорд-канцлеру, который считался «хранителем совести короля».
- (10) Лорд-канцлера больше волновала справедливость решения, нежели жесткие принципы общего права.
- (11) Суд лорд-канцлера стал очень популярен.
- (12) В семнадцатом веке первоначальная гибкость суда лорд-канцлера привела к неопределенности.
- (13) Джон Селдон заметил, что справедливость варьировалась в зависимости от размера ноги лорд-канцлера.

- (14) Лорд-канцлер решил, что судья, отправляющий правосудие в рамках права справедливости, должен принимать решение на основе уже действующих принципов.
- (15) С принятием прецедентной системы в суде лорд-канцлера правосудие на базе «права справедливости» стало таким же заформализованным и негибким, как и в судах общего права.
- (16) Подобно всем другим судам суд лорд-канцлера в наши дни принимает решения на основе принципов как общего права, так и права справедливости.

Task 32. (a) Match the English expressions with their Russian equivalents in the table:

(1) to start an action against smb	(a) изложить причину судебного иска
(2) to set out the cause of the action	(b) обратиться с иском в суд общего права
(3) to set out the grounds for the claim	(c) возбудить дело против кого-либо
(4) to suit new circumstances	(d) право справедливости
(5) to bring the case to the common law court	(e) соответствовать новым условиям
(6) the Middle Ages	(f) средние века
(7) equity	(g) изложить основания для предъявления претензий
(8) a dissatisfied party	(h) недовольная сторона
(9) the Court of Chancery	(i) жесткие принципы
(10) rigid principles	(j) противопоставлять общее право и право справедливости
(11) to contrast «common law» and «equity»	(k) суд лорд-канцлера / суд совести

(b) Match the English expressions with their Russian equivalents in the table:

(1) to rely on the advice of the Chancellor	(a) потерять гибкость
(2) to lose flexibility	(b) совесть
(3) to administer both equity and common law	(c) отправлять правосудие на базе как общего права, так и права справедливости

(4) conscience	(d) полагаться на советы канцлера
(5) to become predictable	(e) привести к неопределенности
(6) to lead to uncertainty	(f) подать прошение королю
(7) to petition the king	(g) стать предсказуемым
(8) strictly formulated rules	(h) отправлять правосудие в рамках права справедливости
(9) to exercise equity jurisdiction	(i) принимать решение на основе уже действующих принципов
(10) to follow existing principles	(j) четко сформулированные правила

(c) Complete the sentences using the word combinations from the second column:

(1) In ordinary language equity	(a) flexibility and conscience.
(2) In law equity applies to the legal principles of	(b) and 'equity'.
(3) Lawyers often contrast 'common law'	(c) means fairness.
(4) In the 13 th century litigants had to fit their circumstances	(d) to one of the available types of writ.
(5) If the case did not fall within one of the available types of writ,	(e) litigants could not bring the case to the common law court.
(6) In the Middle Ages the dissatisfied parties often	(f) the 'fountain of justice'.
(7) In the Middle Ages the king was known as	(g) petitioned the king.
(8) In the Middle Ages the Lord Chancellor was known as	(h) the Lord Chancellor was more concerned with the fair result than with rigid principles of common law.
(9) The Court of Chancery became very popular because	(i) the 'keeper of the king's conscience'.
(10) In the 15 th century petitions were referred directly	(j) to the Lord Chancellor.

(d) Complete the sentences using the word combinations from the second column:

(1) With the adoption of the system of precedent,	(a) a division of the High Court now.
(2) John Seldon observed that	(b) the basis of the court structure that we have today.
(3) The Lord Chancellor dealt with cases	

(4) Lord Nottingham decided that a judge exercising equity jurisdiction	(c) both common law and equity now.
(5) Strictly formulated rules of common law were predictable whereas (тогда как)	(d) equity varied with the length of the Chancellor's foot.
(6) The Judicature Acts of 1873—1875 established	(e) equity became predictable and formalized.
(7) Finally equity became as formalized and rigid	(f) on a flexible basis.
(8) In the 19 th century there was no reason why equity	(g) equity was unpredictable.
(9) The Court of Chancery is	(h) needed its own courts.
(10) The Court of Chancery can apply	(i) as the common law.
	(j) should follow existing principles.



ARIZONA FUNNY LAWS

Hunting camels is prohibited.

Any misdemeanor committed while wearing a red mask is considered a felony.

There is a possible 25 years in prison for cutting down a cactus.

Donkeys cannot sleep in bathtubs.

It is illegal to manufacture imitation cocaine.

When being attacked by a criminal or burglar, you may only protect yourself with the same weapon that the other person possesses.

It is unlawful to refuse a person a glass of water.

It is illegal to sing in a public place while wearing a swimsuit.

Cars may not be driven in reverse.

Cards may not be played in the street with a Native American.

A decree declares that anyone caught stealing soap must wash himself with it until it is all used up.

It is illegal for men and women over the age of 18 to have less than one missing tooth visible when smiling.

Useful Words and Expressions for Speech Practice	
appellate court (Court of Appeal)	апелляционный суд
to appeal	подавать апелляционную жалобу
valid	юридически действительный, имеющий силу
application	принятие (права, закона); заявление, просьба, ходатайство.
to exercise jurisdiction	осуществлять юрисдикцию
Magistrates' Court	магистратский суд
Crown Court	королевский суд / суд Короны
High Court	Верховный Суд
County Court	суд графства
court of first instance	суд первой инстанции
European Court of Human Rights	Европейский суд по правам человека
Juvenile Court	суд по делам несовершеннолетних
justice of the peace	мировой судья
to decide a case	выносить решение по делу
to have the right to trial by jury	иметь право на суд присяжных
to hear appeals	рассматривать апелляции
to have evidence	иметь улики
barrister	барристер (адвокат, имеющий право выступать в высших судах)
solicitor	солиситор, адвокат, поверенный
advocacy	деятельность адвоката (в суде)
right of audience	право выступать в суде
proceeding (s)	судебное разбирательство, рассмотрение дела в суде, производство по делу, судопроизводство
criminal proceeding	уголовное преследование
to commence proceeding (s)	инициировать начало рассмотрения дела, возбуждать судебное преследование



JOKES ABOUT LAWYERS

A. A gang of robbers broke into a lawyer's club by mistake. The old legal lions gave them a fight for their life and their money. The gang was very happy to escape.

«It isn't so bad», one crook noted. «We got \$25 between us.»

The boss screamed: «I warned you to stay clear of lawyers... we had \$100 when we broke in!»

B. An engineer, a physicist, and a lawyer were being interviewed for a position as chief executive officer of a large corporation. The engineer was interviewed first, and was asked a long list of questions, ending with «How much is two plus two?» The engineer excused himself, and made a series of measurements and calculations before returning to the board room and announcing, «Four.»

The physicist was next interviewed, and was asked the same questions. Before answering the last question, he excused himself, made for the library, and did a great deal of research. After a consultation with the United States Bureau of Standards and many calculations, he also announced «Four.»

The lawyer was interviewed last, and was asked the same questions. At the end of his interview, before answering the last question, he drew all the shades in the room, looked outside the door to see if anyone was there, checked the telephone for listening devices, and asked «How much do you want it to be?»

Task 33. Read the text below and make a list of the courts mentioned there.

THE HIERARCHY OF THE COURTS

In the English legal system some courts are bound to follow the decisions of judges in the higher courts. The following text provides an outline of the hierarchy of the courts and the ways in which judges are bound by the decisions of other courts and the ways in which judges are bound by the decisions of other judges.

The House of Lords is the highest appeal court in the English legal system. Its decisions are binding upon all other courts. Until 1966 the House of Lords was also bound by its own previous decisions. In that year the Lord Chancellor, Lord Gardiner, issued a Practice Statement which stated that «while treating former decisions of this House as normally binding» their Lordships would «depart from a previous decision when it appears right to do so».

The Court of Appeal is below the House of Lords in the hierarchy. It is bound by the decisions of the House of Lords and its decisions are binding on

A distinctive feature of the legal profession in England and Wales is that it is divided into two groups: barristers and solicitors. In the popular mind, the distinction between barristers and solicitors is that the former are concerned with legal work — advocacy in court while the latter are concerned with legal work out of court. This is not quite the case. Barristers are primarily concerned with advocacy and they have an exclusive right of audience in the High Court, the Court of Appeal and the House of Lords; but they are not confined to advocacy and may devote a deal of their time to giving expert opinions on legal matters. Nor are solicitors exclusively concerned with out-of-court work for they have a right of audience in magistrates' courts, county courts and, in some instances, in the Crown Court.

lower courts. It is also bound to follow its own previous decisions except when a previous decision of the Court of Appeal conflicts with a decision of the House of Lords, there are two conflicting Court of Appeal decisions when it must choose which one to follow, and a previous decision was given *per incuriam* (through lack of care — generally when some relevant law was not taken into consideration). These exceptions to the rule that the Court of Appeal must abide by its own previous decisions are called the rules in *Young v.*

Bristol Aeroplane Company (1944), the case in which the rules were laid down.

The court below the Court of Appeal is the High Court of Justice. It is bound to follow the decisions of the House of Lords and the Court of Appeal. Judges of the High Court will normally follow the decisions of fellow High Court judges but they are not absolutely bound to do so.

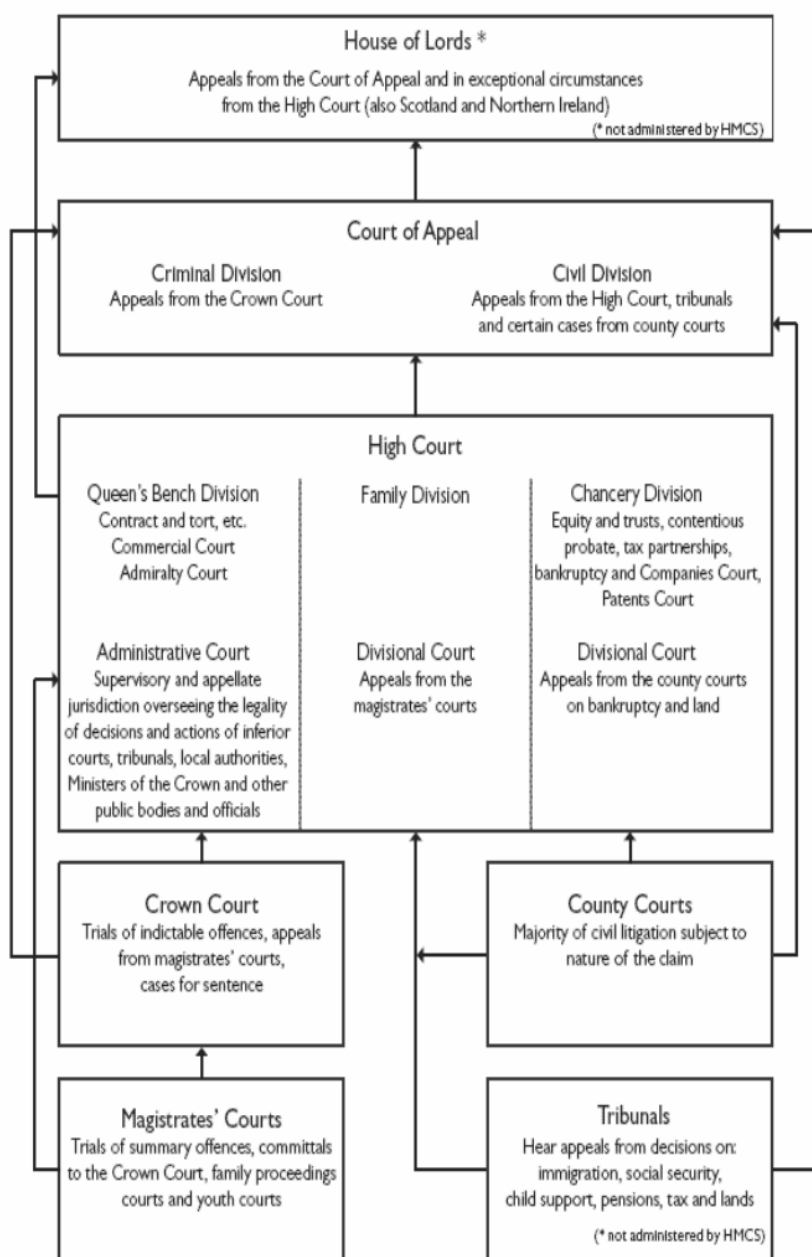
The court of first instance for criminal cases, the Crown Court is bound by the House of Lords and the Court of Appeal; the lowest courts in the hierarchy, the county court and the magistrates' courts are bound by the high Court, the Court of Appeal and the House of Lords. No court is bound by the decisions of these lower courts.

Since 1972 when Britain joined the European Community, the position of the European Court of Justice must also be considered. It is a court of referral in relation to EC law and not a court of appeal, although its decisions on the interpretation of EC law are binding on British courts.

Task 34. Study the table and tell about the structure of the court system in the UK.

THE COURT STRUCTURE OF HER MAJESTY'S COURTS SERVICE (HMCS)

Her Majesty's Courts Service carries out the administrative and support for the Court of Appeal, the High Court, the Crown Court, the magistrates' courts, the county courts and the Probate Service.



Источник. <http://www.hmcourts-service.gov.uk/aboutus/structure/index.htm>

Unit 2

U.S. COURTS

Useful Words and Expressions for Speech Practice	
the judicial power/branch	судебная власть
the legislative power/branch	законодательная власть
the executive power/branch	исполнительная власть
ruling	постановление, судебное решение
to protect rights and liberties	защищать права и свободы
to apply the law	применять закон
to resolve disputes	урегулировать / разрешать споры
to enforce the laws	следить за соблюдением законов
The Founding Fathers	отцы-основатели
judicial system / judiciary system	судебная система
an independent judiciary	независимое судопроизводство
to ensure fairness and equal justice	обеспечить справедливость и равное правосудие
to promote judicial independence	обеспечить независимость судопроизводства
to draft a law	составить законопроект
to appoint for life	назначать пожизненно
to remove from office	снять с должности
continuance in office	пребывание в должности
conviction	осуждение, признание виновным
treason	измена
high treason	государственная измена
to reduce the salary of a federal judge	уменьшить заработную плату федерального судьи
to decide a case	принять решение по делу
Supreme Court	Верховный Суд
Chief Justice	Председатель (Верховного Суда США)
Associate Justice of the United States Supreme Court	член Верховного Суда США

Court of Appeals	Апелляционный Суд
Circuit Court	(выездной) окружной суд
trial court of general jurisdiction	амер. суд первой инстанции общей юрисдикции
district court	(1) федеральный районный суд (федеральный суд первой инстанции в США); (2) местный суд (в ряде штатов в США)
magistrate	магистрат (должностное лицо, осуществляющее правосудие), судья, мировой судья, полицейский судья
magistrate court	суд магистрата, магистратский суд, мировой суд
to administer justice	отправлять правосудие
arrest warrant	ордер на арест
summons	повестка в суд
search warrant	ордер на обыск
traffic offence / traffic infraction / traffic violation	нарушение правил дорожного движения
by-law	подзаконный акт, постановление органов местной власти
misdemeanor/misdemeanour	судебно наказуемый проступок, преступление, мисдиминор (категория наименее опасных преступлений, граничащих с административными правонарушениями)
felony	преступление, фелония (категория тяжких преступлений, по степени опасности находящаяся между изменой и мисдиминором)
defendant	ответчик, обвиняемый, подсудимый, подзащитный
plaintiff	ответчик
offender	правонарушитель, преступник, обидчик
suit for damages	иск о возмещении убытков
to initiate a claim	возбудить иск

to impose a sentence / to impose a fine / to impose a judgement a criminal case a civil case / a civil claim ordinance	вынести приговор / налагать штраф / вынести судебное решение уголовное дело гражданское дело / гражданский иск (1) указ, статут, декрет, постановление, закон, ордонанс; (2) постановление муниципального органа (в США)
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Task 1. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.

THE JUDICIAL SYSTEM OF THE USA

Article III of the United States Constitution establishes the judicial branch as one of the three separate and distinct branches of the federal government. The other two are the legislative and executive branches.

The federal courts are often called the guardians of the Constitution because their rulings protect rights and liberties guaranteed by the Constitution. Through fair and impartial judgments, the federal courts interpret and apply the law to resolve disputes. The courts do not make the laws. That is the responsibility of the Congress. Nor do the courts have the power to enforce the laws. That is the role of the President and the many executive branch departments and agencies.

The Founding Fathers of the nation considered an independent federal judiciary essential to ensure fairness and equal justice for all citizens of the United States. The Constitution they drafted promotes judicial independence in two major ways. First, federal judges are appointed for life, and they can be removed from office only through impeachment and conviction by Congress of «Treason, Bribery, or other high crimes and Misdemeanors.» Second, the Constitution provides that the compensation of federal judges «shall not be diminished during their Continuance in Office,» which means that neither the President nor the Congress can reduce the salary of a federal judge. These two protections help an independent judiciary to decide cases free from popular passions and political influence.

The US court system is complex: the judiciary is divided into the federal and state judiciary. Individuals fall under the jurisdiction of two dif-

ferent court systems, their state courts and federal courts. Each state runs its own court system, and no two are identical. There is also a system of federal courts which coexist with the state courts. People can sue in either system but the majority of cases go to the state courts.

The system of federal courts is like a pyramid. The lowest courts in the Federal Court system are the district courts where litigation begins. There are about ninety district courts in different parts of the USA and about two hundred district judges. Most criminal and civil cases are tried by district courts. The district court is the only Federal court where trials are held, juries are used, and witnesses are called.

The USA is divided into eleven judicial circuits and each of them has a Federal Court of Appeals which hears appeals from lower courts. To appeal means to take a case to a higher court. As a rule a Federal Court of Appeals sits with three judges on the bench.

The Supreme Court is the highest judicial body of the United States. It is at the top of the pyramid of the US federal courts. Above the main entrance of the Supreme Court Building in Washington we can see the following words: «Equal Justice Under Law». The Supreme Court has the right to declare unconstitutional any law passed by the Congress or any decree issued by the President. The Supreme Court consists of the Chief Justice of the USA and eight Associate Justices. They are all appointed by the President and approved by the Senate. The Federal Courts of Appeals and the Supreme Court are appellate courts. The decision of the Supreme Court is final.



ANSWER THE FOLLOWING QUESTIONS

1. What are the branches of the federal government?
2. How does Article III of the US Constitution establish the judicial branch of the federal government?
3. Why are the federal courts the guardians of the US Constitution?
4. What are the functions of the federal courts in the USA?
5. Do the federal courts have the power to enforce the laws?
6. Did the Founding Fathers of the American nation consider an independent federal judiciary essential to ensure fairness and equal justice for all citizens of the United States?
7. How does the US Constitution promote judicial independence?
8. Can the society remove a federal judge from office?

9. Who can reduce the salary of a federal judge during his continuance in office?
10. How many court systems coexist in the USA?
11. What are the lowest courts in the US Federal Court system? What are their functions?
12. What are the functions of the Federal Court of Appeals in the USA?
13. What does it mean «to appeal»?
14. What is the highest judicial body of the United States?
15. What words can we see above the main entrance of the Supreme Court Building in Washington?
16. What are the functions of the Supreme Court?
17. Are the Federal Courts of Appeals and the Supreme Court appellate courts?
18. Is the decision of the Supreme Court final?

Task 3. Complete the sentences using the words and word combinations from the box. If necessary, consult English-Russian dictionaries.

enforce laws	legislative, executive	makes laws
separate and distinct	and judicial	appellate courts
to ensure fairness and equal justice	rights and liberties	district courts
the guardians of the Constitution	to resolve disputes	the Supreme Court
a federal judge	judicial independence	unconstitutional
	hears appeals	Equal Justice
	for life	final

- (1) There are three ___ branches of the federal government: ___.
- (2) The federal courts are ___ because their rulings protect ___ guaranteed by the Constitution.
- (3) The federal courts interpret and apply the law ___.
- (4) The Congress ___, the President and the executive branch departments and agencies ___.
- (5) An independent federal judiciary is essential ___ for all citizens of the United States.
- (6) The US Constitution promotes ___ in two major ways.

- (7) Nobody can reduce the salary of ____ during his continuance in office.
- (8) Federal judges are appointed ____.
- (9) The lowest courts in the Federal Court system are the ____ where litigation begins.
- (10) There are eleven judicial circuits in the USA and each of them has a Federal Court of Appeals which ____ from lower courts.
- (11) ____ is the highest judicial body of the United States.
- (12) Above the main entrance of the Supreme Court Building in Washington we can see the following words: « ____ under law».
- (13) The Supreme Court has the right to declare ____ any law of the Congress or any decree of the President.
- (14) The Federal Courts of Appeals and the Supreme Court are ____.
- (15) The decision of the Supreme Court is ____.



Task 4. Translate the following words and word combinations into English:

(1) статья III Конституции Соединенных Штатов; судебная власть; законодательная власть; исполнительная власть; гарант Конституции; федеральный суд; защищать права и свободы; с помощью справедливых и беспристрастных решений; интерпретировать и применять законы; структуры и подразделения исполнительной власти; обеспечить справедливость и равное правосудие; обеспечить независимость судопроизводства; отцы-основатели американской нации; назначать пожизненно; снять с должности; уменьшить заработную плату; принять решение по делу; независимо от общественного мнения и политического давления

(2) подпадать под юрисдикцию; сосуществовать; суды штатов; федеральные суды; подать иск; большинство дел; судебное разбирательство / тяжба; окружной суд; апелляционный суд; Верховный Суд; высший судебный орган; объявить неконституционным; указ президента; главный судья / председательствующий судья; рассматривать апелляции

(3) судебная система США имеет две параллельные системы судопроизводства: федеральную систему и судопроизводство в каждом штате. Каждый штат имеет свою собственную судебную систему, и при этом ни одна из них не похожа на другую. Граждане подпадают под юрисдикцию двух разных судебных систем: федеральных судов

и судов того штата, где они проживают. Люди могут подать иск в суд любой из этих двух систем судопроизводства, но большинство дел рассматриваются в судах штатов.

Система федеральных судов подобна пирамиде. Низшая судебная инстанция в федеральной судебной системе — это районные суды, где и начинается судопроизводство. В разных частях США заседают около 90 районных судов и около 200 судей. Большинство уголовных и гражданских дел рассматриваются именно районными судами. Районный суд — это единственный федеральный суд, где дело слушается с участием суда присяжных, вызываются свидетели.

США делятся на 11 судебных округов, и в каждом из них есть федеральный апелляционный суд, который рассматривает апелляции из судов низшей инстанции. Подать апелляцию — это значит подать апелляционную жалобу в суд высшей инстанции.

Верховный Суд является высшим судебным органом США. У него есть право объявить неконституционным любой закон, принятый Конгрессом, и любой указ Президента. Верховный Суд США состоит из Председателя Суда и восьми членов. Они все назначаются Президентом, и их кандидатуры должны быть одобрены Сенатом. Решение Верховного Суда является окончательным.



FROM A LITTLE BOOK CALLED «DISORDER IN THE COURT»

These are things people actually said in court, word by word

Q: What is your date of birth?

A: July 15.

Q: What year?

A: Every year.

Q: How old is your son?

A: 35 or 38, I can't remember.

Q: How long has he lived with you?

A: 45 years.

Q: Now doctor, isn't it true that when a person dies in his sleep, he doesn't know about it until the next morning?

Q: Did he kill you?

Q: You were there until the time you left, is that true?

Q: How many times have you committed suicide?

Q: How was your first marriage terminated?

A: By death.

Q: And by whose death was it terminated?



Task 5. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.

THE US CONSTITUTION

The Constitution of the United States of America is the supreme law of the United States. It is the foundation and source of the legal authority. It provides the framework for the organization of the United States Government.

John Locke (1632—1704) was an English philosopher famous for social contract theory. This theory tries to explain the ways in which people form states and maintain social order. The notion of the social contract implies that the people give up some rights to a government or other authority in order to receive or maintain social order.



The document defines the three main branches of the government: The legislative branch with a bicameral Congress, an executive branch led by the President, and a judicial branch headed by the Supreme Court. Besides providing for the organization of these branches, the Constitution carefully outlines which powers each branch may exercise. It also reserves numerous rights for the individual states, thereby establishing the United States' federal system of government. It is the shortest and oldest written constitution of any major sovereign state.

The United States Constitution was adopted on September 17, 1787, by the Constitutional Convention in Philadelphia, Pennsylvania, and later ratified by conventions in each U.S. state in the name of «The People»; it has since been amended twenty-seven times, the first ten amendments being known as the Bill of Rights. The Articles of Confederation and Perpetual Union¹ was actually the first constitution of the United States of America. The U.S. Constitution replaced the Articles of Confederation as the

¹ Статьи Конфедерации и Вечного Союза.

governing document for the United States after being ratified by nine states. The Constitution has a central place in United States law and political culture.

HISTORICAL INFLUENCES

Several of the ideas in the Constitution were new, and a large number of ideas were drawn from the literature of Republicanism in the United States, from the experiences of the 13 states, and from the British experience with mixed government.



Charles-Louis Montesquieu (1689—1755) is famous for his articulation of the theory of separation of powers, taken for granted in modern discussions of government and implemented in many constitutions throughout the world. He was largely responsible for the popularization of the terms feudalism and Byzantine Empire.

The most important influence from the European continent was from Montesquieu, who emphasized the need to have balanced forces pushing against each other to prevent tyranny. (This in itself reflects the influence of Polybius' 2nd century BC treatise on the checks and balances of the constitution of the Roman Republic). John Locke is known to have been a major influence, and the due process clause of the United States Constitution was partly based on common law stretching back to the Magna Carta of 1215.

Influences on the Bill of Rights

The United States Bill of Rights consists of the ten amendments added to the Constitution in 1791, as supporters of the constitution had promised critics during the debates of 1788. The English Bill of Rights (1689) was an inspiration for the American Bill of Rights. For example, both require jury trials, contain a right to keep and bear arms, and prohibit excessive bail as well as «cruel and unusual punishments». Many liberties protected by state constitutions were incorporated into the United States Bill of Rights.



ANSWER THE FOLLOWING QUESTIONS

1. What does the US Constitution provide for?
2. What documents and ideas influenced the US Constitution?
3. What is US Bill of Rights? Why was the Bill adopted?
4. What do you know about J. Lock's and Montesquieu's theories?

Task 6. Find the equivalents in the text:

- фундамент и источник права
- возглавляемый Верховным Судом
- обеспечивать организацию этих ветвей
- какие полномочия каждая ветвь может осуществлять
- определить три главные ветви власти (законодательную, исполнительную, судебную)
- четко очертить (определить) властные полномочия каждой ветви
- двухпалатный конгресс
- сохранять права отдельных штатов
- система сдержек и противовесов конституции
- вдохновение
- требовать суда присяжных
- запрещать непомерный залог
- свободы, защищенные конституциями штатов

INTERESTING FACTS ABOUT THE US CONSTITUTION

- (1) There are several clerical errors in the original text of the Constitution. The most known of them is the spelling of the State of Pennsylvania in the list of the delegates, who had signed the Constitution, with one «n» — «Pensylvania». In addition to that, some words in the Constitutions are written according to the rules of British English, which differ from the American one; by then the American spelling standards haven't been established yet.
- (2) The text of the US Constitution doesn't specify who has the right to vote. As a result, in early days of the Union only white men who owned property could take part in the elections. The African Americans weren't considered as citizens, and women were also excluded from voting. Native Americans couldn't vote up until 1924.

- (3) Out of forty-two delegates who were present at the Convention, thirty-nine signed the Constitution. The delegates from Virginia and Massachusetts refused to sign the document partly because it didn't have the bill of rights.
- (4) When it was time to ratify the Constitution by the states, the absence of the bill of rights became the main stumbling block.
- (5) Benjamin Franklin was the oldest man to sign the Constitution. He was 81 at the moment of signing of the document. Although Benjamin Franklin's mind was still sharp, his body wouldn't obey him. He could hardly walk. He would be brought in the hall of the council in the palanquin held by four inmates from the Walnut Street Prison in Philadelphia. When done, he had tears rolling down his cheeks. Jonathan Dayton, 26, from New Jersey, was the youngest one.
- (6) The first national Thanksgiving Day was celebrated on November 26, 1789. It took place upon the decision of Congress and President George Washington. The desire to «thank» for the new Constitution became the reason behind the holiday.
- (7) Initially, the founders of the document faced the question of how to address the President. The Senate offered the title «His Highness, the President of the United States, and Protector of their Liberties». But eventually, the House of Representatives and the Senate agreed on the «President of the United States».
- (8) The word «democracy» never shows in the text of the Constitution.
- (9) The Constitutional Council proposed to limit the country's regular army to 5,000 troops. Sarcastically, George Washington responded that he would certainly agree, provided that the same section of the document would also stipulate that the invader armies can't attack with more than 3,000 soldiers.
- (10) In 1876, an offer was introduced to amend the Constitution and abolish the Senate. In 1893, they came up with an amendment to renaming the USA into the United States of Earth.

Task 7. (a) Study the following words and word combinations:

judicial	судебный, судейский
judicially	в судебном порядке
judiciary	(1) судебный, судейский; (2) суд, судебная власть; (3) судоустройство
judicature	(1) управление правосудия; юрисдикция;

	(2) судоустройство; система судебных органов; суд; (3) лица судебной профессии
justice	(1) справедливость; (2) правосудие, юстиция; (3) судья
to administer justice	отправлять правосудие
process	(1) приказ суда; особ. приказ о вызове в суд; (2) процедура, порядок, производство дел; судопроизводство; процессуальные нормы; процесс; (3) копия производства по делу (направляемая в вышестоящую инстанцию)
process of the court	(1) судебный приказ; (2) судопроизводство; (3) протокол судебного производства (направляемый в вышестоящую судебную инстанцию)
forged process	(1) фальсифицированный судебный процесс; (2) фальсифицированный протокол судебного процесса
a summons	повестка в суд
to serve a witness with a summons / to summon a witness	вызывать свидетеля повесткой в суд
subpoena	повестка в суд (под страхом наказания или штрафа в случае неявки)
deputy	(1) депутат; представитель; (2) заместитель, помощник

(b) Match the English expressions with their Russian equivalents in the table:

(1) judicial system / judiciary system	(a) судебный орган
(2) judicial abuse	(b) судебный округ
(3) judicial administration	(c) судебная система
(4) judicial body	(d) секретарь; сотрудник канцелярии суда; судебный клерк
(5) judicial award	(e) применение (норм права, закона) в судебном порядке
(6) judicial branch	(f) судебное право

(7) judicial circuit	(g) судебное злоупотребление
(8) judicial clerk	(h) судопроизводство; судебный процесс
(9) judicial law	(i) судебная власть
(10) judicial proceeding (s)	(j) судебное решение
(11) judicial sitting	(k) приказы суда
(12) judicial writs	(l) обвиняемый в судебном порядке
(13) judicially charged	(m) юридический комитет (с палате представителей и в сенате США)
(14) judicially appointed expert	(n) судебное заседание
(15) judiciary committee	(o) эксперт по назначению суда

(c) Match the English expressions with their Russian equivalents in the table:

(1) justice in court	(a) отправлять правосудие
(2) justice of the peace	(b) судья в судебном заседании
(3) to administer justice	(c) несправедливость
(4) breach of justice	(d) предавать суду; отдавать в руки правосудия
(5) to bring to justice	(e) уголовная юстиция; правосудие по уголовным делам
(6) chief justice	(f) мировой судья
(7) criminal justice	(g) укрываться от правосудия
(8) to flee from justice	(h) председательствующий судья
(9) deputy attorney	(i) помощник судьи
(10) deputy foreman	(j) представитель с ограниченными полномочиями
(11) deputy judge	(k) заместитель старшины присяжных
(12) special deputy	(l) помощник адвоката

(d) Match the English expressions with their Russian equivalents in the table:

(1) to process a case	(a) возбуждать обвинение
(2) to process a charge	(b) протоколы обвинения
(3) to process documents	(c) судебный приказ; судопроизводство
(4) process of prosecution	(d) исполнительный приказ суда
(5) legal process	(e) начать дело; преследовать в судебном порядке
(6) final process	(f) оформлять документы
(7) to serve a process	(g) судебный приказ, не имеющий юридической силы
(8) to violate due process rights	(h) вручать судебный приказ
(9) void process	(i) вызывать свидетеля повесткой в суд
(10) to serve a witness with a summons	(j) нарушать права на соблюдение должной процедуры

(e) Complete the sentences using the word combinations from the second column:

(1) To take judicial proceedings against smb means	(a) to separate from a husband or wife, granted by a judge, usually with arrangements favourable to the wronged person concerning money or children.
(2) A judicial separation is the right	(b) a legal but unjust sentence of death.
(3) A judicial murder is	(c) a system of law courts in a country.
(4) A judiciary system is	(d) to bring a law case against him.
(5) Judicature is	(e) the full title of the English Courts of Justice.
(6) The Supreme Court of Judicature is	(f) a critical impartial person.
(7) A man with a judicial mind is	(g) an ambiguous sentence or article in the law.

(8) A judiciary joker is	(h) administration of justice, on the one hand, and the body of judges, on the other hand.
(9) Process is	(i) the sheriff's officer who delivers writs.
(10) A summons is	(j) summons or writ ordering a person to appear in a law court.
(11) A process-server is	(k) to undergo a period of imprisonment.
(12) To serve a sentence means	(l) an order to appear before a judge or magistrate.

(f) Complete the sentences using the words and word combinations from the box. If necessary, consult English-Russian dictionaries.

summons	to serve a summons
judicial	justice
administer (2)	served
justified	Justice

- (1) The _____ was served by a bailiff.
- (2) Each _____ district is served by a chief magistrate and a number of magistrates.
- (3) He has already _____ three years of his sentence.
- (4) _____ is to deliver a summons to the person named in it.
- (5) The criminal was finally brought to _____.
- (6) The Department of _____ is the executive department, headed by the Attorney General, supervising internal security, immigration, naturalization, etc.
- (7) The Prime Minister _____ the action of the Government.
- (8) To _____ the law means to apply the law.
- (9) Don't _____ punishment to this man. He is innocent.



Task 8. Look through the laws and by-laws below and think it over why they haven't been cancelled yet:

... In Texas, USA, it is illegal to swear near a corpse.

... In the town of New Ark, New Jersey, USA, it is illegal to buy ice-cream after 6 p.m. without written permission from your doctor.

... There is a law in Michigan, USA, which says that the husband is the owner of his wife's hair.

... In Kentucky, USA, it is illegal to carry ice-cream in the back pocket of your trousers.

... In some towns of Colorado, USA, it is illegal for a man to kiss a sleeping woman. In some towns of Nevada, USA, it is illegal for men with moustache to kiss women.

... In the town of Providence, Rhode Island, it is illegal for shop owners to sell tooth-paste and tooth brushes to the same buyer on Sundays.

... According to the laws of several states in the USA women can divorce their husbands if they prove that the men snore too loudly at night.

... In the town of Zion, Illinois, it is illegal to give cigars to pets.

... In Saint Louis, Missouri, a fireman has no right to save a woman if she is wearing a night-gown.

... In Baltimore, Maryland, it is illegal to bring a lion to the cinema.

... In Pennsylvania there is a law which says that a man has no right to buy alcoholic drinks without written permission of his wife.

Notes:

it is illegal — это незаконно

to swear — (1) (зд.) ругаться, богохульствовать; (2) клясться

a corpse — труп

written permission — письменное разрешение

Task 9. Replace the underlined words and word combinations with the words from the box. If necessary, consult English-Russian dictionaries and/or other reference & source books on law.

resolved (4)

discharged (2)

discharge (3)

offence/offense

imposed

traffic violations

offended

charged with

- (1) He decided that nothing should hold him back.
- (2) He separated the problem into its elements.
- (3) The accused man was found not guilty and was allowed to leave.
- (4) He decided to succeed.
- (5) The House of Commons converted itself into a committee.
- (6) He is faithful in the performance of his duties.
- (7) The members of the jury were set free from their duties.
- (8) How long will the unloading of the cargo take?
- (9) Will \$100 be enough for the performance of your liabilities?
- (10) He was charged with a serious crime against the law.
- (11) He committed an offence against good manners, traditions and the law.
- (12) If a person is convicted of certain traffic offenses, the Virginia Department of Motor Vehicles will assess points against the person's driver's license. This is in addition to any sentence passed by the judge.

Task 10. Match the legal terms on the left with their definitions on the right:

(1) A misdemeanor is	(a) who brings an action at law.
(2) A by-law/bye-law is	(b) who has committed certain actions which, if committed by adults, would not be considered criminal offenses — such as truancy or habitually running away from home.
(3) A felony is	(c) a legal offence less serious than a felony. It is any charge which carries a penalty of no more than one year in jail or a fine of up to \$2,500, or both.
(4) A felon is a person	(d) under 18.
(5) A defendant is a person	(e) who offends by breaking the law.
(6) A plaintiff is a person	(f) a law or regulation made by a local, rather than a central, authority.

(7) An offender is a person	(g) found guilty for the first time and not usually treated severely.
(8) First offenders are criminals	(h) who has often been found guilty.
(9) An old offender is a person	(i) against whom a legal action is brought.
(10) A juvenile is any person	(j) who has committed an act which would be a crime if committed by an adult.
(11) A delinquent is a juvenile	(k) guilty of a felony.
(12) A «child in need of services» (CHINS) is a juvenile	(l) the improper care or violent handling of juveniles.
(13) Child abuse and neglect involves	(m) a major serious crime, e.g. murder, armed robbery, arson. It is any charge which may be punishable by more than one year in jail.



Task 11. Look through the laws and by-laws below and comment on the stupidest one:

- In Sarasota it is illegal to sing in a public place if you are wearing a swimming costume.
- ... In Indiana it is illegal to swim in ponds, lakes and rivers in winter.
- ... There is a law in Iowa which says that kisses may last not more than five minutes.
- ... In Oklahoma, USA, the judge may sentence you to prison if you tease a dog.
- ... In Alaska it is illegal to throw a living deer out of a flying plane.
- ... In Connecticut it is illegal to cross the street on your hands.
- ... In Florida there is a law which forbids unmarried women to jump with a parachute on Sundays otherwise the police may arrest them, fine them or the judge may send them to prison.
- ... In Texas, USA, before 1932 an escape from prison was not considered a crime if the prisoner escaped without using fire arms.
- ... If you leave an elephant on the parking lot in Florida you must pay for the parking as if it were a car.
- ... In Indiana it is illegal to go to the cinema or to the theatre or use public transport if you ate garlic less than four hours before that.

Note:

parking lot — стоянка, место для парковки



Task 12. (a) Match the English expressions with their Russian equivalents in the tables:

(1) trial court of general jurisdiction	(a) осуществлять юрисдикцию
(2) to exercise jurisdiction	(b) апелляционная юрисдикция (право вышестоящего суда пересмотреть приговор или решение нижестоящего суда)
(3) to extend the jurisdiction over smth	(c) параллельная (совпадающая) юрисдикция
(4) original jurisdiction	(d) исправительное учреждение тюремного типа
(5) appellate jurisdiction	(e) обвинительный акт большого следственного жюри
(6) civil claim	(f) процедура сертификации (обращение нижестоящего суда в вышестоящий за справкой по сложному юридическому вопросу в связи с рассматриваемым делом)
(7) civil case	(g) бракоразводный процесс
(8) concurrent jurisdiction	(h) дела об усыновлении / удочерении
(9) penitentiary	(i) юрисдикция суда первой инстанции / рассмотрение дел по первой инстанции
(10) indictment	(j) суд первой инстанции общей юрисдикции
(11) indictment of grand jury	(k) завещание
(12) certification	(l) имущественные споры
(13) divorce proceedings	(m) обвинительный акт, предъявление обвинения
(14) will	(n) гражданское дело
(15) property disputes	(o) распространить юрисдикцию на что-либо
(16) adoption proceedings	(p) гражданский иск

(b)

(1) to convene a grand jury	(a) срок полномочий суда данного состава
(2) term of appeal	(b) срок пребывания в должности, срок полномочий
(3) term of imprisonment	(c) срок полномочий состава большого жюри
(4) term of office	(d) предстать перед судом
(5) term of punishment	(e) созвать большое следственное жюри
(6) term of the court	(f) обвинительный акт; проект обвинительного акта
(7) term of the grand jury	(g) должностное преступление правительственных чиновников
(8) term of the jury	(h) срок наказания (по закону)
(9) to stand trial	(i) апелляционный суд (в ряде штатов США промежуточная инстанция между судами первой инстанции и верховным судом штата)
(10) bill of indictment	(j) просьба об апелляции; апелляционная жалоба
(11) special jury	(k) срок правомочий состава присяжных
(12) malfeasance of governmental officials	(l) срок подачи апелляции
(13) Court of Appeals / Appellate Court	(m) специальный состав присяжных, специальное жюри (из числа лиц, имеющих образование и положение в обществе, для разбора особых категорий сложных дел)
(14) appeal from a decision of the court	(n) срок тюремного заключения
(15) petition for appeal	(o) апелляционная жалоба на решение суда

(c)

(1) writ of mandamus	(a) заключение в тюрьму; лишение свободы; взятие под стражу; водворение в тюремную камеру или карцер
(2) writ of prohibition	(b) административный орган; правительственное учреждение
(3) writ of habeas corpus	(c) лат. судебный приказ должностному лицу о выполнении требования истца
(4) incarceration / imprisonment	(d) потерпевшая ущерб сторона; сторона, чьи интересы нарушены
(5) administrative agency	(e) приказ о запрещении производства по делу, запретительный судебный приказ (издается вышестоящим судом в целях исключения юрисдикции нижестоящей инстанции)
(6) aggrieved party	(f) состав суда первой инстанции
(7) panel of jurors	(g) лат. судебный приказ о защите неприкосновенности личности от произвольного ареста или судебный приказ о доставлении в суд лица, содержащегося под стражей, для выяснения правомерности содержания его под стражей
(8) panel of trial judges	(h) лишение звания адвоката / лишение права адвокатской деятельности
(9) disbarment of an attorney	(i) список присяжных
(10) the Supreme Court of Virginia	(j) председатель Верховного Суда
(11) The Chief Justice of the Supreme Court	(k) разрешение споров
(12) dispute resolution	(l) финансовая система / налоговая система
(13) fiscal system	(m) отдел кадров
(14) personnel department	(n) Верховный Суд Вирджинии

(d)

(1) to file a lawsuit / an action	(a) представить обвинительный акт, подшить обвинительный акт к делу
(2) to file a case	(b) заявить об обвинении, выдвинуть обвинение
(3) to file a charge	(c) подать апелляционную жалобу
(4) to file an appeal	(d) подать иск
(5) to file an indictment	(e) подшить дело, подать иск



Task 13. Match the legal terms on the left with their definitions on the right:

(1) Equity suits are	(a) a period during which a Court holds session.
(2) Term of the court is	(b) prison for persons guilty of serious crimes, esp. one in which reform of the prisoners is the main aim.
(3) Penitentiary is	(c) a written order issued in the name of a ruler or smb in authority to an official to do or not to do smth.
(4) A writ is	(d) a party to a lawsuit feeling that it has been treated unjustly.
(5) Incarceration means	(e) claims seeking a judgment for something other than money.
(6) An aggrieved party is	(f) law dealing with private rights of citizens, not with crime.
(7) Civil law is	(g) the Supreme Court of Virginia may order the holder of an office to perform his duty.
(8) A writ of habeas corpus is	(h) the Supreme Court of Virginia may order an action stopped in a lower court.
(9) Cases of habeas corpus are cases when	(i) imprisonment.

(10) Cases of mandamus are cases when	(j) the Supreme Court of Virginia may order one holding custody to produce the detained person before the Court for the purpose of determining whether such custody is proper.
(11) Cases of prohibition are cases when	(k) an order requiring a person to be brought before a judge or into court, esp. to investigate the right of the law to keep him in prison.



COLORADO FUNNY LAWS

Car dealers may not show cars on a Sunday.

No liquor may be sold on Sundays or election days.

To own a dog over three months of age, one must obtain a license.

Establishments which sell alcohol must have enough lighting to read text inside them.

Catapults may not be fired at buildings.

It is legal to challenge a police officer, but only until he or she asks you to stop.

It is permissible to wear a holstered six-gun within city limits, except on Sunday, Election Day, or holidays.

It is illegal to bring your horse or pack mule above the ground floor of any building.

It is unlawful to lend your vacuum cleaner to your next-door neighbor.

You may not drive a black car on Sundays.

Residents may not own chickens, but may own up to three turkeys.

It is illegal to let a dandelion grow within the city limits.

Unit 3

THE JURY

Task 1. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.

JURY

Jury is a body of people who are chosen to decide the truth of factual evidence in an action or legal proceeding and, on instruction of the court, to apply the law to the facts. Such a body is called a petit jury or trial jury. Traditionally, a trial jury consists of 12 people, often with one or two alternates.



From the History of Jury

The exact origin of the jury system is not known; various writers have attributed it to different European peoples who at an early period developed different methods of trial. It seems probable that the jury in England was derived directly from the Norman institution of recognition by sworn inquest, whereby 12 knights were chosen to serve as recognitors.

As early as the 12th century, it had become customary for suitors in certain cases affecting the title to real estate to apply to the King's Court for the summoning of recognitors to ascertain, either from their own knowledge or on inquiry from others, the truth of the matter at issue; the verdict of the court, if unanimous, was accepted as conclusive. It was natural that other questions of fact arising in the King's Court should be disposed of in a similar manner, and the gradual transformation of the recognitors into the jury followed as a matter of course. Originally, the jury members were not only judges of fact, but were also witnesses who were selected because of their knowledge of the customs and the people of the locality, and possibly of the

suitors themselves. In the early 15th century, however, the judges of the courts of common law restricted the jury to the performance of its function as a judge of fact based on the evidence submitted in an action. This is the single function of the jury in modern practice.

Selection of a Jury in the US

In the US the selection of a jury starts when a large group of citizens is called to appear for jury duty at each term of court. They are selected according to constitutional provisions. Each state has its own qualifications for those who may serve on a jury. In general, all jurors must be US citizens, local residents, of approved integrity, and of reasonable intelligence. The group of jurors called at any one time is known as a panel. Both the state and federal courts have independent lists of jurors that are made up under the direction of officials known as commissioners of jurors. Jurors are paid, as provided by statute, for time spent serving on jury duty.

At a trial the selection of the jury is made subject to the direction of the presiding judge. The names of the prospective jurors are drawn by lot by the clerk of the court. Both the defense and the prosecution may examine the jurors to ascertain whether cause for challenge in any particular case exists—that is, whether circumstances exist that might improperly influence a juror's decisions, such as bias or self-interest. The parties to the action or their attorneys may then exercise their right to eliminate undesirable members from the jury by means of challenge.

Functions of a Jury

After a satisfactory jury has been drawn, the jury is sworn, and the trial proceeds. In general, during the progress of a trial, all questions of law are determined by the court and questions of fact by the jury.

After all the evidence has been presented, the two counsels, first for the defendant and then for the plaintiff or prosecution, «sum up,» that is, each addresses the jury, reviewing the evidence in the case and commenting on it in a manner favorable to that counsel's side of the case. The judge then makes a charge to the jury. The charge is a statement of the rules of law applicable to the evidence in that particular case. It is given in order to aid the jury in rendering a correct verdict. The jury then retires from the courtroom to begin deliberations. These deliberations continue until an agreement as to the verdict is reached, or until the presiding judge deems that the jury cannot reach an agreement. The latter case is known as a hung jury. In the event that no agreement is reached, a new trial may be called. All members of a jury must agree on a verdict, which in a civil trial may be «for the plaintiff» or «for the defendant,» and in a criminal trial «guilty» or «not guilty.» (In some states, however, the verdict in a civil

trial need not be unanimous.) In a civil trial the jury is then empowered to set the amount of any damages. The verdict of a jury is decisive and cannot be disturbed unless rendered contrary to law or against the weight of evidence. In such a case the verdict may be set aside, either by the presiding judge or later on appeal.

Task 2. Find the appropriate definitions:

(1) ascertain	(a) отвод (присяжным, свидетелю), давать отвод
(2) alternate juror	(b) устанавливать; определять; выяснять; удостоверить
(3) summon	(c) коллегия присяжных равного с подсудимым социального статуса
(4) recognitor	(d) (1) созывать; (2) вызывать
(5) challenge	(e) заместитель присяжного
(6) jury of peers (jury of one's peers)	(f) (1) присяжный; (2) лицо, дающее обязательство в суде
(7) inquest	(g) истец
(8) suitors	(h) расследование, дознание, следствие
(9) panel	(i) единодушный, единогласный
(10) unanimous	(j) список присяжных заседателей
(11) hung jury	(k) явиться для заседания суда присяжных
(12) to disturb the verdict	(l) изолировать
(13) deliberation	(m) коллегия присяжных, не пришедших к единому мнению
(14) sequester	(n) поставить вопрос о пересмотре вердикта
(15) report of jury service	(o) совещание, обсуждение



ANSWER THE FOLLOWING QUESTIONS

1. What is a jury?
2. What is known about the origin of a jury?

3. What was the procedure of affecting the title to real estate in XII century?
4. Who was a predecessor of a juror?
5. How the performance of jury's function was changed in the early 15th century?
6. What do you know about the selection of a jury in the US?
7. How does a jury work?



Task 3. True or false (correct if the statement is false)?

- (1) Petit jury is a jury of 12 persons empanelled to determine the facts of a case and decide the issue pursuant to the direction of the court on points of law.
- (2) The jury derived from Norman institution of recognition by sworn witnesses.
- (3) In the early 15th century the jury members were not only judges of fact, but also witnesses or possibly the suitors themselves.
- (4) Panel is a list of persons summoned for jury service.
- (5) Jurors are not paid for time spent serving on jury duty.
- (6) Only the judge has the right to challenge a juror in case of his bias or self-interest.
- (7) All questions of law are determined by the jury.
- (8) After all the evidence has been presented the judge «sums up,» reviewing the evidence in the case in order to aid the jury in rendering a correct verdict.
- (9) Hung jury is a trial jury duly selected to make a decision in a criminal case regarding a defendant's guilt or innocence, but who are unable to reach a verdict due to a complete division in opinion.
- (10) The verdict of a jury is decisive and cannot be disturbed.



Task 4. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.

From the Juror's Handbook (New York Court System)

INTRODUCTION

Most people seldom need to think about a jury or how one operates within a trial. It is helpful to envision the jury as an arm of the court — its purpose is to consider the facts and circumstances which are presented in a case and to apply this information to the law.

Being a juror does not require any special skills, expertise or education. The jury's job is to determine the truth to the best of its ability on the basis of the evidence presented in a case.

COMMON QUESTIONS OF JURORS

How are people chosen to be called for jury service?

The New York State court system maintains and updates each year the names of state residents who are included on certain lists — state and local taxpayers, licensed drivers, registered vehicle owners, applicants for or recipients of public assistance benefits and recipients of state unemployment compensation. Prospective jurors are selected randomly from those lists, as well as lists of persons who volunteer for service, by the Commissioner of Jurors or each county and the County Clerks in New York City.

Questionnaires are sent to people in the selected pool of names, which must be completed and returned. Those individuals who «qualify» for service — U.S. citizen and county resident; at least 18 years of age; mentally and physically capable of performing jury duty; with no felony convictions; and able to understand and communicate in English — may eventually be summoned to report for service.

How long does a juror serve?

The juror summons generally indicates the length and exact dates of the term that a juror is expected to serve. Those who are selected are only required to serve on one trial. On average, the length of a trial ranges from three to five days.

Is it true that sometimes jurors are not allowed to go home until after the trial is over? Is this common?

As a general rule, jurors go home at the end of the day and return the next morning. There are occasions, however, that require a court to «se-

quester» a jury on a criminal case overnight during deliberation on a verdict. In extremely rare cases, a jury may be sequestered during the trial itself. «Sequestered» means that jurors do not go home at the end of the day, but stay in a hotel, where their access to other people and to radio and television news or newspapers is limited.

The expense of all meals and lodging for sequestered jurors is the responsibility of the Commissioner of Jurors of each county or the respective County Clerks in the City of New York.

Are jurors compensated?

For each day that a juror performs service, he or she may be entitled to a per diem \$15 allowance. The amount of the payment is established by the New York State Legislature.

In rare instances, when service extends for more than 30 days, the court may authorize an additional allowance of \$6 per day to be paid to a juror.

A juror may waive his or her right to the per diem allowance.

What about the juror's job?

New York State law prohibits an employer from subjecting an employee to penalties or termination of employment due to jury service — so long as the employee notifies the employer upon receipt of the jury summons. An employer may lawfully withhold wages during jury service and the question of salary and wages is a matter to be addressed between the juror and the employer.

Is possible to report for jury service but not sit on a jury?

Yes. In many cases, parties seek to settle their differences and to avoid the expense and time demanded by a trial. Thus, while several trials may be scheduled for one particular day, the court cannot be certain until that morning, and sometimes afternoon, which cases will actually require a jury.

Who else will be in the courtroom?

A number of people will be in the courtroom in addition to the judge and jury. The list below explains who they are and what they may be doing.

Plaintiff — In a civil case, the plaintiff is the party who initiates the lawsuit by bringing the case to court.

Defendant — In a civil matter, the defendant is the party who is being sued. In a criminal case, the defendant has been charged with a crime.

Attorneys — In certain cases, including criminal cases, attorneys representing the plaintiff, the defendant or the government are referred to as counsel. An attorney representing the government in a criminal case is called the prosecuting attorney or the assistant district attorney, and in some cases, the assistant attorney general.

Court Reporter — The court reporter records the official record of the trial by recording every word which is spoken. This record will be converted into an official transcript of the trial.

Court Clerk — The clerk of the trial part, also called the clerk, maintains the court files and preserves the evidence presented during the trial. The clerk may also administer the oath to jurors and witnesses.

Witnesses — Witnesses provide testimony, under oath, as to what they have seen, heard or otherwise observed regarding the case.

Interpreter — Interpreters, under oath, provide language interpretation for the court on behalf of a non-English speaking party or witness.

Spectators — Spectators are members of the public who are generally permitted to observe the court proceedings. Often spectators include representatives or the media.

Note:

per diem (лат.) — каждый день, ежедневно



ANSWER THE FOLLOWING QUESTIONS

1. Why the jury is an arm of the court?
2. What is the jury's job?
3. How prospective jurors are selected?
4. Who can be a juror?
5. What is the average length of a trial?
6. What is sequester and in what situations it is possible?
7. Does the juror receive his salary during jury service?
8. When is possible to report for jury service but not sit on a jury?
9. Who else can be in the courtroom and what are their functions?



BAD INVESTMENT

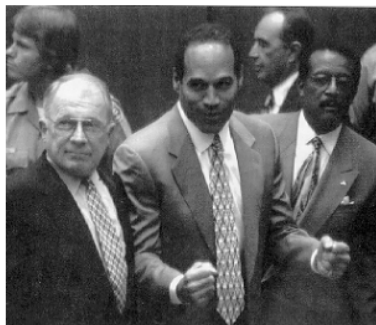
Shultz, a lawyer, bribed a man on the jury to hold out for a charge of manslaughter, as opposed to the charge of murder which was brought by the prosecution. The jury was out for nearly a week before they returned to court with the manslaughter verdict. When Shultz paid the juror, he asked him if it had been hard to persuade the other jurors to get the charge of manslaughter. «Sure did,» the juror replied, «all the others wanted to acquit him.»



Task 5. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.

FAMOUS AMERICAN TRIALS. THE O.J. SIMPSON TRIAL 1995

Orenthal James «O. J.» Simpson (born 1947) is a retired American football player, actor, spokesman, and convicted **felon**. He originally attained fame in sports as a running back at the collegiate and professional levels, and was the first NFL (National Football League) player.



Simpson and attorneys (Bailey (left) and Cochran (right)) react to verdict

In 1989, Simpson pleaded no contest to a domestic violence charge and was separated from his wife Nicole Brown, to whom he was paying child support. On June 12, 1994 Nicole Brown and her friend Ronald Goldman were found dead outside Brown's condominium. Simpson was charged with their murders. The pursuit, arrest, and trial were among the most widely

publicized in American history. The trial, often characterized as «the trial of the century». Even foreign leaders such as Margaret Thatcher and Boris Yeltsin eagerly gossiped about the trial. When Yeltsin stepped off his plane to meet President Clinton, the first question he asked was, «Do you think O. J. did it?» The trial culminated on October 3, 1995 in a jury verdict of not guilty for the two murders. The verdict was seen live on TV by more than half of the U.S. population, making it one of the most watched events in American TV history. Immediate reaction to the verdict was notable for its division along racial lines: polls showed that most African-Americans felt that justice had been served by the «not guilty» verdict, while most white Americans did not. O.J. Simpson's defense counsel included Johnnie Cochran and F. Lee Bailey.

Task 6. The word TAX has the following meanings in legal Russian: 1) налог; 2) облагать налогом; 3) таксировать, определять размер (о судебных издержках). Match the following English expressions with their Russian equivalents:

(1) tax in kind	(a) налог, включенный в стоимость товара
(2) tax on land	(b) налог со стоимости
(3) ad valorem tax	(c) недоимки
(4) buried tax	(d) единый налог
(5) death tax	(e) судебные издержки
(6) income tax	(f) подоходный налог
(7) court taxes	(g) налог на наследство
(8) back taxes	(h) натуральный налог
(9) single tax	(i) поземельный налог



JUST FOR FUN...

A man was chosen for jury duty who really wanted to be dismissed from serving. He tried every excuse he could think of but none of them worked. On the day of the trial, he decided to give it one more shot. As the trial was about to begin, he asked if he could approach the bench.

«Your Honor», he said, «I must be excused from this trial because I am prejudiced against the defendant. I took one look at the man in the blue suit with those beady eyes and that dishonest face and I said 'He's a crook! He's guilty!'» So, your Honor, I cannot possibly stay on this jury!"

With a tired annoyance the judge replied, "Get back in the jury box, you fool. That man is the defendant's lawyer."



ROLE-PLAY

Consult the cases in the end of the textbook and role-play on one of them. Choose the jury, the judge, the lawyer, the prosecutor, the witnesses. Use the active vocabulary from the Unit.

Unit 4

FAMILY LAW

Task 1. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.

FAMILY LAW

Family Law is a specialized area of legal practice dealing with rights and duties among husbands, wives, and children. Family Law covers such aspects as

- getting married and Breach of Promise
- rights of married partners, separation
- ending a marriage, divorce
- rights and duties of parents to their children and of children to their parents,
- adoption, foster care, and guardianship, orphanage
- abusive family relationships
- family law for same sex partners

Marriage is a socially recognized and approved union between individuals, who commit to one another with the expectation of a stable and lasting intimate relationship. It begins with a ceremony known as a wedding, which formally unites the marriage partners. A marital relationship usually involves some kind of contract, either written or specified by tradition, which defines the partners' rights and obligations to each other, to any children they may have, and to their relatives. In most contemporary industrialized societies, marriage is certified by the government.

Marriage is commonly defined as a partnership between two members of opposite sex known as husband and wife. However, scholars who study human culture and society disagree on whether marriage can be universally defined. The usual roles and responsibilities of the husband and wife include living together, having sexual relations only with one another, sharing economic resources, and being recognized as the parents of their children. However, unconventional forms of marriage that do not include these



elements do exist. For example, scholars have studied several cultural groups in Africa and India in which husbands and wives do not live together. Instead, each spouse remains in his or her original home, and the husband is a «visitor» with sexual rights. Committed relationships between homosexuals (individuals with a sexual orientation toward people of the same sex) also challenge conventional definitions of marriage.

Legal Aspect

Under the federal system of government in the United States, the individual states regulate marriage. Virtually all states require that individuals must be 18 years of age before they can marry. Persons below that age must obtain parental permission. To obtain a marriage license, most states require individuals to undergo a blood test for rubella and syphilis, a sexually transmitted disease. Many states also require a waiting period of one to five days between the issuing of the license and the wedding ceremony. The marriage must be formalized before a qualified official in either a religious ceremony or a civil wedding. The couple must register a marriage certificate with the government after the wedding ceremony.

Virtually all states ban marriages between certain blood relatives, such as between parent and child or brother and sister. All states prohibit bigamy—that is, a marriage in which either partner is already married.

Several countries have passed legislation to recognize homosexual unions. Such legislation generally refers to homosexual unions as civil unions or registered partnerships rather than as marriages. These unions usually do not entail the full array of rights to which heterosexual married couples are entitled. Four countries currently legalize gay marriage. They are Belgium, Canada, the Netherlands, and Spain.



ANSWER THE FOLLOWING QUESTIONS

1. What does family law deal with?
2. What is marriage?
3. What does marital relationship involve?
4. What are unconventional forms of marriage?
5. What is marriage age in the USA?
6. What is necessary for a person to obtain a marriage license?
7. What kinds of marriages are banned in the USA?



Task 2. Render the following text into English

Брак — регулируемая обществом постоянная связь, как правило, между мужчиной и женщиной, как правило, основанная на личных чувствах и сексуальных отношениях, преследующая цель создания семьи.

Люди, состоящие в браке, называются супругами или супружеской парой. В браке реализуется естественная потребность людей в продолжении рода. Именно этим объясняется запрет на браки между, существующий практически во всем мире, — он связан с большой вероятностью получения детьми в таком браке наследственных болезней. Хотя, с другой стороны, браки, в которых детей не может быть ввиду бесплодия одного или обоих супругов, а также браки между мужчинами и женщинами, вышедшими из репродуктивного возраста, не запрещены, что указывает на более широкую функцию брака, далеко выходящую за рамки продолжения рода.

Как правило, брак подразумевает ведение супругами совместного хозяйства и наличие общего имущества, передаваемого по наследству, а также воспитание ими детей. Брак пользуется охраной и покровительством законов лишь при совершении его с соблюдением установленных в законах условий; влечет за собой известные юридические последствия в области личных и имущественных прав и обязанностей супругов по отношению друг к другу и к детям.

Ballou



**Debate: POSITIVE AND NEGATIVE ASPECTS
OF CIVIL MARRIAGE**

Give your own ideas on the following problems:

- (1) What do you think about positive and negative aspects of civil marriage?
- (2) How does legislation of different countries refer to homosexual unions?

Task 3. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.



Divorce, or dissolution, as it is increasingly becoming known, is a legislatively created, judicially administered process that legally terminates a marriage no longer considered viable by one or both of the spouses and that permits both to remarry.

Aforetime because of the traditional fault-based view of divorce, almost every state divorce law required the plaintiff to prove one of a number of legislatively recognized grounds. Typical grounds had included adultery (almost universally); desertion; habitual drunkenness; conviction of a felony; and, most commonly used by divorcing parties, cruel and inhuman treatment. Because the state's interest in maintaining stable marriages was assumed, divorce suits could not be treated like other litigation. One spouse, the plaintiff, had to prove grounds even when both spouses wanted the divorce. Thus, divorce trials were filled with charges and countercharges and generally omitted investigation of the actual viability of the marriage.

By the mid-20th century, most state legislatures had recognized one or more no-fault grounds for divorce, usually consisting of a substantial period (from one to five years) during which the spouses had lived «separate and apart»; sometimes insanity or incompatibility were acceptable grounds.

The grounds for divorce differed from one state to another; thus, for example, before 1967 the only grounds for divorce in New York State were adultery. The difficulty of obtaining a divorce in several of the more populous eastern states, such as New York, New Jersey, Massachusetts, and Pennsylvania, eventually led to a substantial amount of «migratory divorce» in so-called divorce havens.

The system of migratory divorces was considered by many as discriminatory against the poor, who could not afford to take up residence in another state or travel to a foreign country in order to get a divorce.

In the mid-1980s, approximately one in three marriages ended in divorce. A growing number of expert observers conclude that this high divorce rate is due to a number of social changes. Among these changes are greater societal acceptance of divorce; greater financial and emotional in-

dependence of women; and, paradoxically, a greater belief in the emotional value of marriage, which more readily disposes disappointed spouses to divorce so as to seek a happier subsequent marriage.

In a divorce action, one spouse, usually the wife, may be granted alimony or maintenance payments generally for a limited period of time. The custody of any children may be awarded to either spouse, with equitable regulations made for visiting rights and support of the children. At present, joint-custody arrangements are being worked out more and more frequently by divorcing parents.



ANSWER THE FOLLOWING QUESTIONS

1. What is divorce?
2. What was the tradition of divorce aforesaid?
3. What did the USA do to maintain stable marriages?
4. What was the procedure for divorce in the mid-20th century?
5. What were the reasons for «migratory divorce»?
6. What are the reasons of growing number of divorces in modern times?
7. What kinds of problems can a divorce entail?
8. What should be done to make marriage more stable?



Task 4. Render the following text into English:

Развод — формальное окончание (расторжение) брака, кроме случаев, когда брак прекращается в случае кончины одного из супругов. От развода следует отличать признание брака недействительным в судебном порядке.

В современной России в соответствии с Семейным кодексом РФ развод (расторжение брака) может быть произведен по заявлению одного или обоих супругов. Важно заметить, что в современном законодательстве термин «развод» заменен термином «расторжение брака».

Развод через суд производится в двух случаях: при наличии общих несовершеннолетних детей или в случае отсутствия согласия на расторжение брака второй стороны.

Расторжение брака производится в органах ЗАГС (*Registry Office*) в случае взаимного согласия супругов, не имеющих общих несовершеннолетних детей. После подачи совместного заявления, заполняемого обоими супругами, назначается дата развода (не раньше чем через месяц со дня подачи заявления). Брак может быть расторгнут в ЗАГСе независимо от наличия общих несовершеннолетних детей в случае, если один из супругов признан судом безвестно отсутствующим; признан судом недееспособным; осужден за совершение преступления к лишению свободы на срок свыше трех лет.

Согласно исследованиям некоторых социологов, во время периодических спадов и кризисов в экономике той или иной страны число разводов обычно уменьшается. Это объясняется тем, что совместное ведение хозяйства позволяет супругам сэкономить финансовые ресурсы и, таким образом, в какой-то степени сохранить материальное благополучие. Так, например, в Испании, число разводов в 2008 г. уменьшилось на 12% по сравнению с предыдущим годом, что, по мнению социологов, объясняется влиянием мирового экономического кризиса 2008—2009 г.



MARRIAGE CONTRACT IN RUSSIA RESOURCES

<http://ru.wikipedia.org/>

http://www.jurconsult.ru/services/marriage_contract/?page=family_law

<http://www.advokats.ru/practice/tips/family-marriage/>



Task 5. Study the information below and give your opinion on the problem.

SURROGACY

Surrogate motherhood has become one of the most difficult problems in modern family law. The term *surrogate mother* was first used in connection with in vitro fertilization in the late 1970s. The newest use refers to the introduction, by artificial insemination, of the sperm of a man whose wife is infertile into a woman who has agreed, often by



contract, to bear the child conceived as a result of the insemination and then relinquish it to the couple after birth.

One argument against surrogacy is that it is little more than formalized baby selling. The counter-argument is that surrogacy is not baby selling because the husband of the couple receiving the child is that child's biological father. Many state legislatures are considering bills that would either make surrogate parenting entirely illegal or strictly regulate it, for example, limiting or prohibiting the payment of fees to the surrogate or to intermediaries. Most would require psychological counseling for the prospective surrogate mother, legal representation for all parties, and court approval of the contract.



Task 6. Render the following text into English

Суррогатное материнство запрещено законом в Австрии, Германии, Норвегии, Швеции, Франции и некоторых штатах США. В Австралии, Великобритании, Дании, Израиле, Испании, Канаде, Нидерландах и в некоторых штатах Америки разрешено только некоммерческое суррогатное материнство, то есть суррогатная мать не получает за свои услуги вознаграждения, запрещена реклама суррогатного материнства в любом виде. В большинстве штатов США, ЮАР, а также в Грузии, Украине и в Российской Федерации суррогатное материнство на коммерческой основе законодательно разрешено. Семейный кодекс Российской Федерации гласит: приоритетное право решить судьбу ребенка имеет суррогатная мать. Права генетических родителей признаются только после отказа от него суррогатной матери.

Ballou



Debate: SURROGACY

Give your own ideas on the following problem:

Do we need surrogacy in the Russian society if there are so many orphans?

Task 7. Study the information below and give your opinion on the problem of adoption.



ADOPTION

Adoption, procedure by which people legally assume the role of parents for a person who is not their biological child. Adopted children become full members of their adopted family and have the same legal status as biological children. Although the majority of people who adopt are married couples, many single people also adopt.

Many people seek to adopt when they discover that they cannot give birth to biological children. Others adopt children to add new members to a family that includes biological children. Many people adopt simply to give a home and family to children who might not otherwise have them. Likewise, children become available for adoption for a variety of reasons. Some children are orphans. Some biological parents make arrangements for their children to be adopted because they cannot care for them due to illness or personal problems. Other children are abandoned by their biological parents.

Adoption is a common practice throughout the world and throughout history. However, laws regulating adoption vary from country to country. People seeking to adopt in a country other than the one in which they live, a process known as international adoption, should familiarize themselves with the laws of that country. Similarly, although every U.S. state recognizes adoption, state laws regarding specific aspects of adoption vary. Some states recognize adoptions by two people of the same sex or adoptions by a man and woman who are not married to one another.

Many states also allow the adoption of adults. Adults are usually adopted to ensure that they will inherit the estate of their adoptive parents. Some states preserve the rights of an adopted adult to inherit from his or her biological parents after the adoption.



ANSWER THE FOLLOWING QUESTIONS

1. What is adoption?
2. What are the reasons for adoption of children?
3. What are the reasons of adult adoption?



Task 8. Find in the text above the English equivalents for the following words and expressions:

сирота	стремиться (пытаться) усыновить
дети, брошенные своими биологическими родителями	наследовать имущество усыновителей
ознакомиться с законами	наследовать от биологических родителей после усыновления

Useful Words and Expressions for Speech Practice	
protection from abuse, exploitation, neglect and trafficking	защита от дурного обращения, эксплуатации, невыполнений обязанностей в отношении ребенка и торговли
verbal abuse	словесное оскорбление
physical abuse	физическое насилие
sexual abuse	сексуальное насилие
involvement of a child in any sexual activity before the legally-recognized age of consent	вовлечение несовершеннолетнего в любое сексуальное действие
commercial sexual exploitation	сексуальная эксплуатация в коммерческих целях
child neglect	невыполнение обязанностей в отношении ребенка
deliberate neglect	преднамеренное невыполнение обязанностей в отношении ребенка
tackling the root causes	взяться за выяснение причин
counseling	консультирование
provision of temporary residential permits	обеспечение временным видом на жительство
protection to testify in legal proceedings	защита при даче показаний
consent to exploitative practices	согласие быть подвергнутым эксплуатации

Task 9. Match the English expressions with their Russian equivalents in the table:

NB | **abuse** — (1) злоупотребление + V; (2) оскорбление; нападки + V; (3) дурное обращение + V; противоправное половое сношение + V

(1) to abuse law	(a) злоупотребление властью, полномочиями
(2) legal abuse	(b) должностное злоупотребление
(3) abuse of authority	(c) нарушение закона
(4) abuse of confidence	(d) превышение власти
(5) abuse of office	(e) нарушать закон
(6) abuse of power	(f) алкоголик
(7) drug abuser	(g) злоупотребление доверием
(8) alcohol abuser	(h) зависимый от компьютера
(9) computer abuser	(i) наркоман



Debate: ABUSE OF CHILDREN AND YOUNG PEOPLE

1. It is commonly known that very often verbal and physical abuse of children and young people happens due to the generation gap. Give your version, how it happens.
2. As you know, children and young people may be abused as part of domestic violence, that is violence directed by one family member against another. What are the causes of such behavior? What makes adults abuse children? Give examples from TV programmes and newspapers.

Task 10. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law. Pay special attention to the words and word combinations in bold type.

CHILDREN'S RIGHTS

The UN Convention on the Rights of the Child (CRC) is the main international document which **defines children's rights**. Developed in 1990, it

has been adopted by every country in the world apart from the United States and Somalia.

This convention has four main principles:

- A child's right to life, survival and development.
- A child's right to be treated equally. This means that no child should be discriminated against.
- A child's right to participate in activities and decisions which affect them.
- All actions should be based on the «best interests» of the child.

There are various ways in which the convention can be used to influence activities in practice.

The CRC is one of the most widely accepted international conventions. Almost all the countries of the world have agreed to it. However, **progress has been quite slow in putting it into practice.**

Reasons for this include **misunderstandings about the Convention**, which has been seen by some people as being «anti-family» or simply about **allowing children to have their own way**. Neither of these is true but these **misconceptions** need to be addressed when seeking to increase awareness of the Convention and what it means in practice. **Poverty is major barrier which prevents implementation of the Convention.** However, **it can be used to guide efforts aimed at promoting development and eliminating poverty. This will ensure that children gain the maximum benefit from such actions.**

In practice, the Convention can be used:

- As a framework for designing programmes that work with children.
- As a way of evaluating programmes and national strategies. For example. It is possible to look at how practices in a particular country affect orphans and other vulnerable children and compare that with the provisions of the Convention.
- As a different way of looking at particular issues.

The last point is very important. It is as if the Convention is a pair of glasses or a magnifying glass. It can be used to look more at a particular issue from a children's rights perspective. The way an issue appears when wearing these «glasses» may be quite different from the way it appears when looked at from another perspective. Issues which can be examined in these ways include:

- Terms used to describe orphans and other vulnerable children. For example, the term «AIDS Orphans» increases **stigma and discrimination**. Using this term goes against the Convention.
- Types of care. For example, care in institutions does not allow children and young people to develop fully, rarely allows for their

participation and promotes stigma and discrimination. It can be seen as going against the Convention.

- Other forms of care activity, including **provision of shelter and psychosocial support**.
- Issues of birth registration and inheritance.
- Poverty and development.
- Access to health and education.
- Access to information.
- Sexual exploitation and abuse.
- Child labour.
- Reporting to donors. For example, should these reports contain information which allows a child to be identified, such as names and photographs?

The Convention has been used to provide the human rights basis on which the global strategic framework has been constructed. This was introduced in 2004.

(The UN Convention on the Rights of the Child.
<http://www.aidsalliance.org/sw3097.asp>.
http://www.foxdesign.ru/aphorism/a_hegel.html.)

Useful Words and Expressions for Speech Practice	
the UN Convention on the Rights of the Child (CRC)	Конвенция ООН по правам ребенка
to define children's rights	определить права детей
to develop the convention	разрабатывать конвенцию
to adopt the convention	принять конвенцию
right to life, survival and development	право на жизнь и развитие
right to be treated equally	право на равное обращение
a child's right to participate in activities and decisions which affect them	право ребенка принимать участие в касающихся его действиях и решениях
all actions should be based on the «best interests» of the child	все действия должны основываться на том, что лучше для ребенка

misunderstandings about the Convention	недопонимания по поводу конвенции
progress has been quite slow in putting the Convention into practice	приведение конвенции в действие на практике происходит очень медленно
to allow children to have their own way	позволить детям делать что хотят
poverty is a major barrier which prevents implementation of the Convention	бедность — основной барьер, препятствующий исполнению положений конвенции
it can be used to guide efforts aimed at promoting development and eliminating poverty	ее можно использовать для направления усилий, нацеленных на продвижение развития и уничтожение бедности
this will ensure	это обеспечит
children gain the maximum benefit from such actions	дети получают максимальную пользу от таких действий
framework for designing programmes	основа для разработки программ
orphans and other vulnerable children	сироты и другие уязвимые категории детей
stigma and discrimination	позор и дискриминация
provision of shelter and psychological support	обеспечить убежище и психологическую поддержку



ANSWER THE FOLLOWING QUESTIONS

1. What is the CRC?
2. What are the main principles of the Convention?
3. How do you understand the idea of the «best interest» of the child?
4. Can the Convention influence activities in practice?
5. Why has progress been slow in putting the Convention into practice?
6. Why is the Convention seen by some people as being «anti-family»?

7. How can the Convention be used in practice?
8. Why is the Convention called a «magnifying glass» in the text?
9. What are the issues which can be examined with this «magnifying glass»?

Task 11. Use the word combinations from the text above in sentences of your own:

to define children's rights	определять права детей
based on the «best interest» of the child	основываться на том, что лучше для ребенка
to influence activities in practice	оказывать влияние на то, что происходит на практике
to be slow in putting into practice	медленно применяется на практике
allowing children to have their own way	позволить детям делать что хотят
to guide efforts aimed at promoting development and	направить усилия, нацеленные на продвижение развития
to gain maximum benefit	получить максимальную пользу
orphans and other vulnerable children	сироты и другие уязвимые категории детей
provisions of the Convention	положения Конвенции
increases stigma and discrimination	усиливает позор и дискриминацию
care in institutions	содержание в исправительных учреждениях закрытого типа
access to health and education	возможность получения медицинского обслуживания и образования
access to information	допуск к источникам информации



Task 12. (a) Translate the following word combinations into English in writing:

использовать на практике	детский труд
основа для разработки программ	быть опознанным
направить усилия	глобальная стратегическая основа
основываться на	ни одно из них не верно
увеличительное стекло	приняты всеми странами кроме
позор и дискриминация	право ребенка на то, чтобы с ним
сироты и другие уязвимые категории детей	обращались как с равным
обеспечить убежище и психологическую помощь	принимать участие в действиях
помешать воплощению в жизнь	определять права
право на образование и здравоохранение	это обеспечит
право на получение информации	уничтожение бедности
	свидетельство о рождении
	наследование
	основное препятствие

(b) Translate the following sentences into English in writing:

Один из основных принципов Конвенции по правам ребенка — право ребенка на жизнь и развитие. Не менее важным принципом является право ребенка на то, чтобы он не подвергался дискриминации. В соответствии с Конвенцией ребенок имеет право участвовать в принятии решений, касающихся его; все действия относительно прав ребенка должны основываться на понятии наибольшей пользы для ребенка. Существуют разные пути использования конвенции на практике. Конвенция ООН по правам ребенка является наиболее широко принятой международной Конвенцией. С конвенцией согласились большинство стран мира. Бедность — главное препятствие на пути претворения в жизнь положений Конвенции. Конвенция может быть использована для направления усилий по борьбе с бедностью. Использование термина «сироты, больные СПИДом» увеличивает позор и дискриминацию детей. Пребывание детей в учреждениях закрытого типа не позволяет им полноценно развиваться и способствует их дискриминации. С помощью положений Конвенции можно бороться с сексуальной эксплуатацией и насилием. Конвенция базируется на основе соблюдения прав человека.

Task 13. Match the English expressions with their Russian equivalents in the table:

(1) writ	(a) судебный запрет
(2) writ to apprehend the body	(b) судебный приказ об исполнении решения, исполнительный лист
(3) to bring a writ	(c) судебный приказ об аресте
(4) writ of attachment	(d) судебный приказ о приводе в суд; судебный приказ о наложении ареста на имущество
(5) writ of execution	(e) вручить судебный приказ
(6) writ of injunction	(f) приказ о пересмотре дела
(7) writ of protection	(g) охранный грамота
(8) writ of review	(h) судебный приказ



Summing-up. Comment on Gegel's saying about relation to children. Give your opinion on the ways in which the CRC can be used to influence activities in practice. Give examples of children abuse, exploitation, neglect or trafficking, from your own life, or somebody you know, or from the books you have read.

Task 14. Match the English expressions with their Russian equivalents in the table:

(a)

NB | **liability** — (1) ответственность;
(2) обязанность, обязательства

(1) criminal liability	(a) долгосрочные обязательства
(2) civil liability	(b) индивидуальная ответственность
(3) fixed liabilities	(c) личная ответственность
(4) individual liability	(d) гражданско-правовая ответственность

(5) joint liability	(e) ограниченная ответственность
(6) personal liability	(f) взаимные обязательства
(7) legal liability	(g) уголовная ответственность
(8) limited liability	(h) совместная ответственность
(9) reciprocal liabilities	(i) судебная ответственность

(b)

NB | **valid** — (1) юридически действительный, имеющий силу, правомерный;
(2) действующий

(1) valid for a year	(a) юридическая сила; период действия
(2) to validate	(b) действительный в течение года
(3) validity	(c) делать действительным; придавать юридическую силу; объявлять действительным; утверждать, ратифицировать



QUOTATIONS FOR COMMON DISCUSSION

If we desire respect for the law, we must first make the law respectable.

Brandeis

Some people are alive simply because it is against the law to kill them.

Howe

Money often costs too much.

Emerson

Useful Words and Expressions for Speech Practice	
child and forced marriage	ранний и принудительный брак
to be deprived of one's basic rights to health, education, development and equality	быть лишенным своих основных прав на здоровье, образование, развитие и равноправие
to be regarded as an economic burden	рассматриваться как обуза в экономическом отношении

to benefit the child and her family financially and socially	принести пользу ребенку и ее семье в финансовом и социальном отношении
to settle debts	уладить долговые отношения
a perceived means of creating stability	ощутимый способ создать стабильность
a way for parents to lessen their economic burdens	способ для родителей уменьшить свои экономические проблемы
immoral and inappropriate behavior	безнравственное и несоответствующее поведение
physically and sexually mature	физически и сексуально зрелый
worldwide phenomenon	феномен мирового масштаба
consequences of child marriage	последствия ранних браков
numerous detrimental consequences (associated with)	многочисленные вредные последствия, (связанные с)
severe health consequences	серьезные последствия для здоровья
heavy burden	тяжелая обуза
inevitable psychological as well as physical consequences	неизбежные психологические и физические последствия
physical harm	физический вред
psychological attack	психологическое воздействие
threatening behavior	угрозы, угрожающее поведение
as prescribed by law	как предписано законом
gender discrimination	половая дискриминация
to eliminate gender gaps	устранить дискриминацию по половому признаку
to be forced into	быть принуждаемым
to have a serious impact on...	иметь серьезное влияние на...



Debate: WHY IS THE DIVORCE RATE RISING SO FAST IN THE WORLD?

Give your own ideas on the following problems:

- (1) What is the state of the family in the twenty-first century?
- (2) Why is the divorce rate rising so fast in the world?
- (3) How has the liberation of women affected the family?
- (4) Do children make or break a marriage?
- (5) Is forcing a child to marry an immoral act?
- (6) What do you think about marriages organized by parents? Does it sometimes work?



QUOTATIONS FOR COMMON DISCUSSION

No nation is fit to sit in judgment upon any other nation.

Wilson

Necessity has no law.

Franklin

The oppression of any people for opinion's sake has rarely had any other effect than to fix those opinions deeper and render them more important.

Ballou



Debate: WHAT CAN REALLY BE DONE TO ELIMINATE CHILD MARRIAGE?

Give your own ideas on the following problems:

- (1) What age do you think is the most acceptable for marriage? Why?
- (2) What is the perfect age for:
 - leaving home?
 - starting work?

- maybe, changing work?
 - starting physical training and keeping fit?
 - beginning drinking alcohol?
 - falling in love?
 - having children?
 - quitting work?
 - having grandchildren?
- (3) Do you agree that education is the most effective in efforts to eliminate child marriage?
- (4) Is there such a phenomenon as «gender gaps in education» in your country?
- (5) Give your opinion about discrimination in general and give examples of it from your own life, or somebody you know, or from the books you have read.



CONNECTICUT FUNNY LAWS

Town records may not be kept where liquor is sold.

You can be stopped by the police for biking over 65 miles per hour.

It is illegal to dispose of used razor blades.

You cannot buy any alcohol after 9p.m. or on Sundays after noon on Sunday.

It is illegal to discharge a firearm from a public highway.

No one may use a white cane unless they are blind.

It is unlawful to walk backwards after sunset.

Only white Christmas lights are allowed for display.

You may not educate dogs.

It is illegal for a man to kiss his wife on Sunday.

It is illegal for fire trucks to exceed 25mph, even when going to a fire.



CREATIVE WRITING

Write an essay about the facts of abuse, neglect, bad treatment of children in modern society. Make use of the Internet and mass media. Share your ideas with your classmates, organizing a conference and giving your ways of finding the solutions to the problems being discussed.

Unit 5

POLICE AND THE PUBLIC

Task 1. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.

THE POLICE IN BRITAIN

The definition of policing

The word «police» means, generally, the arrangements made in all civilised countries to ensure that the inhabitants keep the peace and obey the law. The word also denotes the force of peace officers (or police) employed for this purpose.

In attaining these objects, much depends on the approval and co-operation of the public, and these have always been determined by the degree of esteem and respect in which the police are held. One of the key principles of modern policing in Britain is that the police seek to work with the community and as part of the community.

Origins of policing

The origin of the British police lies in early tribal history and is based on customs for securing order through the medium of appointed representatives. In effect, the people were the police. The Saxons brought this system to England and improved and developed the organisation.

This entailed the division of the people into groups of ten, called «tythings», with a tything-man as representative of each; and into larger groups, each of ten tythings, under a «hundred-man» who was responsible to the Shire-reeve, or Sheriff, of the County.



The tything-man system, after contact with Norman feudalism, changed considerably but was not wholly destroyed. In time the tything-man became the parish constable and the Shire-reeve the Justice of the Peace, to whom the parish constable was responsible. This system, which became widely established in the seventeenth and eighteenth centuries, comprised, generally, one unarmed able-bodied citizen in each parish, who was appointed or elected annually to serve for a year unpaid, as parish constable. He worked in co-operation with the local Justices in securing observance of laws and maintaining order. In addition, in the towns, responsibility for the maintenance of order was conferred on the guilds and, later, on other specified groups of citizens, and these supplied bodies of paid men, known as «The Watch», for guarding the gates and patrolling the streets at night.

In the eighteenth century came the beginnings of immense social and economic changes and the consequent movement of the population to the towns. The parish constable and «Watch» systems failed completely and the impotence of the law-enforcement machinery was a serious menace. Conditions became intolerable and led to the formation of the «New Police».

The world's first modern police force 1829

Robert Peel (1788—1850)



introduced the Metropolitan Police Act of 1829 and set up an organised police force for London, with 17 divisions, each with 4 inspectors and 144 constables. It was to be controlled from Scotland Yard, and answerable to the Home Secretary. This new force superseded the local Watch in the London area but the City of London was not covered. Sir Robert Peel had already established the Royal Irish Constabulary in 1812, and it had proved to be a great success.



Sir Robert Peel

They became known as «Peelers» and «Bobbies» after their founder, and wore a dark blue long coat and a tall hat which they could use to stand on to look over walls, a pair of handcuffs and a wooden rattle to raise the alarm. By the 1880s this rattle was replaced by a whistle.

Blue was chosen because it was the colour of the popular Royal Navy rather than red which was the army's colour and struck fear into the people because of the way soldiers had been used to smash protests. The only weapon was a truncheon.

Sir Robert Peel's NINE PRINCIPLES for the police

- (1) The basic mission for which the police exist is to prevent crime and disorder.
- (2) The ability of the police to perform their duties is dependent upon public approval of police actions.
- (3) Police must secure the willing co-operation of the public in voluntary observance of the law to be able to secure and maintain the respect of the public.
- (4) The degree of co-operation of the public that can be secured diminishes proportionately to the necessity of the use of physical force.
- (5) Police seek and preserve public favour not by catering to public opinion but by constantly demonstrating absolute impartial service to the law.
- (6) Police use physical force to the extent necessary to secure observance of the law or to restore order only when the exercise of persuasion, advice and warning is found to be insufficient.
- (7) Police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police; the police being only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence.
- (8) Police should always direct their action strictly towards their functions and never appear to usurp the powers of the judiciary.
- (9) The test of police efficiency is the absence of crime and disorder, not the visible evidence of police action in dealing with it.





ANSWER THE FOLLOWING QUESTIONS

1. What are the main objectives of the police?
2. What is important to obtain these objectives?
3. What do you know about tything-man system?
4. How did the system of parish constables work?
5. What was the meaning of the Metropolitan Police Act of 1829?
6. What is the most important in the Robert Peel's Principles?



COUPLE REPORT STOLEN POT TO POLICE

A Florida couple called police to report that someone broke into their home and stole their quarter-pound stash of marijuana and they needed it back because they planned to sell it! John Douglas Sheetz, 18, and Misty Ann Holmes, 17, were arrested for possession of marijuana with intent to deliver and possession of drug paraphernalia. «They're America's dumbest criminals,» said Lt. Ricky Ramie, head of the Bay County Sheriff's Office narcotics task force.

Task 2. Fill in the gaps with the words from the box and retell the whole text:

local government	provides
Greater	registration
responsibility	headquarters
gain	employees

THE ORGANIZATION OF THE POLICE FORCE

There is no national police force in Britain. All police ____ work for one of the forty or so separate forces which each have ____ for a particular geographical area. Originally, these were set up locally. Only later did central government ____ some control over them. It inspects them and has influence

over senior appointments within them. In return, it _____ about half of the money to run them. The other half comes from _____.

The exception to this system is the Metropolitan Police Force, which polices _____ London. The «Met» is under the direct control of central government. It also performs certain national police functions such as the _____ of all crimes and criminals in England and Wales and the compilation of the missing persons register. New Scotland Yard is the famous building which is the _____ of its Criminal Investigation Department (CID).



The system of justice in Great Britain

The system of justice in England and Wales, in both civil and criminal cases, is (as it is in North America) an adversarial system. In criminal cases there is no such thing as an examining magistrate who tries to discover the real truth about what happened. In formal terms it is not the business of any court to find out «the truth». Its job is simply to decide «yes» or «no» to a particular proposition (in criminal cases, that a certain person is guilty of a certain crime) after it has heard arguments and evidence from both sides.

The adversarial system is typical of common law countries. The alternative is an inquisitorial (accusatorial) system, which exists in most of the rest of Europe. Under that system, a judge plays the dominant role in collecting evidence before the trial. During the course of lengthy investigation, the judge will interview witnesses and inspect documents, and the final trial is often just to approve automatically the investigating judge's findings.

There are basically two kinds of court. More than 90% of all cases are dealt with in magistrates' courts. Every town has one of these. In them, a panel of magistrates (usually three) passes judgment. In cases where they have decided somebody is guilty of a crime, they can also impose a punishment. This can be imprisonment for up to a year, or it can be a fine, although if it is a person's «first offence» and the crime is not serious, they often impose no punishment at all.

Magistrates' courts are another example of the importance of amateurism in British public life. Magistrates, who are also known as Justices of the Peace (JPs), are not trained lawyers. They are just ordinary people of good reputation who have been appointed to the job by a local committee. They do not get a salary or a fee for their work (though they get paid expenses). Inevitably, they tend to come from the wealthier sections of society and, in times past, their prejudices were very obvious. They were especially harsh, for instance, on people found guilty of poaching (hunting animals on private land), even though these people sometimes had to poach in order to put food on

their families' tables. In modern times, however, some care is taken to make sure that JPs are recruited from as broad a section of society as possible.

Even serious criminal cases are first heard in a magistrate's court. However, in these cases, the JPs only need to decide that there is a *prima facie* case against the accused (in other words, that it is possible that he or she may be guilty). They then refer the case to a higher court. In most cases this will be a Crown court, where a professional lawyer acts as the judge and the decision regarding guilt or innocence is taken by a jury. Juries consist of twelve people selected at random from the list of voters. They do not get paid for their services and are obliged to perform this duty. In order for a verdict to be reached, there must be agreement among at least ten of them. If this does not happen, the judge has to declare a *mistrial* and the case must start all over again with a different jury. A convicted person may appeal to the Court of Criminal Appeal (generally known just as the Appeal Court) in London either to have the conviction quashed (i.e. the jury's previous verdict is overruled and they are pronounced «not guilty») or to have the sentence (i.e. punishment) reduced. The highest court of all in Britain is the House of Lords.

The duty of the judge during a trial is to act as the referee while the prosecution and defense put their cases and question witnesses, and to decide what evidence is admissible and what is not (what can or can't be taken into account by the jury). It is also, of course, the judge's job to impose a punishment (known as «pronouncing sentence») on those found guilty of crimes.



Task 3. Translate the following word combinations and sentences into English:

то, что он не носит оружие
отеческая манера поведения
подкреплен популярными телесериалами
не был совсем уж выдумкой
у каждого полицейского офицера
был свой участок
полностью доверять
с ростом количества автомобилей в обществе

не всегда вели себя по-прежнему
вежливо и успокаивающе
с облегчением увидели себя на
экране обычными людьми
не было явной фигуры врага, на
ком бы молодежь сосредоточила
чувства протеста.

- (1) Предполагаемый типичный британский полицейский из туристической брошюры носил странного вида шлем и не был вооружен.
- (2) Образ полицейского с отеческой манерой поведения был подкреплён телесериалами, но не был полной выдумкой.
- (3) Местность, которую надо было патрулировать полицейскому офицеру, называлась его участком.
- (4) Люди полностью доверяли знакомому местному полицейскому, чьё успокаивающее присутствие они ощущали на улицах.
- (5) С 60-х годов полицейские больше не патрулировали пешком или на велосипедах, они начали патрулировать на автомашинах в ответ на увеличившееся количество преступлений, связанных с использованием автомобилей.
- (6) Офицеры полиции перестали быть, как прежде, известными всем и больше не вели себя вежливо и успокаивающе, ведь они были людьми с реальными проблемами и неудачами.
- (7) Новое поколение не участвовало в войне, и ему не на чем было выместить чувство протеста, поэтому молодежь стала видеть в полицейских символ всего ненавистного в обществе.



IT MUST BE THE SHOES

It's amazing what some people will do for material things and it's also amazing how many of them are so prosecutable.

Police in Idaho arrested a hit and run suspect who was trying to escape after stealing a pair of shoes.

The suspect stole a pair of shoes from a house and tried to flee the scene.

He jumped into a vehicle and took off, then he hit a parked car and tried to flee the scene on foot. Police received another call from another home reporting that a man broke into their home bleeding and stole another pair of shoes. I'm starting to see a pattern here.

Police arrested the man and returned the shoes to their rightful owners. All seems right with the world again.

(1) accusatorial process	(a) a public officer concerned with the administration of law
(2) adversarial process	(b) 1) defendant's denial of the truth of the charge against him; 2) the defendant and his legal advisers collectively
(3) overrule	(c) the institution and conduct of legal proceedings against a person
(4) magistrate	(d) criminal procedure in which the prosecutor is distinct from the judge and the trial is conducted in public
(5) defense	(e) process when each side is responsible for putting their own case
(6) prosecution	(f) to rule or decide against (an argument, decision, etc.)



ANSWER THE FOLLOWING QUESTIONS

1. What is the difference between the adversarial and accusatorial court systems?
2. What do you know about lay magistrates?
3. Do you agree that Magistrates' courts are another example of the importance of amateurism in British public life?
4. What are the functions of the Crown court and the jury?



Task 5. (a) Translate the text into English:

В прошлом уголовное расследование было жестокой процедурой, когда полагались главным образом на показания свидетелей и признания, извлеченные под пыткой. В начале девятнадцатого столетия во Франции, например, воров ловили, полагаясь на информацию, полученную от тех, кто был вовлечен в преступление.

Первый шаг к современному пониманию расследования преступления был сделан в Великобритании. В 1829 г. в соответствии с законом о Лондонской полиции был учрежден всемирно известный отдел детективов Скотланд Ярда, который расследовал преступления как в Лондо-

не, так и в пределах Британской империи. Британский пример повлиял на развитие уголовного расследования в США, где по примеру Англии в больших городах были созданы свои полицейские управления.

В США уголовные расследования проводятся на муниципальном, государственном и федеральном уровнях. Проведению расследования помогает информация, полученная от людей, а также вещественные доказательства. Жертвы или свидетели все еще обеспечивают большую часть фактов относительно того, когда, где, как, почему и кем было совершено преступление.

(b) Translate the joke into English:

Звонок в дежурную часть:

- Здравствуйте, вы вчера присылали наряд по адресу: ул. Фестивальная, 3, кв.47?
- Да, имели место нарушения общественного спокойствия, громкая музыка...
- Слушайте, передайте им, пожалуйста, пусть еще раз заедут, забыли они тут фуражку, пистолет, да и фотки посмотрят, прикольные получились!



SAFETY FIRST

Four masked gunmen entered a bank in Jackson, Mississippi armed with automatic weapons and pulled a daring daylight heist. The bank's armed security guard didn't intervene to stop the robbery... because he was too busy hiding in the bank's bathroom. The guard told police that when he heard people in the bank screaming, he went into the bathroom and locked the door behind him. Jackson police declined to criticize the guard's actions, noting that he could have been killed if the robbers had seen him.

Useful Words and Expressions for Speech Practice	
a convict	отбывающий наказание (преступник); осужденный, заключенный; каторжник
to convict	осуждать, признавать виновным (в чем-либо — <i>of</i>); выносить приговор
give the authority	наделять полномочием (<i>for</i> ; с инф.)
to enforce (law)	(а) проводить в жизнь; придавать законную силу (какому-либо постановлению, указу и т.д.); (б) осуществлять, приводить в исполнение
to hold someone prisoners	держат кого-либо в тюрьме, держать под стражей
to send to trial	посылать, отправлять; отсылать, направлять в суд
poaching	браконьерство
vagrancy	бродяжничество
growing vagrancy problem	проблема растущего бродяжничества
jail	тюрьма
jailer	тюремщик
gallows	(1) (а) виселица (орудие наказания); (б) приговор к смерти через повешение
to be sent to the gallows	быть приговоренным к смертной казни через повешение; (2) (человек, достойный казни через повешение) висельник, преступник, негодяй
incarceration, imprisonment	заключение в тюрьму
decarceration	отбывание наказания вне стен тюрьмы
supervision in the community	надзор, наблюдение; заведование, контроль со стороны общества
short sentence prisoners	арестанты, отбывающие краткие сроки заключения
long sentence prisoners	арестанты, отбывающие длительные сроки заключения

to serve a life sentence	отбыть пожизненный срок тюремного заключения
to await trial	дожидаться, ждать, ожидать, поджидать судебное разбирательство; судебный процесс, суд
guilty	виновный (<i>of</i> — в чем-либо); преступный
to pass guilty verdicts	(а) принимать вердикт/решение присяжных заседателей о виновности (закон, резолюцию и т.п.) (б) быть принятым, быть одобренным (законодательным органом)
to plead guilty	признавать себя виновным
plead not guilty	не признавать себя виновным
free	свободный от чего-либо, не имеющий чего-либо, лишенный чего-либо
pardon	амнистия, помилование
to offer a free pardon	обещать полное прощение
decease free	свободный от болезней; без болезней
tightening	усиление
solitary confinement	одиночное заключение
to infect each other	заражать (тж. перен.; <i>with</i>) друг друга
incidence	сфера действия, охват; степень; процент, доля
insanity	безумие, умопомешательство
pass an act	принимать закон
prevent	предотвращать, предупреждать
magistrate	(1) судья (преим. мировой)
chief magistrate	first magistrate (2) (а) член городского магистрата (в Англии и Ирландии) (б) должностное лицо
to inspect the jails	проводить инспекцию тюрем; инспектировать, производить (о) смотр; обследовать
prison staff	штат тюремных служащих; служебный персонал тюрьмы

deterrence	1) сдерживание, препятствование; удержание (от враждебных, преступных или военных действий); 2) устрашение
the Secretary of State	министр (в Англии); государственный секретарь (в США)
high security prison	тюрьма строгого режима
young offenders institutions	учреждения для молодых преступников, преступников молодого возраста



Task 6. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law. Pay special attention to the words and word combinations a bold type.

FACTS FROM THE HISTORY OF PRISONS

Early British Prisons

As is known, the Romans introduced the first formal legal system in Britain. The laws were made by the government and enforced by the army. The Anglo Saxons used their family and friends to protect them and to punish wrongdoers. If someone broke the law it was seen as a crime against the whole community.

In 1166 Henry II ordered sheriffs to build jails in every county. Gradually imprisonment became an accepted punishment for crimes such as poaching, vagrancy and debt. By Tudor times most towns and cities had their own prisons and each county had its own prison controlled by sheriffs. Often the prisons were used as places where prisoners were held until they were sent to trial.

During the Tudor period, to control the growing vagrancy problem the idle poor were put into «Houses of Correction» and punished for their laziness.

In the late 1600»s and early 1700»s the countries population grew rapidly and with it the number of criminals increased. Juries were often reluctant to sentence criminals to the gallows and therefore they would not always pass guilty verdicts. One option was to offer criminals a pardon if they joined the army or navy. The other was transportation.

In 1777 John Howard reviewed British prisons and proposed that prisons should provide a healthy, disease free environment. He also suggested that jailers should not be allowed to charge prisoners.

The 1800s saw the introduction of new systems and a tightening of the prison regime. The «Silent and Separate Systems» were used either to keep a regime of silence or to keep prisoners in solitary confinement. The idea being prisoners could not infect each other with criminal ways. These methods were soon criticized with people citing the high incidences of insanity amongst prisoners.

Improvements

Improvements were made in 1815 when an act was passed to **prevent jailers from charging** prisoners. The state now paid jailers, while **magistrates were given the responsibility of inspecting the jails**. The Goals Act **changed** this in 1835 when it introduced prison inspectors to **advise local authorities**.

In 1850 the **Convict Service** was established which gave the **Secretary of State the authority to appoint Directors of Convict Prisons** who **took over the management** of the hulks, and of the prisons. By 1877 all **prison staff** were **salaried** and **commissioners stressed** that staff would be **selected on merit alone**.

The Prisons Act of 1878 **brought all prisons under the control** of the **national system run by the Prison Commission** and later the **Prison Department**. As a result, prison commissioners were **appointed** to inspect all prisons and **submit annual reports** on the prisons to Parliament.

The Act **led to the closure** of the worst prisons in the country and **set the tone** for the future by **adopting** John Howard's **principle** of prisons being for **reformation rather than punishment**. It was believed that **reformation and deterrence** should now be **the main objectives of prisons**.

Two alternatives were introduced. **Decarceration, which involved replacing prison sentences with supervision in the community**, and **Therapeutic incarceration, which reduced the penal elements of prisons**.

In 1919 prison **warders** were renamed prison officers. Separate confinement of prisoners was **abolished** in 1922 and soon over 400 voluntary teachers started work in prisons. Further improvements were made in 1935 when the first **staff-training course** was established at Wakefield Prison. The 1948 **Criminal Justice Act** recommended longer periods of imprisonment to allow time for training and rehabilitation of prisoners. As a result efforts were made to involve prison officers in the **reform of prisoners**. Today the **average prison population** is 74,000 and approximately 24,938 prison staff **oversees** them. Today there are five main types of prison in existence.

- The local prisons take those who are still **awaiting trial** or sentencing and other short sentence prisoners.

- The **young offenders institutions** for 15 to 20 years old inclusive.
- Women's prisons.
- Training prisons: some of them are open and hold long sentence prisoners approaching release.
- **High Security Prisons** house the country's most dangerous criminals. Many are **serving life sentences**.

In addition, for young criminals aged 10—18 there exist **local authority Care Homes** (secure and unsecure) where at the direction of the «Secretary of State», young people can be held.

Notes:

Tudor period	период правления династии Тюдоров
Houses of Correction	исправительные дома
join the army or navy	поступать на военную или военно-морскую службу
prison regime	тюремный режим
Silent and Separate Systems	система молчания и изоляции
to take over	принимать (должность и т.п.) от другого
to take over a business	принимать (на себя) руководство
hulk	обломки, развалины, остов, каркас (здания, автомобиля)
idle poor	неработающий, неиспользуемый, незанятый; праздный бедняк/и
to attach smb.'s salary	назначать кому-либо жалование
to select on merit	отбирать; подбирать на основании заслуг
Prison Commission	член комиссии по делам тюрем; тюремная комиссия
to submit annual reports	представлять на рассмотрение годовой отчет
therapeutic incarceration	заключение в тюрьму с исправительной целью
penal element	уголовный элемент; карательный; штрафной; наказуемый фактор
to abolish	аннулировать, отменять, упразднять, объявлять недействительным
rehabilitation	(а) реабилитация, восстановление в правах; (б) оправдание, восстановление доброго имени
reform of prisoners	исправление, корректирование, улучшение заключенных, арестантов, узников; арестованных
a warder	тюремный надзиратель; тюремщик
a training prison	тюрьма исправительного перевоспитания
prison population	заключенные
to house	вмещать, содержать
Criminal Justice Act	Закон об уголовном судопроизводстве
local authority Care Homes	попечительские дома, находящиеся в ведении местной администрации

Task 7. Match the English expressions with their Russian equivalents in the table:

(1) (.....) grow rapidly	(a) предлагать, советовать; выдвигать в качестве предположения или мотива
(2) (.....) increase	(b) предлагать (вещь, предмет, услугу);
(3) (.....) juries	(c) выбор, альтернатива, (возможный) вариант
(4) (.....) reluctant	(d) возрастать, увеличивать(ся); расти; усиливать(ся)
(5) (.....) option	(e) быстро расти, увеличиваться; усиливаться
(6) (.....) offer	(f) присяжные
(7) (.....) suggest	(g) делающий что-либо с большой неохотой, по принуждению; сопротивляющийся
(8) (.....) propose	(h) обозревать, осматривать; проверять
(9) (.....) review	(i) здоровый
(10) (.....) healthy	(j) предлагать; делать предложение; внести предложение

Task 8. Read the text again and copy the sentences that mean the following:

- (1) Как известно, римляне впервые ввели официальную правовую систему в Британии. Законы создавались правительством и проводились в жизнь армией.
- (2) У англо-саксов было принято прибегать к помощи семьи и друзей для самозащиты и наказания провинившихся.
- (3) Если кто-нибудь нарушал закон, это рассматривалось как преступление против всего сообщества.
- (4) В 1166 г. король Генри II приказал шерифам строить тюрьмы во всех графствах.
- (5) Постепенно тюремное заключение стало общепринятым наказанием за такие преступления, как браконьерство, бродяжничество и долги.
- (6) Часто тюрьмы использовались в качестве мест предварительного заключения, где арестованные содержались до их отправки в суд.

- (7) В период правления Тюдоров с целью регулирования проблемы растущего бродяжничества безработных бедняков помещали в исправительные дома и наказывали за лень.
- (8) В конце 1700-х и начале 1800-х годов население страны очень быстро росло, а с ним и увеличивалось количество преступников.
- (9) Присяжные неохотно приговаривали преступников к повешению и, следовательно, не всегда выносили обвинительные приговоры.
- (10) В 1850 г. была создана служба заключенных.
- (11) Эта служба предоставила министру внутренних дел полномочия назначать директоров тюрем для заключенных.
- (12) К 1877 г. весь служащий персонал тюрьмы стал получать зарплату.
- (13) Были назначены тюремные комиссары, которые обследовали все тюрьмы и предоставляли в парламент ежегодный отчет.
- (14) Этот закон привел к принятию принципа Хауэрда, который гласил, что тюрьмы предназначены скорее для исправления, чем для наказания.
- (15) Считалось, что исправление преступников и профилактика преступлений должны стать основной целью тюремного заключения.
- (16) Отбывание наказания вне стен тюрьмы означал замену приговора о тюремном заключении наблюдением в условиях обычного проживания.
- (17) Профилактическое помещение в тюрьму снижали факторы наказания в тюрьмах.
- (18) Изолированное содержание заключенных было отменено в 1922 г.
- (19) Дальнейшее совершенствование произошло в 1935 г.
- (20) Были предприняты попытки вовлечь тюремных офицеров в процесс исправления заключенных.
- (21) Сегодня среднее количество заключенных в тюрьмах составляет примерно 740000.
- (22) Сегодня существуют пять основных типов тюрем.
- (23) В тюрьмах строгого режима содержатся наиболее опасные преступники страны.
- (24) Многие из них отбывают сроки пожизненного заключения.
- (25) Находящиеся в ведении местных властей попечительские дома предназначены для малолетних преступников.



Task 9. Translate the following sentences into English:

- (1) Одной из альтернатив было помилование преступников, если они поступят на военную или военно-морскую службу.
- (2) Другим предложением была ссылка.
- (3) В 1777 г. Джон Хауэрд провел ревизию британских тюрем.
- (4) Он предложил создавать в тюрьмах здоровую обстановку без болезней.
- (5) Он также предложил, чтобы тюремщикам не разрешалось взимать плату с заключенных.
- (6) 1800-е годы стали свидетелями новой системы и ужесточения тюремного режима.
- (7) За этим стояла идея предотвращения заражения заключенных преступным поведением.
- (8) Вскоре эти методы подверглись критике.
- (9) Оппоненты цитировали данные о высоком уровне безумия среди заключенных.
- (10) Улучшения наступили в 1815 г., когда был принят закон, препятствовавший взиманию платы с заключенных со стороны тюремщиков.
- (11) Теперь государство платило тюремщикам зарплату.
- (12) Должностным лицам было поручено инспектировать тюрьмы.
- (13) В 1835 г. Гоалз акт ввел должность тюремного инспектора, который должен был консультировать местные власти.
- (14) Директор тюрьмы взял на себя управление тюрьмой и всем тюремным хозяйством.
- (15) В 1919 г. тюремные надзиратели стали называться тюремными офицерами.
- (16) После 1922 г. свыше 400 учителей-добровольцев стали работать в тюрьмах.
- (17) Закон об уголовном производстве 1948 года рекомендовал увеличить сроки тюремного заключения.
- (18) Увеличение сроков тюремного заключения предоставляло заключенным время для обучения и реабилитации.

- (19) В местных тюрьмах содержатся те, кто ожидает суда или приговора.
- (20) В тюрьмах исправительного перевоспитания содержатся заключенные, приговоренные к длительным срокам, которые подходят к концу.

Task 10. Match the English expressions with their Russian equivalents in the table:

(1) training	включающий, содержащий
(2) staff-training course	по указанию, по распоряжению
(3) to allow time	подходить, приближаться
(4) to make efforts	близко, около, почти, приближенно, приблизительно
(5) average	предпринимать усилия
(6) approximately	средний
(7) inclusive	вдобавление, к тому же, сверх, кроме того
(8) to approach	предоставлять время, давать время
(9) in addition	служба подготовки персонала
(10) at the direction of	обучение



ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT

- What is the text about?
- Who introduced the first legal system in Britain?
- When were the first prisons ordered to build?
- Who controlled the prisons during Tudor times?
- What crimes was the imprisonment an accepted punishment for?
- What options were offered to the guilty in the early 1700-s?
- What did John Howard propose in 1777?
- What did the «tightening of prison regime» consist in?
- What was the cause of the improvements in British prisons in the 19-th century?
- What kind of improvements took place within 1815—1850?
- Who was the author of the main prison reforms?
- What was the responsibility of the Prison Department?

13. What principles to run the prisons were adopted as a result of Howard's efforts?
14. What were the objectives of longer periods of imprisonment in 1948?
15. Are there any prisons for women?
16. What improvements were made in British prisons in the 20-th century?
17. What kind of title would you give to the text?



Read and translate the legal anecdotes:

LAWYER'S DOG

A lawyer's dog, running around town unleashed, heads for a butcher shop and steals a roast. The butcher goes to the lawyer's office and asks, «if a dog running unleashed steals a piece of meat from my store, do I have a right to demand payment for the meat from the dog's owner?» The lawyer answers, «Absolutely.» «Then you owe me \$12.00. Your dog was loose and stole a roast from me today.» The lawyer, without a word, writes the butcher a check as \$12.00. The butcher, having a feeling of satisfaction, leaves. Three days later, the butcher finds an invoice from the lawyer, demanding \$150.00 as a consultation fee.

NUT DISPUTE

Two little squirrels were walking along in the forest. The first one spied a nut and cried out, «Oh, look! A nut!» The second squirrel jumped on it and said, «It's my nut!» The first squirrel said, «That's not fair! I saw it first!» The second squirrel said «Well, you may have seen it, but I have it». At that point, a lawyer squirrel came up and said, «You shouldn't quarrel.» «Let me resolve this dispute.» The two squirrels nodded, and the lawyer squirrel said, «Now, give me the nut.» He broke the nut in half, and handed half to each squirrel, saying, «See. It was foolish of you to fight. Now the dispute is resolved.» Then he reached over and said, «And for my fee, I'll take the meat.»

THE WHOLE TRUTH

The attorney was briefing his client, who was about to testify in his own defense. «You must swear to tell the complete truth. Do you understand?» The client replied that he did. The attorney then asked, «Do you know what will happen if you don't tell the truth?» The client looked back and said, «Yes, we might be able to win.»

Task 11. Test your criminal slang. Read the conversation, and use the context to match the underlined words to the definitions in the box.

(a)

to nick = to arrest to blag = to hold up, to rob using weapons to grass = to inform the police a nark = an informer inside = in prison a brief = a lawyer hot = stolen a fence = a buyer of stolen property a mug = a person who is easily deceived a screw = a prison guard bent = corrupt

- Have you heard about Johnny? He's been nicked.
- You're joking. What happened?
- He was blagging a bank with his brother and somebody grassed on them.
- Who is the nark?
- Who knows? Henry's got a lot of enemies.
- What did he get?
- Nine years.
- Nine years inside! But you said he had a good brief!
- Well, he thought he did.
- Where's he going to do it?
- Isle of Wight.
- Oh no. The screws in there are the worst in the world.

(b)

- At one time I had 80 people selling heroin in clubs around the city.
- Really? Didn't you have any problem with the law?
- No, they were all bent in those days. A bit of cash every month and they were happy.
- Why did you open the supermarkets?
- Originally it was a way to launder the drugs money. In the end it became more interesting to be legitimate.

(c)

- So, what have you got for me?
- Rolex watches. Three hundred of them.

- Are they hot?
- What do you think? Would I come to a fence like you with them if they weren't?
- Leave them with me tonight and I'll give you a price for them in the morning.
- Leave it out. Do I look like a mug?
- Sorry?
- I'm surprised at you, trying a scam like that. I wasn't born yesterday. I want a price now.



DELAWARE FUNNY LAWS

It is illegal to fly over any body of water, unless one is carrying sufficient supplies of food and drink.

You may not sell dead people for money without a license.

It shall be unlawful for any person to sleep, lie or loiter on, or occupy as a sleeping quarter or under the guise of pretending to sleep, on any part of the public beaches

No vehicle will be used as a picnic facility, which means no standing or sitting and eating or drinking on any street or highway.

It is illegal to wear pants that are «firm fitting» around the waist.

No person shall change clothes in his or her vehicle.

On Halloween, children may only «trick-or-treat» from 6:00 PM to 8:00 PM, and if Halloween falls on a Sunday, they must «trick-or-treat» on October 30 during this same time interval.

One may not whisper in church.

No person shall pretend to sleep on a bench on the boardwalk.

Changing into or out of a bathing suit in a public restroom is prohibited.

Six-year-old girls may not run around without being fully clothed.

Alcohol may not be served in nightclubs if dancing is occurring on the premises at the same time.



CREATIVE WRITING

As we all know the police system in Russia is not perfect. Its work is being discussed in different ways now. Imagine you are a legislator and responsible for the good organization of the police work. Give your ideas on this problem in writing and share your opinion with your classmates.

Appendix 1

Приложение 1

Case Study

Изучение материалов судебных дел



CASE I. Detention of an Unaccompanied Five Year Old Child

FACTS

(a) Study the text below, making sure you fully comprehend it:

The Belgian authorities **apprehended** a five-year-old child at Brussels airport who was traveling from the Democratic Republic of Congo with her uncle without the necessary **travel papers**. The purpose of the journey was for the child, whose father had disappeared, **to rejoin** her mother who **had obtained refugee status** in Canada. The child **was detained** in a **transit centre for adults**, and a decision was taken **refusing her entry** into Belgium and ordering her **removal**. The judge **held** that the child's detention was **in-compatible with the Convention of the Rights of the Child** and ordered her **immediate release**. The following day the child was **deported to** the Democratic Republic of Congo. She **was accompanied** to the airport by a **social worker** and **looked after** in the plane by an **in-flight attendant**. No members of her family were waiting for her when she arrived.

Notes:

to detain	задерживать, арестовывать; брать под стражу
transit centre	центр временного пребывания
to refuse entry	отказывать во въезде
to apprehend	арестовывать, задерживать
travel papers	проездные документы
refugee status	статус беженца
Convention of the Rights of the Child	Конвенция по правам ребенка
in-flight attendant	обслуживающий персонал самолета; стюард

(b) Read the text again and copy the sentences that mean the following:

- (1) Бельгийские власти задержали пятилетнего ребенка в аэропорту в Брюсселе.
- (2) Ребенок ехал из Конго со своим дядей без документов, необходимых для проезда из зарубежных стран.
- (3) Целью путешествия ребенка было воссоединение с матерью.

- (4) Ее мать получила статус беженки в Канаде.
- (5) Ребенок содержался в центре временного пребывания взрослых.
- (6) Было принято решение об отказе ей во въезде в Бельгию и ее перемещении.
- (7) На следующий день ребенка депортировали в Конго.

(c) Give English equivalents to the following sentences:

- (1) Когда она прибыла, никто из членов ее семьи не ждал ее в аэропорту.
- (2) В самолете за ней присматривали члены экипажа.
- (3) В аэропорт ее сопровождал социальный работник.
- (4) Судья посчитал, что задержание ребенка несовместимо с Конвенцией по правам ребенка.
- (5) Судья приказал, чтобы ее немедленно выпустили.



ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT

1. Where did the events happen?
2. Who was the defendant?
3. What was the decision of the judge?
4. Was the decision put into practice?
5. What finally happened to the defendant?

LAW: THE CHILD'S DETENTION

(d) Study the text below, making sure you fully comprehend it:

The child, **unaccompanied by her parents**, had been detained for two months in a centre intended for adults, with no **counseling** or **educational assistance** from a **qualified person specially mandated for that purpose**. The care provided to her had been **insufficient to meet her needs**. **Owing to her very young age**, the fact that she was an **illegal alien** in a foreign land and the fact that she was unaccompanied by her family, the child was in an extremely **vulnerable situation**. However, no **specific legal framework** existed governing the situation of **unaccompanied alien minors**. Although the authorities **had been placed in a position to pre-**

vent or remedy the situation, they had failed to take adequate measures to discharge their obligation to take care of the child. Her detention demonstrated a lack of humanity and amounted to inhuman treatment.

Conclusion: Violation in respect of the child.

Notes:

educational assistance	опекунская поддержка
insufficient to meet her needs	недостаточный; несоответствующий, неподходящий; неудовлетворительный; неполный (for; in) для удовлетворения потребностей
owing to her very young age	из-за ее младенческого возраста
inhuman treatment	нечеловеческое обращение
violation	грубое нарушение
counseling	юридическая поддержка; делать юридическое заключение; давать юридическую оценку ситуации
qualified person specially mandated for that purpose	квалифицированный специалист, специально назначенный для этой цели
illegal alien	незаконный иммигрант
alien minor	иностранец несовершеннолетний (ребенок)
vulnerable situation	уязвимая, ранимая ситуация
specific legal framework	1) структура права 2) правовая структура, система (государства, общества) 3) правовые рамки, пределы
to discharge, to fulfill, to meet an obligation	выполнять, исполнять долг
legal obligation	правовая обязанность
care provided	предоставленн/ая/ый забота; уход
to prevent or remedy the situation	предотвратить или исправить ситуацию
failed to take adequate measures	не сумели принять адекватные меры
lack of humanity	отсутствие человечности
amount	быть равным, равнозначным; означать (to)

(e) Read the text again and copy the sentences that mean the following:

- (1) Ребенок не сопровождался родителями.
- (2) Предоставленная ей забота была недостаточной для удовлетворения ее жизненных потребностей.
- (3) Из-за своего младенческого возраста ребенок находился в чрезвычайно уязвимой ситуации.

- (4) Однако в рамках закона не существует специальных правил по регулированию ситуаций, когда иностранные несовершеннолетние находятся без сопровождения.
- (5) Ее задержание продемонстрировало отсутствие гуманности и равнозначно бесчеловечному обращению.

(f) Copy the sentences, containing the following Past Participle structures in the function of attributes or participial constructions. Translate them into Russian.

unaccompanied by her parents
centre intended for adults
qualified person

mandated for that purpose
care provided
unaccompanied alien minors



ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT

1. What does the law say about the child's detention?
2. What did the child lack during her detention?
3. In what way does the Court qualify the lack of vital needs?
4. What could the authorities do to avoid the situation?
5. What is the Court's decision?

WHAT DOES THE LAW SAY?

(g) Study the text below, making sure you fully comprehend it:

Article 3. (a) **Distress and anxiety of the mother** as a result of her daughter's detention. The only action taken by the Belgian authorities had been to inform the mother that her daughter had been detained and **to provide her** with a telephone number where she **could be reached**.

Conclusion: violation in respect of the mother **on account of** her daughter's detention.

(b) **The Child's deportation**. The authorities **had not taken steps to ensure** that the child would **be properly looked after** before and during the flight or on her arrival, or had regard to the real situation she **was likely to encounter on her return**. Her removal amounted to inhuman treatment; in deporting her, the State had **violated** its **positive obligation** to **take the**

requisite measures and precautions. The authorities had not troubled to **advise** the mother of her daughter's deportation and she had learned of it only after the **event**.

Conclusion: violation in respect of both applicants.

Notes:

positive obligation — а) гарантия, обязательство; to undertake obligations, assume obligations — принимать обязательства, синонимы: duty, function, office, responsibility, антонимы: right; б) обязанность; долг — to feel an obligation — чувствовать себя обязанным, moral obligation — моральный долг, social obligation — общественный долг, family obligations — семейные обязанности, obligation to one's parents — долг перед родителями;

to take precautions against smth. — принять меры предосторожности против чего-либо;

necessary precaution — необходимая мера предосторожности

(h) Read the text again and copy the sentences that mean the following:

- (1) Единственное действие, предпринятое бельгийскими властями, состояло в информировании матери о задержании дочери.
- (2) Власти предоставили матери номер телефона, по которому можно связаться с дочерью.
- (3) Власти не предприняли меры по обеспечению надлежащего ухода за ребенком.
- (4) Власти не приняли во внимание ту реальную ситуацию, с которой она могла столкнуться по возвращении.
- (5) Власти не удосужились уведомить мать о депортации дочери.

(i) Translate the following sentences into English:

- (1) Это является нарушением в отношении обоих заявителей.
- (2) Мать испытала горе и страх в результате задержания ее несовершеннолетней дочери.
- (3) Высылка ребенка означает нечеловечное к ней отношение.
- (4) Государство нарушило свою реальную обязанность предпринять необходимые меры предосторожности.



ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT

- (1) What violations are discussed in Text 3?
- (2) What law regulates the rights of children?
- (3) What were the authorities' wrongs in respect of the mother?
- (4) What were the authorities' wrongs in respect of the child?
- (5) What was the European Court decision in respect of both mother and daughter?

LEGAL ARTICLES QUOTATIONS

(i) Study the text below, making sure you fully comprehend it:

Article 8

Both applicants had been subjected to disproportionate interference with their right to respect for their family life as a result of the child's detention and the circumstances of her deportation.

Conclusion: violation in respect of both applicants.

Article 5(1)

The child had been detained under a law which contained no provisions specific to minors, in a centre intended for adults and thus unsuited to her extremely vulnerable situation. Her right to liberty had not been adequately protected.

Conclusion: violation in respect of the child.

Article 5(4)

The child had been deported without regard to the fact that she had lodged an application for release, which had been granted. The application had therefore been rendered ineffective.

Conclusion: violation in respect of the child.

Article 41.

The Court awarded the applicants EUR 35,000 for non-pecuniary damage.

Notes:

right to liberty
under a law

право на свободу
по закону, в соответствии с законом

pecuniary	(выражаемый в деньгах, исчисляемый деньгами) а) денежный, финансовый, монетарный; б) облагаемый штрафом
non-pecuniary	невыражаемый в деньгах, неисчисляемый деньгами; необлагаемый штрафом
to subject	подвергать (воздействию, влиянию и т.п.; to)
disproportionate	несоразмерный, непропорциональный (to)
interference	а) вмешательство (in, with)
unsuited	неподобающий, неподходящий
without regard to	не принимая во внимание (to — что-либо), не придавая значения (to — чему-либо); безотносительно (to — чего-либо)
to lodge an application	а) подавать (жалобу, прошение и т.п. — with, in) б) предъявлять (обвинение)
to grant	удовлетворить (чью-либо просьбу, запрос)
to render ineffective	делать безрезультатным, не производящим или не достигающим эффекта; бесплодным; недействительным, не имеющим силы

(k) Read the text again and copy the sentences that mean the following:

- (1) Оба заявителя были подвергнуты необоснованному вмешательству в их права на уважение частной семейной жизни.
- (2) Обстоятельства ее депортации являются нарушением ее прав на свободу.
- (3) Ее право на свободу не было защищено соответствующим образом.
- (4) Она подала заявление об освобождении.
- (5) Заявление было удовлетворено.



ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT

1. How many articles are involved in the case in question?
2. What do they say?
3. What is the decision of the European Court of Human Rights?
4. What is your opinion about the situation?



CASE II. Information in language understood

Useful Words and Expressions for Speech Practice	
to convict	осуждать, признавать виновным, выносить приговор
to be convicted	быть осужденным, быть признанным виновным в чем-либо, быть приговоренным
convict	отбывающий наказание (преступник), осужденный, заключенный; каторжник
to impose a sentence enforcement	выносить приговор принудительное применение; правоприменение; принудительное проведение в жизнь; принуждение к выполнению требований
order	приказ, приказание, распоряжение, предписание
enforcement order	постановление; исполнительный лист
to be tried <i>in absentia</i>	быть судимым заочно (<i>in absentia Lat.</i> — в отсутствие)
Prosecutor's office	прокуратура
official counsel	официальный адвокат/защитник
to extradite	выдавать (арестованного другому государству), экстрадировать
to serve smb with smth	вручать что-либо кому-либо
legal classification	юридическая классификация
charge (s) against smb	обвинение (я) против кого-либо
pertinent articles	соответствующие статьи
criminal proceedings	судебное разбирательство
to give ground to	давать повод кому-либо
case file	материалы дела
the wording	редакция; форма выражения, формулировка
provision	положение, условие (договора и т.п.); постановление

FACTS

(a) Study the text below, making sure you fully comprehend it:

The applicant was convicted in absentia in Italy and sentenced to life imprisonment. The prosecutor's office subsequently issued an enforcement order, ordering the applicant's arrest and appointing official counsel for him. The applicant was arrested in Greece and extradited to Italy. On his arrival in Italy, the authorities served him with a copy of the enforcement order. As the applicant was a Yemeni national, an interpreter was instructed to interpret the content of the document into Arabic for him. The document stated the day of the judgment by which the applicant had been found guilty, the sentence imposed and the legal classification of the charges, and referred to the pertinent articles of the Criminal Code and the other relevant texts. The applicant complained that there was no written translation into Arabic of the enforcement order and applied unsuccessfully to have it set aside. He argued that he had been unable to understand the content of the order served to him, and had thus been unaware of his rights in Italy, which had deprived him of the option of applying for a reopening of the criminal proceedings.

Notes:

sentence	приговор, осуждение, обвинительное заключение; наказание, мера наказания; выносить приговор, приговаривать
to find guilty	признать виновным
interpreter	переводчик (устный)
to interpret	переводить (устно)
relevant (texts)	релевантный, соответствующий
to have smth set aside	юр. отменять, аннулировать
to argue	аргументировать, приводить доводы, доказывать, утверждать
to be aware	знать, осознавать, отдавать себе отчет
to deprive smb of smth	отбирать, отнимать, лишать
option	выбор, альтернатива, вариант; право выбора, свобода выбора
to instruct	информировать, сообщать; знакомить с материалами дела, поручать (адвокату) ведение дела
judgment	судебное разбирательство, процесс; приговор, решение, заключение суда

(b) Read the text again and copy the sentences that mean the following:

- (1) Заявитель в Италии был заочно осужден и приговорен к пожизненному тюремному заключению.
- (2) В соответствии с этим прокуратура вынесла постановление с приказом об аресте просителя и о назначении ему официального адвоката.
- (3) Заявитель был арестован в Греции и экстрадирован в Италию.
- (4) Когда он прибыл в Италию, власти вручили ему копию постановления.
- (5) Поскольку заявитель являлся гражданином Йемена, переводчику было поручено перевести содержание документа на арабский язык специально для него.
- (6) В документе сообщалось о дате судебного разбирательства, которое признало его виновным, о вынесенном приговоре, о юридической классификации предъявленных ему обвинений и содержались ссылки на соответствующие статьи уголовного кодекса и другие относящиеся к делу юридические документы.
- (7) Заявитель жаловался на отсутствие письменного перевода постановления на арабский язык и безуспешно ходатайствовал о его отмене.
- (8) Он аргументировал это тем, что был не в состоянии понять содержание предъявленного ему постановления и, следовательно, не был осведомлен о своих правах в Италии, что лишило его возможности обратиться с просьбой о возобновлении уголовного расследования.

(c) Translate the following sentences into English:

- (1) Гражданин Йемена был приговорен к пожизненному заключению в Италии.
- (2) Заявитель жаловался на отсутствие письменного перевода постановления на арабский язык.
- (3) Власти вручили ему копию постановления суда.
- (4) Это лишило его возможности обратиться с просьбой о возобновлении уголовного расследования.
- (5) В документе сообщалось о дате судебного разбирательства.



ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT:

1. What is the case about?
2. What is the applicant in the case in question?
3. What problem did he encounter under the situation in question?
4. What did the applicant complain of?
5. What were his arguments?
6. What do you think about the situation?

WHAT DOES THE LAW SAY?

(d) Study the text below, making sure you fully comprehend it:

INADMISSIBLE UNDER ARTICLE 6(3)(A) AND (B)

The Court pointed out that Article 6(3)(e) did not go so far as to require a written translation of any documentary evidence or official paper from the case file, and noted that the wording of the provision in question referred to an «interpreter» rather than a «translator». This gave ground to consider that oral linguistic assistance could satisfy the Convention's requirements. Nevertheless, the interpretation provided was to be such as to enable the defendant to have knowledge of the case against him and to defend himself, notably by being able to put his version of events to the court.

In the present case, since the applicant has been untraceable at the time of his trial, he had learned of the accusations against him when he was served with the enforcement order. On that occasion he had been assisted, free of charge, by an Arabic interpreter. There was no evidence that the latter's interpretation had been or otherwise ineffective. Indeed, the applicant had not challenged the quality of the interpretation, which could have led the authorities to believe that he had understood the content of the document in issue.

Notes:

admissible	1) позволительный, возможный, допустимый, приемлемый; юрид. 2) имеющий право быть принятым
inadmissible	недопустимый, неприемлемый; не имеющий права быть принятым

issue	предмет тяжбы; проблема, составляющая предмет рассмотрения
translator	переводчик (выполняющий перевод письменно)
in question	данный
notably	1) исключительно, особенно, в особенности, больше всего 2) весьма, заметно, очень, сильно

(e) Copy the sentences that mean the following:

- (1) Суд указал, что в статье не содержится требование о необходимости письменного перевода каких-либо документов из материалов дела.
- (2) Это дало основание считать, что устная лингвистическая помощь соответствует требованиям Конвенции.
- (3) Суд отметил, что в этой редакции данного положения содержится ссылка скорее на устного, а не на письменного переводчика.
- (4) Предоставленный перевод должен был дать возможность обвиняемому ознакомиться с делом и защищаться.
- (5) Заявитель не высказывал претензий в отношении качества перевода, что, вероятно, привело к тому, что власти считали, что он понял содержание документа, являющегося предметом рассмотрения.

(f) Translate the following sentences into English:

- (1) Он мог защищаться, особенно потому, что имел возможность изложить свою версию событий в суде.
- (2) Не было никаких признаков того, что его перевод является безрезультатным.
- (3) Поскольку заявитель оказался недоступным во время проведения суда, он узнал об обвинениях против него лишь тогда, когда ему вручили постановление.



ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT

1. What did Article 6 say about?
2. What were the main provisions of the Article?

3. What kind of linguistic assistance was offered to the defendant?
4. Was the defendant satisfied with the interpretation?
5. What did the defendant complain about?
6. What is the opinion of the Civil Rights European Court?

CONCLUSION

(g) Study the text below, making sure you fully comprehend it:

Through the information contained in that document, the applicant had received, in a language he understood, sufficient information concerning the charges against him and the penalty imposed. He could then have consulted his officially-appointed counsel, whose name had been cited in the document, with a view to ascertaining the steps to be taken in order to appeal against the conviction and to prepare his defense in relation to the offences with TAS which he had been charged.

Thus, even supposing that Article 6 was applicable to proceedings to set aside the serving of an enforcement order, the application was in any event manifestly ill-founded.



ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT

1. What are the main issues of the conclusion?
2. In what way did the EC qualify the defendant's application?
3. What is your opinion of the situation?

(h) Copy the sentences that mean the following.

- (1) Благодаря информации, содержащейся в этом документе, проситель получил на языке, который он понимает, достаточно информации, касающейся выдвинутых против него обвинений и назначенного наказания.
- (2) В то время он имел возможность посоветоваться с официально назначенным ему адвокатом, имя которого было обозначено в документе с тем, чтобы установить (определить) шаги, которые необходимо предпринять для того, чтобы опротестовать

приговор и подготовить свою защиту в отношении преступлений, в которых его обвинили.

- (3) Следовательно, даже если предположить, что статья 6 применима к делу об аннулировании вручения решения суда, в любом случае заявление было явно необоснованным.

(i) Copy the sentences, containing the following participles functioning as attributes. Translate them into Russian:

- *information* contained in that document
- information concerning the charges against him
- penalty imposed
- officially-appointed counsel

(j) Translate the following Russian sentences into English paying attention to the translation of Participle I and the Infinitive. Make use of the corresponding English version from the box.

concerning the charges	to prepare his defense
steps to be taken	supposing that
in order to appeal	proceedings to set aside the serving

- (1) Проситель получил достаточно информации, касающейся выдвинутых против него обвинений.
- (2) Он имел возможность определить шаги, которые необходимо предпринять.
- (3) Это было необходимо, чтобы опротестовать приговор.
- (4) Даже если предположить, что статья 6 здесь применима, заявление плохо аргументировано.
- (5) Эта статья не относится к процедуре аннулирования решения суда.



ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT

1. What are the main issues of the conclusion?
2. In what way did the EC qualify the defendant's application?
3. What is your opinion of the situation?



Case III. RIGHT TO RESPECT FOR ONE'S PRIVATE LIFE

COUNCIL OF EUROPE. EUROPEAN COURT OF HUMAN RIGHTS. Information note № 95 on the case-law of the Court, March 2007, Pages 18—19.

FACTS

(a) Study the text below, making sure you fully comprehend it:

A woman was attacked and her handbag stolen. The police arrested A.M. and **took him into custody**. Under the **Code of Criminal Procedure (the CCP)** a District Court judge ordered the **surveillance** and recording of calls made on the **applicant's** mobile telephone. A.B., a girlfriend of A.M., arranged to meet the applicant. She **was fitted** by the police **with a listening device** hidden under her **clothing**. In the course of their recorded conversation, this applicant **admitted** that he had organized the robbery with A.M. The police **dismissed** the applicants **request to exclude** the recording of the conversation from the **case file**, **noting** that it had been made in accordance with the law and with the **consent** of A.B. The City Court **found the applicant and A.M. guilty of** robbery and sentenced them to nine years imprisonment, whilst they **protested** their **innocence**. The court based its judgment on various **testimony** and documents, but one of the most important **items of written evidence** was the list of the telephone calls on the mobile phones of the two defendants. **A transcription of the conversation** between A.B. and the applicant was described as **crucial evidence** but was not the **sole** evidence against them. **In response to** the applicant's plea that this evidence was **unlawful**, the court **observed** that A.B. had **consented** to the fitting of the listening devices and that, under the CCP, anything capable of shedding light on a criminal case could be used in evidence. The High Court **dismissed appeals** against the **judgment at the first instance**, **confirming** that the **previous findings** were correct. The applicant also **lodged a constitutional appeal**, **arguing** that the production of the recording of his conversation with A.B. and its use as evidence, incriminating the applicant before he had been **notified of any charge**, had **breached** articles 6 and 8 of the Convention. The telephone company informed A.M. that the list of telephone calls had been produced

at the request of the authorities in connection with a criminal investigation, under a provision of the CCP. It further referred to the provision from the Telecommunications Act. The Constitutional Court dismissed the applicant's appeal, **holding, among other considerations**, that the courts have convicted him on the basis of various evidence which had been lawfully **obtained and assessed**. As to the use of the listening and recording device hidden on A.B., the Constitutional Court agreed with the High Court that it was not a **prohibited measure** under the CCP. It considered, however, that the recording should not have been used in evidence in the **criminal proceedings**, but that it did not **render unconstitutional** the decisions adopted in those proceedings as the applicant's conviction had been based on a number of items of evidence. The Court declared **manifestly ill-founded** a constitutional appeal by A.M.

Notes:

applicant	проситель, ходатай, податель петиции; заявитель
surveillance	надзор, наблюдение (за подозреваемым в чем-либо)
listening device	прослушивающее устройство
case file	материалы дела
transcription	запись
findings	полученные данные, добытые сведения
to incriminate	инкриминировать, обвинять в преступлении (in), возлагать вину
to breach	нарушать (закон, моральные или материальные обязательства и т.п.)
plea	заявление, сделанное в суде одной из сторон
to shed light	проливать свет на (что-либо)

(b) Read the text again and copy the sentences that mean the following:

- (1) Полиция арестовала А. М. и взяла его под стражу.
- (2) Судья районного суда распорядился вести надзор за подозреваемым и записывать его переговоры по мобильному телефону.
- (3) Полиция установила прослушивающее устройство под одеждой подружки А.М.
- (4) Этот проситель признался, что он организовал это ограбление вместе с А.М.

- (5) Городской суд признал просителя и А.М. виновными в ограблении и приговорил их к девяти годам тюремного заключения.

(c) Give Russian equivalents of the following sentences:

- (1) The court based its judgment on various **testimony** and documents, but one of the most important **items of written evidence** was the list of the telephone calls on the mobile phones of the two defendants.
- (2) **In response to** the applicant's plea that this evidence was **unlawful**, the court **observed** that A.B. had **consented** to the fitting of the listening devices and that, under the CCP, anything capable of shedding light on a criminal case could be used in evidence.
- (3) The High Court **dismissed appeals** against the **judgment at the first instance, confirming** that the **previous findings** were correct.
- (4) The applicant also **lodged a constitutional appeal, arguing** that the production of the recording of his conversation with A.B. and its use as evidence, incriminating the applicant before he had been **notified of any charge**, had **breached** articles 6 and 8 of the Convention.
- (5) The telephone company informed A.M. that the list of telephone calls had been produced **at the request of** the authorities **in connection with** a criminal investigation, **under a provision** of the CCP.

(d) Fill in the gaps with appropriate words:

The Constitutional Court dismissed _____ applicant's appeal, holding, among _____ considerations, that the courts _____ convicted him on the _____ of various evidence which _____ been lawfully obtained and _____. As to the use, _____ the listening and recording _____ hidden on A.B., the _____ Court agreed with the _____ Court that it was _____ a prohibited measure under _____ CCP. It considered, however, that _____ recording should not have _____ used in evidence in _____ criminal proceedings, but that _____ did not render unconstitutional _____ decisions adopted in those _____ as the applicant's conviction _____ been based on a _____ of items of evidence _____. Court declared manifestly ill-founded _____ constitutional appeal by A.M.

(e) Match the English expressions with their Russian equivalents in the table:

(1) to notify of a charge	(a) отдельный предмет письменных доказательств
(2) under a provision of	

(3) the Code of Criminal Procedure (the CCP)	(b) принять решение
(4) item of written evidence	(c) подать апелляцию в соответствии с конституцией
(5) to dismiss a request	(d) уведомлять о предъявляемом обвинении
(6) in response to	(e) безосновательный, необоснованный
(7) to lodge a constitutional appeal	(f) отклонять просьбу
(8) in connection with	(g) по/согласно положению, постановлению
(9) to adopt a decision	(h) в ответ на
(10) ill-founded	(i) кодекс, свод законов (государства) об уголовном процессе
	(j) в связи с чем-либо



ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT

1. How many persons are involved in the case as a defendant party?
2. How many persons committed the crime?
3. Where did the convicts appeal the Court's decision?
4. What did the convicts protest?
5. What was the High Court's decision?
6. What do you think the law says on the case?

LAW AND RELEVANT ARTICLES QUOTATIONS

(f) Study the text below, making sure you fully comprehend it:

Article 8. The use of the **extract** from the list of the telephone calls as evidence in the criminal proceedings **had interfered** with the applicant's **right to respect** for his **private life**. The **interception and recording** of the telephone conversations had been ordered by the district court judge under the CCP and the list of calls **in question** had been **produced** at the request of the police in accordance with provisions of the CCP and of the Telecommunications Act. **However, the relevant provisions** had not yet

entered into force at the material time. It followed that the interference observed had not been in accordance with the law.

Conclusion: violation.

Notes

extract	выдержка, извлечение, фрагмент
to interfere	служить препятствием, мешать, быть помехой (with)
interception	перехватывание; перехват; прослушивание (напр., телефонных разговоров); перехваченная информация, подслушанный разговор
the point in question	данный / рассматриваемый вопрос
relevant	имеющий отношение к чему-либо
to enter into force	вступать в силу
at the material time	вещественный, материальный; material world: физический, противоп. духовному

(g) Read the text again and copy the sentences that mean the following:

- (1) Прослушивание и запись телефонных разговоров проводились по приказу районного судьи согласно уголовно-процессуальному законодательству.
- (2) Список указанных телефонных звонков был предоставлен на основании требования полиции и в соответствии с положениями уголовно-процессуального кодекса и закона о телекоммуникациях.
- (3) Однако положения, о которых идет речь, в то время еще не вошли в силу.

(h) Give Russian equivalents of the following sentences:

- (1) The use of the **extract** from the list of the telephone calls as evidence in the criminal proceedings **had interfered** with the applicant's **right to respect** for his **private life**.
- (2) It followed that the interference observed had not been in accordance with the law.
- (3) Conclusion: violation.



ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT

1. Why was the use of the **extract** from the list of the telephone calls as evidence wrong?
2. Why was **producing of** the list of calls **in question** at the request of the police legal?
3. Why was the interference observed not in accordance with the law?

(i) Study the text below, making sure you fully comprehend it:

The recording of a conversation using a device fitted under a person's clothing by the **police authorities** and its **subsequent** use had also interfered with the applicant's rights. The **domestic authorities** had not been clear **as to** the legal basis on which the recording had been made. The **measure** had not been **governed** by the law **satisfying the criteria laid down** by the Court's case law, but **rather** by a practice which could not be **regarded as a specific legal basis setting forth sufficiently precise conditions** for such interference **as regards the admissibility, scope, control** and use of the information thus collected.

Conclusion: violation.

Notes:

subsequent	более поздний, последующий, следующий; являющийся результатом
domestic authorities	местные власти
case law	прецедентное право
precise conditions	точно установленные, отдельно взятые; точные; определенные обстоятельства, условия
as regards	что касается, в отношении
admissibility	допустимость (напр., доказательств)
scope	границы, рамки, пределы

(i) Fill in the blanks with the appropriate words from the text:

The domestic authorities _____ not been clear _____ to the legal _____ on which the _____ had been made _____ measure had not _____ governed by the _____ satisfying the criteria _____ down by the _____ case law, but _____ by a practice _____. could not be _____ as a specific _____ basis setting forth _____ precise conditions for _____ interference as regards _____ admissibility, scope, control _____ use of the _____ thus collected.



**ANSWER THE QUESTIONS AND MAKE A BRIEF
SUMMARY OF THE TEXT**

1. What does the law say about using a device fitted under a person's clothing by the police authorities?
2. What was the measure rather governed by?
3. Why could practice not be regarded as a specific legal basis setting forth sufficiently precise conditions for such interference?

(k) Study the text below, making sure you fully comprehend it:

Article 6. The applicant had been able to **submit to the first-instance court**, then to the High Court and to the Constitutional Court, all the **observations deemed necessary** concerning the recording made without his knowledge. The same **arguments were valid as regards** the use in evidence of the chronological list of telephone calls. The applicant had been convicted under **adversarial proceedings**. Moreover, the **impugned recording** and list had contributed, and had even been **crucial**, to the preparation of the City Court's judgment, but it had not been the sole evidence on which the court had based **its inner conviction**. As regards the **weight of the public interest** in the use of such evidence to obtain the applicant's conviction, the measure had been taken against a person who had committed a serious offence **to the detriment of a third party** and who had **ultimately** received a nine-year prison sentence. **Accordingly**, the use by the domestic courts of the impugned recording and the list of telephone calls had not **infringed** the applicant's right to a **fair trial**.

Conclusion: no violation.

Article 41. Non-pecuniary damage: the finding of violations was sufficient.

Notes:

to submit	представлять на рассмотрение
to deem	думать, мыслить, полагать, размышлять, считать
valid	действительный, имеющий силу; правомерный
adversarial	соперничающий; противостоящий (друг другу)
adversary proceedings	судопроизводство по спору между сторонами; состязательный процесс
impugn	оспаривать, опровергать; ставить под сомнение, подвергать сомнению

to the detriment of	в ущерб чему-либо
non-pecuniary damage	(невыражаемый в деньгах, нечисляемый деньгами) неденежные/ое убытки/возмещение убытков

(l) Translate the following sentences into Russian:

- (1) The applicant had been able to **submit to the first-instance court**, then to the High Court and to the Constitutional Court, all the **observations deemed necessary** concerning the recording made without his knowledge.
- (2) Moreover, the **impugned recording** and list had contributed, and had even been **crucial**, to the preparation of the City Court's judgment, but it had not been the sole evidence on which the court had based **its inner conviction**.
- (3) **Accordingly**, the use by the domestic courts of the impugned recording and the list of telephone calls had not **infringed** the applicant's right to a **fair trial**.

(m) Give English equivalents to the following sentences:

- (1) Те же доводы правомерны в отношении использования хронологического списка телефонных разговоров в качестве улики.
- (2) Заявитель был осужден в условиях состязательного процесса.
- (3) Эта мера была предпринята против человека, который совершил серьезное преступление с ущербом для третьей стороны и который в конечном счете был приговорен к 9 годам тюремного заключения.



ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT:

1. What is Case III about?
2. What kind of and how many offences had been heard in courts?
3. Which of the court or judge measures were qualified as «violation»? Why?
4. Which of the court or judge measures were qualified as «no violation»? Why?
5. What was the European Court of Human Rights final decision?
6. What is your opinion about what had happened?

7. What do you think about the European Court's conclusion?
8. What would be your final judgment if you were an EC judge?



Case IV. PRESUMPTION OF GUILT

COUNCIL OF EUROPE. EUROPEAN COURT OF HUMAN RIGHTS. Information note № 95 on the case-law of the Court, March 2007, Pages 17—18.

FACTS

(a) Study the text below, making sure you fully comprehend it:

In May 1998 the applicant was convicted of numerous **counts of theft, burglary and attempted burglary, deliberately handling stolen goods**, and membership of a criminal gang and sentenced to five years' imprisonment. The judgment was later **quashed on appeal** and the applicant **acquitted** of all the charges against him **except for** the theft of a **lorry and trailer and handling**. He was sentenced to 36 months' imprisonment, part of which was **suspended**. However, **despite** having already acquitted the applicant of most of the charges, in March 2001 the **Court of Appeal** issued a **confiscation order** — **amounting to roughly the equivalent of** EUR 67,000 or 490 days' **detention in default** — **in respect of** all the offences of which he had **originally** been convicted. It justified its decision by saying that there were strong **indications** that he had committed the offences. An appeal by the applicant to the Supreme Court was **ultimately rejected**. In 2004, he reached an agreement with the authorities allowing him to pay EUR 10,000 **immediately** and the **remainder in monthly installments**.

Notes:

count	пункт обвинительного акта или искового заявления
detention	задержание, арест; содержание под арестом,
default	неявка в суд
to justify	оправдывать; находить оправдание; извинять; объяснять
handling	перемещение; транспортировка
to quash	аннулировать, отменять
to acquit	оправдывать (of)
to suspend	приостанавливать; откладывать; (временно) прекращать
installment	частичный взнос; часть

(b) Read the text again and copy the sentences that mean the following:

- (1) В мае 1998 г. заявитель был приговорен к тюремному заключению сроком на пять лет за многократные кражи, кражи со взломом, попытки краж со взломом, осознанную транспортировку украденного, участие в преступных группировках.
- (2) Решение суда было впоследствии аннулировано в результате апелляции, подсудимый оправдан по всем пунктам предъявленных ему обвинений, за исключением обвинения в хищении грузовика и трейлера и их использовании в качестве транспортного средства для различных перевозок.
- (3) Однако в марте 2001 г. апелляционный суд выдал ордер на конфискацию на сумму, по грубым подсчетам, равную примерно EUR 67 000 или 490 дней содержания в тюрьме после отбывания срока заключения в отношении всех преступлений, за которые он был первоначально осужден.

(c) Give Russian equivalents to the following sentences:

- (1) He was sentenced to 36 months' imprisonment, part of which was **suspended**.
- (2) The Court justified its decision by saying that there were strong **indications** that he had committed the offences.
- (3) An appeal by the applicant to the Supreme Court was **ultimately rejected**.
- (4) In 2004, he reached an agreement with the authorities allowing him to pay EUR 10,000 **immediately** and the **remainder in monthly installments**.

(d) Match the English expressions with their Russian equivalents in the table:

(1) presumption of innocence	(a) в заключении
(2) confiscation order	(b) договориться с кем-либо о чем-либо
(3) reach an agreement with	(c) работа, деятельность по конфискации чего-либо
(4) in detention	

(5) confiscation proceedings	(d) презумпция невиновности (e) ордер, разрешение на конфискации, отчуждение
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ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT:

1. What events are described in this text?
2. What do you think the law says about it?

LAW AND RELEVANT ARTICLES QUOTATIONS

(e) Study the text below, making sure you fully comprehend it:

LAW. The applicant's case was **distinguished** from a number of earlier cases in which the Court had been prepared **to consider confiscation proceedings** following on from a conviction as part of the sentencing process and therefore beyond the **scope** of Article 6 (2). The **features common to** those cases were that the applicants have been convicted of **drugs offences**; that they **continued to be suspected of additional drugs offences** and **demonstrably held assets** whose **provenance** could not be established; that these assets were **reasonably presumed** to have been **obtained through illegal activity**; and that the applicants had **failed to provide a satisfactory alternative explanation**. There were, however, two different features to **the instant case**: firstly, the applicant had never been shown to hold any assets whose provenance he could not adequately **explain**, as the court of appeal's finding **on this issue** was based on **conjectural extrapolation** contained in a **police report**. «Confiscation» following on from a conviction was **inappropriate** for assets which were not known to have been **in the possession of the person concerned**, especially if it related to a criminal act of which that person has not actually been **found guilty**. If it was not found beyond reasonable doubt that the person concerned had **actually** committed the crime, and if it could not be established as fact that any **advantage**, illegal or otherwise, had actually been obtained, such a measure could only be based on a presumption of guilt. Secondly, the confiscation order related to the very crimes of which the applicant had in fact been acquitted. Article 6 (2) **embodied** a general rule which did not allow even the **voicing of suspicions** regarding an accused's innocence once an acquittal was final. Since the court of appeal's finding went beyond the voic-

ing of **mere** suspicion, the applicant's guilt had been determined without his having been «found guilty according to law».

Conclusion: violation.

Article 41. Reserved: it being unclear how many installments the applicant had paid under the confiscation order.

Notes:

asset	имущество
provenance	происхождение, источник
to presume	предполагать, полагать; допускать; считать доказанным

(f) Read the text again and copy the sentences that mean the following:

- (1) Дело заявителя отличается от целого ряда более ранних дел, в которых Суд был готов рассматривать вопрос о конфискации имущества.
- (2) Однако в данном деле было два отличия.
- (3) Во-первых, так и не было показано, что заявитель обладал имуществом, происхождение которого он не мог адекватно объяснить.
- (4) «Конфискация» вследствие осуждения подсудимого неприменима в отношении имущества, владение которым со стороны данного лица не установлено.
- (5) Во-вторых, ордер на конфискацию имеет отношение к тем самым преступлениям, по которым заявитель был оправдан.

(g) Give Russian equivalents to the following sentences:

1) The applicant's case was **distinguished** from a number of earlier cases in which the Court had been prepared **to consider confiscation proceedings** following on from a conviction as part of the sentencing process and therefore beyond the **scope** of Article 6 (2). 2) The **features common to** those cases were that the applicants have been convicted of **drugs offences**; that they **continued to be suspected of additional drugs offences** and **demonstrably held assets** whose **provenance** could not be established; 3) If it was not found beyond reasonable doubt that the person concerned had **actually** committed the crime, and if it could not be established as fact that any **advantage**, illegal or otherwise, had actually been obtained, such a measure could only be based on a presumption of guilt. 4) Since the court of appeal's finding went beyond the voicing of **mere** suspicion, the

applicant's guilt had been determined without his having been «found guilty according to law».



ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT:

1. What is case IV about?
2. What kind of and how many offences had been heard in courts?
3. Which of the court or judge measures were qualified as «violation»? Why?
4. Which of the court or judge measures were qualified as «no violation»? Why?
5. What was the European Court of Human Rights final decision?
6. What is your opinion about what had happened?
7. What do you think about the European Court's conclusion?
8. What would be your final judgment if you were an EC judge?



Case V. INHUMAN OR DEGRADING TREATMENT

COUNCIL OF EUROPE. EUROPEAN COURT OF HUMAN RIGHTS. Information note № 95 on the case-law of the Court, March 2007, Pages 8—9.

FACTS. HANDCUFFED IN PUBLIC

(a) Study the text below, making sure you fully comprehend it:

The applicant, who had been **employed as a doctor** by the Istanbul **security police** for 15 years, was arrested by police officers in the **car-park** outside his workplace. He was **handcuffed** in public and **subsequently exposed** in handcuffs in front of his family and neighbours when **searches** were **carried out** at his home and place of work. He was then **held at police custody** at his workplace, where **staff** could see him handcuffed, but was not informed of the charges against him. Two days after his release a **psychiatrist diagnosed him** as **suffering from traumatic shock** and **certified him unfit for work** for 20 days. His **sick leave was extended** several times **on account of acute depression**. The applicant had **filed a**

complaint and was informed that he had been **interrogated** in connection with a criminal investigation because of his relations with suspects. He was **suspended from his duties until the close of the criminal investigation**. The **prosecuting authorities discontinued the case against the applicant**. He was **reinstated in his post** but was unable to work on account of **aggravated psychosomatic symptoms**. He was **retired early on health grounds** and has been treated several times in a hospital **neuropsychiatry department**.

Notes:

prosecuting authorities	прокуратура
to discontinue	прекращать дело, приостанавливать процесс судопроизводства (по какому-либо делу)
to reinstate	восстанавливать (в прежнем положении, в правах; in, to)
to aggravate	отягчать, усугублять; ухудшать; обострять, углублять, усиливать
on health grounds	по причине плохого здоровья (основание, мотив)
disorder	нарушение, расстройство (какой-либо функции организма)
unfit for work	нетрудоспособный
sick leave	отпуск/освобождение от работы/ по болезни; больничный лист
acute depression	острое угнетенное состояние, уныние; упадок сил; депрессия

(b) Read the text again and copy the sentences that mean the following:

- (1) Ему несколько раз продлевали больничный лист по причине острой депрессии.
- (2) Заявитель направил жалобу и ему сообщили, что его допрашивали в связи с уголовным расследованием, поскольку он имел отношение к подозреваемым.
- (3) Его отстранили от исполнения служебных обязанностей до завершения уголовного расследования.
- (4) Прокуратура прекратила дело против заявителя.
- (5) Он был восстановлен в должности, но не смог работать по причине обострения психосоматических симптомов.
- (6) Он рано ушел на пенсию в связи с ухудшением здоровья и несколько раз лечился в невропсихиатрическом отделении больницы.

(c) Give Russian equivalents to the following sentences:

The applicant, who had been **employed as a doctor** by the Istanbul **security police** for 15 years, was arrested by police officers in the **car-park** outside his workplace. He was **handcuffed** in public and **subsequently exposed** in handcuffs in front of his family and neighbours when **searches** were **carried out** at his home and place of work. He was then **held at police custody** at his workplace, where **staff** could see him handcuffed, but was not informed of the charges against him. Two days after his release a **psychiatrist diagnosed him** as **suffering from traumatic shock** and **certified him unfit for work** for 20 days.

(d) Match the English expressions with their Russian equivalents in the table:

(1) prosecuting authorities	(a) обыск
(2) to discontinue	(b) восстанавливать (в прежнем положении, в правах)
(3) to reinstate	(c) прекращать дело, приостанавливать процесс судопроизводства
(4) security police	(d) прокуратура
(5) search	(e) служба безопасности



ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT

1. What happened in the text you have read in case V?
2. What was the applicant's post?
3. What happened with the applicant?
4. What did the police officers do?
5. What do you think about the actions of the police?
6. What do you think the law says about the situation?

LAW AND RELEVANT ARTICLES QUOTATIONS

(e) Study the text below, making sure you fully comprehend it:

Article 3. The applicant had had no **history of psychopathology** before being taken into police custody and there was no **material in the file to suggest the existence of psychosomatic instability**. He had explained in detail the **humiliation** that he had felt on being exposed wearing handcuffs publicly, at work in front of staff who had been his **patients** and around his home. In his case it could be **reasonably assumed** that there was a **causal link** between the **treatment in question** and the beginning of his psychopathological problems, which had been diagnosed two days after his release.

Successive medical reports had **confirmed** the fact that the applicant had **sustained serious trauma** following his period in police custody. He had **particularly** felt humiliated by his exposure to staff who had been his patients. His **mental state** had been irreversibly **marked by the ordeal**.

Moreover, on the date of his arrest, the applicant did not have a record that might have **lead to fears for security** and there was no evidence that he represented a danger for himself or for others or that he had committed criminal acts of **self-destruction** or violence against others. In particular the Government had given no explanation to justify the need for handcuffs in the present case.

In conclusion, the fact of exposing the applicant to **public view** wearing handcuffs at the time of his arrest and during the searches had been **intended to arouse in him feeling of fear, anguish and inferiority capable of humiliating and debasing him** and possibly breaking his **moral resistance**.

In the **particular circumstances** of the case, the obligation to wear handcuffs had **constituted degrading treatment**.

Conclusion: violation.

Article 41. EUR 2,000 for all damage.

Notes:

causal link	причинная связь
medical report	история болезни; медицинское заключение
sustained	длительный, непрерывный, продолжительный
mental state	психическое состояние
to mark	оставить след, пятно

ordeal	суровое испытание
record	документ, письменно зафиксированное свидетельство; письменное производство по делу
self-destruction	самоубийство; самоуничтожение
inferiority	чувство неполноценности
debasing	унижающий достоинство

(f) Read the text again and copy the sentences that contain the following phrases:

- (1) had had no **history of psychopathology**
- (2) no **material in the file to suggest the existence of psychosomatic instability**
- (3) the **humiliation** that he had felt
- (4) in front of staff who had been his **patients**
- (5) **reasonably assumed**
- (6) **treatment in question**
- (7) two days after his release.

(g) Translate the following sentences into Russian:

- (1) Moreover, on the date of his arrest, the applicant did not have a record that might have lead to fears for security and there was no evidence that he represented a danger for himself or for others or that he had committed criminal acts of self-destruction or violence against others.
- (2) In particular the Government had given no explanation to justify the need for handcuffs in the present case.

(h) Fill in the blanks with the appropriate words from the text:

In conclusion, the _____ of exposing the _____ to public view _____ handcuffs at the _____ of his arrest _____ during the searches _____ been intended to _____ in him feeling _____ fear, anguish and _____ capable of humiliating _____ debasing him and _____ breaking his moral _____. In the particular _____ of the case, _____ obligation to wear _____ had constituted degrading _____.



ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT

1. What is case V about?
2. What kind of and how many offences had been mentioned in the case?
3. Which of the police officers' measures were qualified as «violation»? Why?
4. What was the European Court of Human Rights final decision?
5. What is your opinion about what had happened?
6. What do you think about the European Court's conclusion?
7. What would be your final judgment if you were an EC judge?



Case VI. LAWFUL ARREST OR DETENTION

COUNCIL OF EUROPE. EUROPEAN COURT OF HUMAN RIGHTS. Information note № 95 on the case-law of the Court, March 2007, Pages 11—12.

FACTS

(a) Study the text below, making sure you fully comprehend it:

Since the applicant **attained the age of criminal responsibility** he was convicted seven times, **notably** of murder, robberies and assaults, and spent only short periods outside prison. In 1986, the trial court sentenced him to five years' imprisonment and ordered his **placement in preventive detention**, since, according to experts, he was dangerous for the public and it was to be expected that he would repeat **spontaneous acts of violence**. Since 1991, the applicant, having served his **full prison sentence**, is **remanded in preventive detention**. At that time, the maximum term of preventive detention could not **exceed** ten years. In 1998, the Criminal Code was **amended to the effect** that the **maximum period** of preventive detention was **abolished**. In 2001, applying the new rule, the regional court **dismissed the applicant's motions to suspend on probation** his placement in preventive detention. Having heard him **in person**, as well as the prison authorities, the prosecutor and an expert, the court found that it could not

be expected that the applicant, if released, would not commit any serious offences. The applicant appealed unsuccessfully. In his **constitutional complaint** he raised the issue of **retroactive application of the amended Criminal Code provision** which had led to his life-long imprisonment without any prospects of being released. In 2004, the Federal Constitutional Court, having consulted psychiatric experts and several prison directors, dismissed the applicant's complaint as **ill-founded**. It **held, inter alia**, that the **absolute ban** on the retroactivity of criminal laws imposed by the Basic Law did not **cover the measures of correction** and prevention provided for in the Criminal Code. It concluded that the legislator's duty to protect the public against **interference** with its life, health and sexual integrity has **outweighed** the **detainee's** reliance on continued application of the ten-year limit and that the retrospective application of the new rule had not been **disproportionate**.

Notes:

preventive detention	превентивное заключение
by virtue of	в силу, на основании
retroactive application of law	применение закона с приданием ему обратной силы
legislative amendment	поправка законодательной власти
to attain the age of criminal responsibility	достичь возраста уголовной ответственности
to dismiss a motion	отклонять ходатайство
inter alia	между прочим

(b) Read the text again and copy the sentences that mean the following:

- (1) С тех пор как заявитель достиг возраста уголовной ответственности, он семь раз был приговорен к тюремному заключению, преимущественно за убийство, грабежи и разбойные нападения.
- (2) С 1991 г. заявитель, отбывший полный срок тюремного заключения, находится под стражей в камере предварительного заключения.
- (3) В 1998 г. в Уголовный кодекс были внесены изменения с целью отмены максимального срока содержания в превентивном заключении.

- (4) В своей конституционной жалобе он поднял вопрос о применении положения измененного Уголовного кодекса с приданием ему обратной силы.
- (5) Федеральный Конституционный Суд после консультаций с психиатрами и некоторыми директорами тюрем отклонил жалобу заявителя как необоснованную.

(c) Translate the following sentences into Russian:

- (1) In 1986, the trial court sentenced him to five years' imprisonment and ordered his **placement in preventive detention**, since, according to experts, he was dangerous for the public and it was to be expected that he would repeat **spontaneous acts of violence**.
- (2) Having heard him **in person**, as well as the prison authorities, the prosecutor and an expert, the court found that it could not be expected that the applicant, if released, would not commit any serious offences.
- (3) **It held, inter alia**, that the **absolute ban** on the retroactivity of criminal laws imposed by the Basic Law did not **cover the measures of correction** and prevention provided for in the Criminal Code.
- (4) It concluded that the legislator's duty to protect the public against **interference** with its life, health and sexual integrity has **outweighed** the **detainee's** reliance on continued application of the ten-year limit and that the retrospective application of the new rule had not been **disproportionate**.

(d) Fill in the blanks with the appropriate words from the text:

At that time, _____ maximum term of _____ detention could not _____ ten years. In _____, the Criminal Code _____ **amended to the** _____ that the **maximum** _____ of preventive detention _____ **abolished**. In 2001, _____ the new rule, _____ regional court **dismissed** _____ **applicant's motions to** _____ **on probation** his _____ in preventive detention _____ heard him **in** _____, as well as _____ prison authorities, the _____ and an expert, _____ court found that _____ could not be _____ that the applicant, _____ released, would not _____ any serious offences _____ applicant appealed unsuccessfully.

(e) Match the English expressions with their Russian equivalents in the table:

(1) prolongation	(a) приостанавливать; откладывать; (временно) прекращать с испытательным сроком
(2) preventive detention	(b) отклонять ходатайство
(3) by virtue of	(c) между прочим
(4) retroactive application of law	(d) продление, продолжение, пролонгация
(5) legislative amendment	(e) превентивное заключение
(6) attain the age of criminal responsibility	(f) обвинитель, прокурор
(7) act of violence	(g) поднимать вопрос; проблему, составляющую предмет рассмотрения
(8) to the effect	(h) применение закона с приданием ему обратной силы
(9) abolish	(i) поправка законодательной власти
(10) to dismiss a motion	(j) акт насилия
(11) to suspend on probation	(k) для этой цели, для этого, с целью
(12) in person	(l) аннулировать, отменять, упразднять, объявлять недействительным
(13) prosecutor	(m) достичь возраста уголовной ответственности
(14) to raise the issue of	(n) в силу, на основании
(15) inter alia	(o) лично



ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT

1. What is case VI about?
2. Who is the case about?
3. Why is the person considered dangerous to the public by the courts?
4. What were the applicant's motions? Why?
5. What was the European Court of Human Rights final decision?
6. What is your opinion about what had happened?
7. What do you think about the European Court's conclusion?
8. What would be your final judgment if you were an EC judge?



Case VII. DISCRIMINATION

COUNCIL OF EUROPE. EUROPEAN COURT OF HUMAN RIGHTS. Information note № 95 on the case-law of the Court, March 2007, Pages 23.

FACTS

(a) Study the text below, making sure you fully comprehend it:

Since the applicant entered Germany in 1979, he has been convicted some fifteen times, notably of theft and burglary. In 1996, he was sentenced to eight years and six months' imprisonment. **Relying on** the expert report, the trial court further ordered the applicant's preventive detention, considering that he was **inclined** to commit serious offences and was therefore dangerous for the public. In 1997, the **municipal authorities** ordered his **expulsion to** Bulgaria as soon as he had served his sentence and **prohibited** him from re-entering Germany for an indefinite duration **in view of** his criminal convictions. The prison declined several times the applicant's request to **undergo social therapy** because he was **liable to be expelled** after having served his prison sentence. Since June 2003, when his prison sentence ended, he is **remanded** in preventive detention. In 2004, having heard the applicant and the experts, the regional court again decided that his continued preventive detention was still necessary as he **was very likely** to be recidivist. He appealed unsuccessfully.

Notes:

foreign national	иностраннный подданный
subject to	подлежащий (произведению какой-либо обработки)
imminent	надвигающийся, близкий, грозящий, нависший, неотвратимый, неизбежный, неминуемый

(b) Read the text again and copy the sentences that mean the following:

С тех пор как заявитель прибыл в Германию в 1979 году, он около пятнадцати раз привлекался к уголовной ответственности, в основном за кражу и кражу с проникновением во внутрь. В 1996 году он был приговорен к восьми годам и шести месяцам лишения свободы. Осно-

ываясь на мнению специалистов, суд далее выдал ордер на содержание его в превентивном заключении, считая, что он склонен к совершению серьезных преступлений и потому опасен для общества. В 1997 году городские власти выдали распоряжение о его высылке в Болгарию сразу же после отбывания срока заключения и запретили ему въезд в Германию на неопределенное время ввиду его преступных убеждений.

(c) Translate the following sentences into Russian:

The prison declined several times the applicant's request to **undergo social therapy** because he was **liable to be expelled** after having served his prison sentence. Since June 2003, when his prison sentence ended, he is **remanded** in preventive detention. In 2004, having heard the applicant and the experts, the regional court again decided that his continued preventive detention was still necessary as he **was very likely** to be recidivist. He appealed unsuccessfully.



ANSWER THE QUESTIONS AND MAKE A BRIEF SUMMARY OF THE TEXT:

1. What is case VII about?
2. What kind of and how many offences had the convict committed?
3. What measures were taken against him? Why?
4. What was the municipal authorities' order? Why?
5. What was the result of the applicant's appeals?
6. What is your opinion about what had happened?
7. What do you think about the Court's conclusion?
8. What would be your final judgment if you were an EC judge?

Appendix 2

SUPPLEMENTARY TEXTS

ДОПОЛНИТЕЛЬНЫЕ ТЕКСТЫ

Unit 1. HISTORY OF AMERICAN LAW

Task 1. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.

HISTORY OF AMERICAN CRIMINAL LAW (FROM THE BEGINNING TILL THE NINETEENTH CENTURY)

The earliest criminal codes mirrored the nasty life of pioneer settlements. Criminal justice in the colonies was on the whole less formal and more direct than English law; though here too, as time went on, there was a certain amount of conformity to the English practice. There was a simple penal philosophy: no one should be punished for crimes not clearly and openly labeled. In a just society, the rules of the criminal law had to be written down and known to one and all.

Punishment was open and public: whipping in the town square, the pillory and the stocks. Public opinion and the shame were important instruments of punishment. For community punishment to work, it had to be visible and public; and punishment often left physical marks on the condemned. So, burglars, for the first offense, were to be branded on the forehead with the letter B, for the second offense, whipped in public and only for the third offense were to be put to death, as being incorrigible.

Neither in theory nor in practice was the colonial law very bloodthirsty. There were fewer capital crimes on the books than in England. In England death was a possible punishment for many thieves; in Massachusetts, only for repeaters. The Quaker laws of New Jersey substituted restitution of property or hard labor for hanging. The death penalty was not carried out very frequently in the colonies.

A crime is, in theory, a public wrong: a wrong against some victim, to be sure, but also something that hurts society — which is why society takes over the job of punishing it. This was the case, at any rate in the colonies. In England, there was no such thing as a district attorney — no public prosecutor. People were supposed to do their own prosecuting — and pay for it themselves. Very early this system was rejected in the colonies; crime was too serious and important business to leave to individuals.

The late eighteenth century was a period in which the intellectuals began to rethink the premises on which criminal law rested. Great reformers — like Cesare Beccaria — suggested that at least some of the premises were wrong

and argued for a more enlightened criminal law. Reform ideas left an imprint on the early state constitutions. Section 38 of the liberal Pennsylvania Constitution of 1776 imposed on the future legislature a duty to reform the penal laws. Punishment must be made in some cases less sanguinary and in general more proportionate to the crimes.

Of course, real penal reform was never easy to achieve. The legislature of Pennsylvania did not match action to words for ten full years. In 1786, the death penalty was abolished for robbery, burglary and sodomy. In 1794 Pennsylvania enacted an important, innovative law about murder. The statute stated that the several offenses, which are included under the general denomination of murder, differ greatly from each other in the degree of their atrociousness. The statute then proceeded to distinguish between 2 different degrees of murder. Murder in the first degree was murder of poison or by any other kind of willful, deliberate or premeditated killing, or which shall be committed in the perpetration, or attempt to perpetrate, any arson, rape, robbery or burglary. All other murder was murder in the second degree. Only murder in the first degree was punishable by death.

A system of criminal justice is more than rules on paper. As a working system, it had to distribute power among judges, jurors, legislators. In American legal theory, the jury had enormous power, and was subject to very few controls. There was a maxim of law that the jury was judge both of law and of fact in criminal cases. It is not entirely clear what this meant — except as an expression of almost unlimited power. By the end of the period, many states, by statute or decision, had repudiated the doctrine.

The criminal justice was, on the whole, much less professional than it is today. Almost nobody involved in criminal justice was a full-time specialist. There were no detectives, probation officers, public defenders, or forensic scientists; even the district attorney worked at his job part-time. The jurors were of course total amateurs. In 1800 or 1870 no part of the system was particularly organized or bureaucratic. This even applied to what happened after conviction; the only way to get out of prison early was to appeal to the governor for a pardon. The governor in some states pardoned with a lavish hand. In any event, nothing formally guided his decisions.

Today the system is highly professionalized; this means, among other things, that the police and prosecutors can filter out the weakest cases, and toss them aside early in the process.



ANSWER THE FOLLOWING QUESTIONS

1. What was a penal philosophy in the colonies?
2. What do you know about punishment in the colonies?
3. What does «murder in the first degree» mean?
4. What power did the jury have?



Find in the text above the English equivalents for the following words and expressions:

карательный, штрафной
уголовное судопроизводство
состав присяжных
присяжный заседатель
поджог
изнасилование
ограбление

кража со взломом
наказание
убийство первой степени
государственный обвинитель
уголовное обвинение
наказуемый
государственный защитник

Task 2. Fill in the gaps with the appropriate words from the box.

penal philosophy
prosecuting
criminal codes
probation officers

punishable by death
public defenders
conviction
criminal justice

- (1) This even applied to what happened after _____; the only way to get out of prison early was to appeal to the governor for a pardon.
- (2) The _____ was, on the whole, much less professional than it is today.
- (3) The earliest _____ mirrored the nasty life of pioneer settlements.
- (4) There were no detectives, _____, _____, or forensic scientists.
- (5) Only murder in the first degree was _____.

- (6) There was a simple _____: no one should be punished for crimes not clearly and openly labeled.
- (7) People were supposed to do their own _____ — and pay for it themselves.

Task 3. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other references & source books on law.

SHORT HISTORY OF US CIVIL PROCEDURE

Common-law pleading and procedure constituted a dismal and exceptionally intricate art. Colonial process never attained the heights, or the depths, of English common law procedure, a minefield of technicalities that only sappers trained in the law could navigate. Procedurally speaking, there were wide differences between colonies — between the loose, informal justice of early Massachusetts and the more conservative, more formal process in the middle Atlantic and southern colonies.

Seventeenth-century procedure was loose, boneless, easy-going. When judges are laymen, and not fussy about the separation of powers, a court is bound to be run informally. Nobody even knew the arcane rules of English procedure. And county court government was government at the point where men apply rules to ordinary life. Justice of that sort has an unstructured look; but if one compares colonial process, not with England's high courts but with English local courts, with the justice dispensed by the local gentry — the justices of the peace — the differences may not be quite so striking.

The fundamentals — jury, grand jury, writ, summons, written pleadings and oral testimony — were as fundamental in the colonies as in England, though never exactly the same as in the mother country. In detail, colonial procedure was a curious mixture.

Conciliation and arbitration were widely used in colonial law. Such methods of course avoid technical courtroom procedure. The courts themselves sometimes referred matters out for arbitration. Procedure was simplified so as to render justice inexpensive and easily accessible, and yet formal enough to provide adequate safeguards for litigants. Process was speedy and cheap, compared to English process; costs were measured in pennies, not in pounds; judgment was generally given on the day of the trial. The Massachusetts summons, unlike the English writ, was stripped of jargon, translated from Latin to English, and greatly streamlined in form. Forms of action were reduced to a few simple headings.

Eighteenth-century civil process, on the whole, was an uneasy mixture of several strands: lawyer's law, the needs of the merchants, the will of the sovereigns, and local tradition.

There was no chance that classical English pleading would be established after Independence. English procedure was too medieval for the modern world. Reform of civil procedure, at any rate, found fertile soil in the United States. Pleading reform was one of the changes the explosions in legal consumers made necessary.

Reform did not come in one great burst. Georgia, in the eighteenth century, passed a series of laws that went a long way toward rationalizing its civil procedure. The climax was the Judiciary Act of 1799. Georgia's law was, among other things, a courageous attempt to join together equity and common-law pleading.

Equity boasted a flexible collection of remedies; it had often prodded and pushed more lethargic common law in more rational (and just) directions. But equity had itself become hidebound; by 1800, it needed procedural reform even more desperately than the common law; it was equity, not law. In the United States many states simply handed over the powers and tools of equity to ordinary courts of common law. The same judges decided both kinds of case. Some states had no equity or equity courts at all. Louisiana was one of these, because of its civil-law heritage. Massachusetts and Pennsylvania were outstanding common-law examples.

In general, «law» was bent to suit «equity»; but not all the change was in one direction. The common law courts loved the spoken word — testimony, cross-examination — all in open court. Equity loved documents, papers, written evidence, and classically tolerated nothing else. But the Judiciary Act of 1789 provided for oral testimony in federal equity cases. Georgia allowed trial by jury in some kinds of lawsuit which, traditionally, belonged on the equity side of the bench. North Carolina, in a statute of 1872, did the same.

There is not enough systematic information on what the average trial was like. What we do know is that the average trial was simple, short and relatively informal. And even major trials — trials with political overtones — were by later standards unfair.



ANSWER THE FOLLOWING QUESTIONS

1. What was the seventeenth-century procedure like?
2. What methods were widely used in colonial law?

3. Why did the reform of the civil procedure find fertile soil in the United States?
4. What was the difference between common law and equity?
5. What do we know about the average trial?

Task 4. Fill in the gaps with the appropriate words from the box:

average trial	conciliation and arbitration
lawsuit	cross-examination
equity courts	oral testimony
common-law pleading	summons

- (1) The _____ was simple, short and relatively informal.
- (2) _____ and procedure constituted a dismal and exceptionally intricate art.
- (3) Georgia allowed trial by jury in some kinds of _____ which, traditionally, belonged on the equity side of the bench.
- (4) _____ were widely used in colonial law.
- (5) But the Judiciary Act of 1789 provided for _____ in federal equity cases.
- (6) _____, written pleadings and oral testimony — were as fundamental in the colonies as in England.
- (7) The common law courts loved the spoken word — testimony, _____.
- (8) Some states had no equity or _____ at all.

Task 5. Match the following English expressions with their Russian equivalents. Use the expressions in the table to make sentences of your own.

(1) equity	(a) гражданское судопроизводство
(2) lawsuit	(b) примирение
(3) summons	(c) судебный приказ
(4) writ	(d) судебное дело, иск
(5) testimony	(e) право справедливости
(6) pleading	(f) вызов в суд, судебная повестка

(7) common law	(g) свидетельское показание
(8) conciliation	(h) пледирование, заявление оснований иска
(9) civil procedure	(i) перекрестный допрос
(10) cross-examination	(j) общее право

Task 6. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other references & source books on law.

THE LEGAL PROFESSION

The early colonial years were not friendly years for lawyers. There were few lawyers among the settlers. In some colonies lawyers were distinctly uail come. In Massachusetts Bay the Body of Liberties (1641) prohibited pleading for hire. The «attorneys» in the early Virginia records were not trained lawyers, but attorneys-in-fact, laymen helping out their friends in court.

But the lawyers were, in the end, a necessary evil. When all is said and done, no colony could even try to make do without lawyers. As soon as a settled society posed problems for which lawyers had an answer or at least a skill, lawyers began to make their way and to thrive, despite any hostility. Courts were in session; merchants were involved in litigation; documents about land and other matters had to be drawn up; and the skill of the lawyer had a definite market value. Men trained in law in England, who came over, found their services in demand. By the eighteenth century, professional lawyers dominated the practice. A competent, professional bar existed in all major communities by 1750. Many of these men were deeply learned in the law. Yet there was no such thing as a law school in the colonies. Particularly in the South, where there were no colleges at all, some young men went to England for training.

For all lawyers the road to the bar went through some form of clerkship or apprenticeship. A young man who wanted to be a lawyer usually entered into a contract with already in practice. From the seventeenth century on, the British exported some lawyers to help them govern their colonies. This was another fountainhead of the American bar. Nicholas Trott, an English lawyer, arrived in Charleston in 1699 as attorney general.

Each colony had its own standards for admission to the bar. In Virginia a law of 1748 gave its high court control over licensing and admission to the

bar. In 1762 the chief justice of the Superior Court Thomas Hutchinson instituted the rank of barrister; 25 lawyers were called to this rank.

In the eighteenth century the demand for lawyers' skilled services increased; the bar became much more professional; yet in many colonies the bar was extremely small.

In England there were distinctions between different grades and types of lawyer: between attorneys, counselors, barristers and sergeants. The idea did not catch on in the United States. A few colonies had recognized a graded bar. By the early nineteenth century, the bar was an undifferentiated mass. There were rich and poor lawyers, high ones and low; but all were members of one vast sprawling profession. The few primitive bar clubs, associations did nothing to provide real self-control. Nobody controlled it at the top, or from within. The lawyers themselves had a great deal of power over admission to the bar. But then courts took over; they prescribed qualifications and handled applications.

How did a young man get himself recognized as an actual lawyer? In Massachusetts each county court admitted its own attorneys. A lawyer admitted to any local court was a fully licensed member of the state bar and could practice before any court.

A few states were strict. In New Hampshire between 1805 and 1833 the federal county bars required five years of preparation for admission to the lower courts. Three years was the term for college graduates. Two years further practice was required for the admission to the superior court. In 1800 fourteen out of the nineteen states prescribed a definite period of preparation for the bar. In 1840 only eleven out of thirty jurisdictions did so. In 1840s a few states eliminated all requirements for the admission to the bar, except good moral character.

Women and blacks were truly outsiders. No woman practiced law before the 1870s. At the turn of the century about fifty women practiced in Massachusetts.

The transformation of the American economy after the Civil War profoundly affected the demand for the lawyers. The growth of law firms was one of the most striking developments of the late nineteenth century. Firms of more than three partners were rare before the Civil War.

For many lawyers politics became one of the biggest businesses. For them county, state, territorial and federal jobs were sources of income and, in addition, advertisements for themselves. Politics, law-making and law administration were as much a part of the practice as collection work and lawsuits over land. Many presidents after 1850 were lawyers. Two-thirds of the senators were also lawyers.



ANSWER THE FOLLOWING QUESTIONS

1. What was the attitude to lawyers in the early colonial years? Why?
2. When did lawyers overcome public hostility?
3. What was the bar in the United States in the eighteenth century like? Compare it with the English bar.
4. How did a young man get himself recognized as an actual lawyer?
5. How often did women and blacks become lawyers?
6. Why did lawyers often become politicians after the Civil War?

Task 7. Find in the text above the English equivalents for the following words and expressions:

юридические фирмы	вышестоящий суд
юрисдикция, судебный округ	поверенный, юрист, прокурор
законотворчество	советник
заниматься юридической практикой	адвокат высшей категории
коллегия адвокатов	тяжба, судебный процесс
суды низшей инстанции	

Task 8. Fill in the gaps with the appropriate words from the box:

Law firms	sergeants
counselors	superior court
practiced law	admission to the bar
admitted to any local court	litigation

- (1) In 1840s a few states eliminated all requirements for the _____, except good moral character.
- (2) The growth of _____ was one of the most striking developments of the late nineteenth century.
- (3) In England there were distinctions between different grades and types of lawyer: between attorneys, _____, barristers and _____.
- (4) Courts were in session; merchants were involved in _____.
- (5) A lawyer _____ was a fully licensed member of the state bar and could practice before any court.
- (6) Two years further practice was required for the admission to the _____.
- (7) No woman _____ before the 1870s.

Task 9. Complete the following table:

<i>Crime</i>	<i>Criminal</i>	<i>Criminal Act</i>
tax evasion	bootlegger	to kidnap
smuggling	fraudster	to violate
assault		

Task 10. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other references & source books on law.

THE DEATH PENALTY

Nothing the Supreme Court did was more dramatic than its actions with regard to capital punishment. In the early twentieth century, the rate of executions had gone into a long and fairly sharp decline. Then the numbers rose again, until, in 1935, there were 199 executions. Afterward, executions began to drop off again. Nine states abolished the death penalty between 1907 and 1917 (although seven of these had second thoughts and brought it back). Civil liberties organizations worked and argued and lobbied to get rid of capital punishment. They also took their fight to the courts. Then, in 1972, in *Furman v. Georgia*, the Supreme Court decided that the death penalty, in every version, in every state, was unconstitutional — was, in fact, cruel and unusual punishment forbidden by the Eighth Amendment. Every statute on the subject was wiped off the books. The life of every man and woman on death row was spared.

Furman lasted exactly four years. It was, to begin with, a highly fractured opinion. Four of the nine Justices were in dissent; and each of the five in the so-called majority wrote his own opinion. Some Justices thought the death penalty was unconstitutional. Any form of capital punishment. But they were a minority. Others, who joined them, did not condemn the death penalty absolutely — only the death penalty as it then existed. Most of the states began to comb the text of the *Furman* opinions for clues, looking for the ways to salvage the death penalty. They passed new statutes, hoping for better luck. The Supreme Court had said the death penalty was just too random, too arbitrary. Very well, thought North

Carolina; we will take away the guesswork and the randomness: all first-degree murderers, and aggravated rapists, will get the death penalty. Other states took a different tack: they set up a two-stage process. The first stage would be the «guilt» stage. Once is defendant guilty, a second «trial» occurs — the trial of life or death. To impose the death penalty, the jury (or, in some cases, the judge) would have to find one or more aggravating circumstances. Both type of statute came before the Supreme Court. The Court in 1876 struck down the North Carolina type of statute. But it approved of the other type, which was the Georgia version. The death penalty was in business again.

At the end of the century, the situation remained quite complex. About a dozen states had no death penalty at all. The rest of them did: but in some, it was rarely or never used. New Jersey, for example, had not executed anybody since the death penalty was reinstated in 1976. Most executions were in the South, in Florida, in Virginia. Texas was in a class by itself. It alone accounted for about a third of the executions in the country.

In most states, the death penalty was not only rare, it was painfully slow. In the late twentieth century, speedy execution had become completely impossible. There were too many procedures, appeals, hearings, and writs, federal and state. Men grew on death row. Ten years was no time at all for the condemned. Some convicts were put to death only after fifteen or even twenty years of waiting, and after a long and torturous procedural path.

At the very end of the century people began to ask themselves: how many innocent men have actually gone to their death? The governor of Illinois called for a moratorium. So did the American Bar Association. But the machinery of death, slow and creaky it was, ground on.



ANSWER THE FOLLOWING QUESTIONS

1. Why did the rate of executions go into a long and fairly sharp decline in the early twentieth century?
2. When did nine states abolish the death penalty? Why did seven states bring it back?
3. What does a two-stage process mean?
4. Where do most executions take place? Why?

Task 11. Fill in the gaps with the appropriate words from the box.

capital punishment
innocent
put to death
executions

convicts
aggravating circumstances
defendant
first-degree murderers

- (1) All _____, and aggravated rapists, got the death penalty in North Carolina.
- (2) Once is _____ guilty, a second «trial» occurs — the trial of life or death.
- (3) Some _____ were _____ only after fifteen or even twenty years of waiting, and after a long and torturous procedural path.
- (4) Nothing the Supreme Court did was more dramatic than its actions with regard to _____.
- (5) People began to ask themselves: how many _____ men have actually gone to their death?
- (6) Texas alone accounted for about a third of the _____ in the country.
- (7) To impose the death penalty, the jury (or, in some cases, the judge) would have to find one or more _____.

Task 12. Find in the text the words that mean the following:

- the punishment of being executed for a crime
- a group of prison cells for criminals condemned to death
- not guilty of wrongdoing
- a person who has been found guilty of a crime or crimes in a law-court and is in prison
- to end the existence of a law, a practice, an institution
- the killing of somebody as a legal punishment
- a group of people in a lawcourt who have been chosen to listen to the facts in a case and to decide whether the accused person is guilty or not guilty
- a formal examination of evidence in a lawcourt, by a judge and often a jury, to decide if smb accused of a crime is guilty or not

Unit 2. HISTORY OF ISLAMIC LAW

Task 1. (a) Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other references & source books on law.

HISTORY OF ISLAMIC LAW QUR'ANIC LEGISLATION

«Obey God and His Prophet». In this Qur'anic command lies the establishment of a novel political authority possessing legislative power. The year 622 saw the establishment of the Muslim community in Medina. The Arab tribes accepted Muhammad as the Prophet or spokesman of the God, and regarded themselves and his Meccan followers as constituting a group of a new kind wherein the bond of a common religious faith transcended tribal ties. While Muhammad's position gradually developed into one of political and legal sovereignty, the will of God transmitted to the community by him in the Qur'anic revelations came to supersede tribal custom in various respects.

Most of the basic notions underlying civilized society find such a mode of expression in the Qur'an. Compassion for the weaker members of society, fairness and good faith in commercial dealings, incorruptibility in the administration of justice are all enjoined as desirable norms of behaviour without being translated into any legal structure of rights and duties. The same applies to many precepts which are more particular, and more peculiarly Islamic, in their terms. Drinking of wine and usury are both simply declared to be forbidden. But no indication of the legal incidents of the practices is contained in the Qur'an. In fact wine-drinking later became a criminal offence punishable by flogging while usury was a purely civil matter, the transaction being a type of invalid or unenforceable contract. This clearly demonstrates the distinct attitudes of the religious prophet and the political legislator. The primary purpose of the Qur'an is to regulate not the relationship of man with his fellows but his relationship with his Creator.

The vast majority of the Qur'an verses are concerned with the religious duties and ritual practices of prayer, fasting. Approximately eighty verses deal with legal topics in the strict sense of the term. They cover a great variety of subjects, ranging from women's dress to the division of the spoils of war, and from the prohibition of the flesh of swine to the penalty of flogging for fornication.

There is much information about the position of women, married women in particular. Rules on marriage and divorce are numerous and varied, and, with their general objective of the improvement of the woman's status, represent some of the most radical reforms of the Arabian customary law effected in the Qur'an. As regards marriage the Qur'an commands that the wife alone shall receive the dower payable by her husband. The effect of this simple Qur'anic rule is to transfer the wife from the position of a sale-object to that of a contracting party who, in return for her granting the right of sexual union with herself, is entitled to receive the due consideration of the dower. She is now endowed with a legal competence she did not possess before.

There are many regulations concerning inheritance. The first Qur'anic reference to this subject is a typically ethical injunction which urges a person who is on the point of death to bequeath equitably to his parents and kindred. This provision qualifies the system of exclusive inheritance by the male agnate relatives and recognizes the capacity of women relatives to succeed. Following the death of many Muslims in the battles fought against the unbelievers, a series of Qur'anic revelations allotted specific fractions of the deceased's estate to individual relatives. Of the nine relatives so entitled six are women — the wife, the mother, the daughter, the germane, consanguine and uterine sisters — and the remaining three are male relatives who would either never have inherited at all under the old system (the husband and the uterine brother) or would have been excluded by a nearer agnate (the father, who would not have inherited in competition with a son of the deceased).

The principle that God was the only lawgiver and that his command was to have supreme control over all aspects of life was clearly established. But that command was not expressed in the form of a complete charter for the Muslim community. Later events were to show that the Qur'anic precepts form little more than the preamble to an Islamic code of behaviour.

(b) Fill in the gaps with the appropriate words from the box:

capacity of women relatives to succeed	incorruptibility in the administration of justice
to bequeath equitably	usury
a criminal offence punishable by flogging	lawgiver
dower payable by her husband	the germane

- (1) As regards marriage the Qur'an commands that the wife alone shall receive the _____.

- (2) The principle that God was the only _____ and that is command was to have supreme control over all aspects of life was clearly established.
- (3) Drinking of wine and _____ are both simply declared to be forbidden.
- (4) Fairness and good faith in commercial dealings, _____ are all enjoined as desirable norms of behaviour without being translated into any legal structure of rights and duties.
- (5) Wine-drinking later became _____.
- (6) This provision qualifies the system of exclusive inheritance by the male agnate relatives and recognizes the _____.
- (7) The first Qur'anic reference to this subject is a typically ethical injunction which urges a person who is on the point of death _____ to his parents and kindred.
- (8) Of the nine relatives so entitled six are women — the wife, the mother, the daughter, _____, consanguine and uterine sisters

(c) Find in the text the words that mean the following:

- the practice of lending money at excessively high rates of interest
- a punishment for breaking a law, rule or contract
- a person who decides the laws of a country or society
- a person who has died, especially recently
- to gain the right to a title, property, etc when somebody dies
- to arrange, by making a will, to give property, money, etc to somebody when one dies
- to order somebody not to do something



(d) ANSWER THE FOLLOWING QUESTIONS

1. What basic notions underlying civilized society can we find in the Qur'an?
2. What do you know about the position of women in the Qur'an?
3. What regulations concerning inheritance are contained in the Qur'an?

Task 2. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other references & source books on law.

LEGAL PRACTICE IN THE FIRST CENTURY OF ISLAM

The period up to the year A.D. 750 witnessed the transformation of Islam from a small religious community in Arabia to a vast military empire.

As long as Muhammad was alive he was naturally regarded as the ideal person to settle disputes. Later generations ascribed to Muhammad a great corpus of legal decisions. For some thirty years after the death of Muhammad in 632 Medina remained the focal point of Muslim activity. Here the vital issue was that of succession to the political authority of Muhammad. At first it was natural that the influence of those most closely associated with him should prevail, and the office of Caliph — «successor» to the Prophet — was held in succession by four of Muhammad's most intimate companions: Abu-Bakr, Umar, Uthman and Ali.

Upon the Caliphs and their advisers fell the duty of further implementing the Qur'anic provisions in the same spirit as their former leader.

Naturally enough the Caliphs alone had the power of positive legislation.

In 661 A.D. the Umayyad dynasty was founded. From their seat of government at Damascus the Empire builders wielded their political power in the name of Islam; but while the Medinan Caliphs had been the servants of the religion the Umayyads were its masters.

The basic policy of the Umayyads was the preservation of the existing administrative structure in the provinces. Umayyad practice absorbed many concepts and institutions of foreign origin. The legal status of non-Muslim subjects in Islam was modeled on the position of the non-citizen groups in the Eastern Roman Empire. The Jewish and Christian communities paid a poll tax in return for the guarantee of protection and the preservation of their rights under their own personal law administered by their rabbinical and ecclesiastical tribunals.

Among the army of officials created by the Umayyad administration was the qadi, a judge of a special kind. Like all other officials he was the delegate of the local governor and had the particular task of settling disputes. In the early days we find the chief police and the Master of the Treasury acting as judges. Not until towards the end of the Umayyad period, it would appear, were judges exclusively concerned with judicial business. By the end of the Umayyad period the judges had advanced far from their original position as official arbitrators. They had become an integral and important part of ad-

ministrative machine, no longer controlled, by themselves controlling, the customary law and by their decisions adapting it to meet the changing circumstances of society.

Under the Umayyads the basic material of the local customary law had been modified by the elaboration of the Qur'anic rules, overlaid by a corpus of administrative regulations and infiltrated by elements of foreign legal systems.



(a) ANSWER THE FOLLOWING QUESTIONS

1. What was the basic policy of the Umayyads like?
2. What were the duties of the judges?

(b) Match the following English expressions with their Russian equivalents. Make sentences of your own using the word combinations in the table.

(1) customary law	(a) ложное обвинение
(2) a poll tax	(b) братья по материнской линии
(3) false accusation	(c) подушный налог
(4) uterine brothers	(d) казначейство
(5) residue	(e) наследство, очищенное от долгов и завещательных отказов
(6) a share	(f) доля, акция
(7) a deceased	(g) скончавшийся
(8) Treasury	(h) обычное право

Task 3. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other references & source books on law.

LEGAL PRACTICE IN MEDIEVAL ISLAM

The organization of the Islamic state under the Umayyads was not based upon any firm separation of the executive and judicial functions. Settlement of disputes of a private nature was a specific duty delegated to a judge. The judges came to have a general judicial competence, and by the end of the Umayyad period they had become the central organ for the administration of law.

With the accession to power of the Abbasid dynasty and its declared policy of implementing the system of religious law currently being worked out by the scholar-jurists, the status of the judiciary was greatly enhanced. Henceforth the judges became inseparably linked with Shari'a law which it was their bounden duty to apply. Organized as a profession under the authority of a chief judge, they were no longer the spokesmen of a law which represented the command of the district governor but now owed allegiance exclusively to God's law. But the Shari'a courts never attained that position of supreme judicial authority independent of political control. Although judges may have been appointed by the chief judge, the judiciary held office only during the pleasure of the political authority, as indeed did the chief justice himself, and their character of political subordinates was responsible for a serious limitation on their powers of jurisdiction which existed from the outset.

The factor which seriously impaired the efficiency of the Shari'a courts was the system of procedure and evidence by which they were bound. On the basis of the initial presumption attached by the law to the facts (e.g. the presumption of innocence in a criminal case or the presumption of freedom from debt in a civil suit) the parties of litigation were allotted to the roles of plaintiff and defendant respectively, the former being the party whose assertion ran counter to this presumption, the latter the party whose assertion was supported by it. Upon the plaintiff fell the burden of proof, and this burden could shift many times in the course of the same suit. Whether on an intermediate or the ultimate issue the burden of proof was always the same; the plaintiff had to produce two male adult Muslims to testify orally to their direct knowledge of the truth of his claim. Written evidence was not acceptable and any form of circumstantial evidence was totally inadmissible. Some limited exceptions were recognized — in certain cases one witness might be sufficient if the plaintiff also took an oath confirming his claim and the testimony of women might be acceptable (though two women were usually required to take the place of one man) — but in all cases the witness had to possess the highest quality of moral and religious probity. Where the plaintiff failed to discharge this rigid burden of proof, the defendant was offered the oath of denial. Properly sworn on the Qur'an such an oath secured judgment in his favour; if he failed to take it, judgment would be given for the plaintiff provided, in some circumstances, he himself took an oath. The rigidly formalistic and mechanical nature of Shari'a procedure left little or no scope for the exercise of any discretion by the judge in controlling proceedings before him.

Criminal law was the obvious sphere where political interests could not tolerate the cumbersome nature of Shari'a procedure. Jurisdiction here mainly belonged to the police, the delegate who exercised it being alternatively called the

official in charge of crimes. These courts considered circumstantial evidence, heard the testimony of witnesses of dubious character, put them on oath and cross-examined them; they imprisoned suspects, convicted them on the basis of known character and previous offences, might make the accused swear the oath by a local saint instead of on the Qur'an, and in general could take such measures to discover guilt, including the extortion of confessions, as they saw fit.

Enough has now been said to indicate that Shari'a law, however strong its religious force as providing an ideal and comprehensive code of conduct for the individual, can form only a part of the Islamic legal system. Islamic legal practice was based on a dual system of courts. Islamic government has never meant, in theory or in practice, the exclusive jurisdiction of Shari'a tribunals.



(a) ANSWER THE FOLLOWING QUESTIONS

1. What was the system of procedure in the Shari'a courts like?
2. What was the system of procedure in the police courts like?

(b) Explain the meaning of the following words and expressions:

- official in charge of crimes
- circumstantial evidence
- the oath of denial
- burden of proof
- written evidence
- supreme judicial authority
- judiciary
- spokesmen of a law
- judicial competence

Task 4. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other references & source books on law.

**CONTEMPORARY ISLAM. 20-TH CENTURY TENDENCIES
IN ISLAMIC STATES**

Western law was directly adopted in the field of crime and civil transactions generally, while traditional Shari'a doctrine continued to govern the sphere of personal status. Recent trends, however, have tended to break down this firm divi-

sion. In the civil law a growing emphasis has been placed on religious principles. A merger of foreign and Islamic elements is the outstanding feature of the Iraqi Civil Code promulgated in 1953. Family law, on its side, has been increasingly permeated with Western standards and values, and it is here that the juristic basis of the law, viewed as a whole, appears most complex.

Economic grounds alone were thus held to justify the total abolition of family settlements under the traditional waaf system (a settlement of property under which ownership of the property is «immobilized» and the usufruct thereof is devoted to a purpose which is deemed charitable by the law) in Syria in 1949 and in Egypt three years later, while social necessity has been the declared basis of certain recent reforms in that traditional most invulnerable sphere of Shari'a — the law of succession. In 1945 a judicial circular in Sudan allowed bequests to be made, within the established limit of one-third of the net estate, in favour of legal heirs, and expressly stated the reason for this reform to be the need felt by testators to make additional provision for the less fortunate of these heirs.

An even more radical departure from the traditional law of succession is contained in the Tunisian law of 1959 which provides that any lineal descendant of the deceased, male or female, excludes the deceased's collateral relatives from intestate succession; for under the agnatic system of traditional law the brothers of the deceased, in the absence of any surviving male ascendant or descendant, are the primary residuary heirs. It is obviously the concept of the family, as consisting of the husband, wife, and their issue, which inspired the Tunisian reform.

The second feature of modern Islamic law which is relevant to the question of potential future development is the fact that many of the substantive reforms must appear, on a long-term view, as temporary expedients and piecemeal accommodations. But certain provisions, such as the partial restrictions placed upon polygamy and repudiation, point inevitably towards the direction which future progress must follow and can represent only the intermediate stage in the advancement of a society along this road.

In other cases reforms, far-reaching in themselves, disclose a root problem which has still to be solved. The restriction of polygamy and repudiation is obviously aimed at the ultimate goal of equality between the sexes.

Though radical might the break with past tradition be, it is nevertheless a break with a particular construction of the religious law and not with its essence. This, at any rate, would seem to be the only realistic basis for future development and the only alternative to a complete abandonment of the notion of a law based on religion. Law, to be a living force, must reflect the soul of a society; and the soul of present Muslim society is reflected neither in any form of outright secularism nor in the doctrine of the medieval text books.



ANSWER THE FOLLOWING QUESTIONS

1. What is the first feature of modern Islamic law?
2. What is the second feature of modern Islamic law?

Task 5. Translate from Russian into English:

- (1) В шариатских судах истец должен был предоставить двух взрослых мужчин-мусульман, чтобы они подтвердили справедливость его требований.
- (2) Письменные показания в этих судах не принимались.
- (3) Суды шариата никогда не достигали позиции органа высшей судебной власти.
- (4) Иудейские и христианские общины платили подушный налог в обмен на защиту властей.
- (5) В Коране содержится много положений, касающихся порядка наследования.
- (6) Коран запрещает ростовщичество.
- (7) Коран содержит много правил о разводе и браке.



Task 6. Trace the development of the following laws and institutions in Islamic countries during the centuries? You can rely on all the four texts:

- Inheritance Law
- Family Law
- Judgment system
- Rules of Succession

Unit 3. NOTARY PUBLIC

Useful Words and Expressions for Speech Practice	
notary public	нотариус
to notarize	заверять, засвидетельствовать нотариально
to administer an oath to smb.	приводить кого-либо к присяге
statutory declaration	письменное показание под присягой
to authenticate	заверять, свидетельствовать, подтверждать, удостоверить устанавливать подлинность
authentication	идентификация, опознание, отождествление
office	пост, должность, служба; долг, обязанность, функция
officer	чиновник, должностное лицо; служащий
officially record	официально записывать, регистрировать; заносить в список, в протокол; оформлять как документ (какие-либо факты и т.п.)
legal effect	правовые последствия; юридическая сила
apprentice	новичок; начинающий; подмастерье, ученик
apprenticeship	обучение, учение, ученичество; срок учения, период обучения
to commission to	назначать на должность; уполномочивать (в юридическом и общезыковом смысле)
to draw	составлять, оформлять (документ); выписывать (чек, счет; to draw out, to draw up)
to attest	удостоверять; подтверждать; приводить к присяге
to certify	подтверждать, заверять, удостоверить; давать разрешение, давать право на что-либо
deed	документ (за подписью кого-либо); дело; запись; передавать по акту (мж. deed over to)

will	завещание
testamentary document	документ, содержащий завещательные распоряжения, завещательный документ
conveyance	передача собственности (особенно недвижимого имущества) от одного лица другому, документ о такой передаче
real property	недвижимость
personal property	индивидуальная / личная собственность
public instrument	общественно значимый документ; акт
negotiable instrument	оборотный кредитно-денежный документ

Task 1. Study the text below, making sure you fully comprehend it. Where appropriate, consult English-Russian dictionaries and/or other reference & source books on law.

WHAT IS A NOTARY PUBLIC AT LARGE?

You may know that in the USA a notary public is an officer who can administer oaths and statutory declarations, witness and authenticate documents and perform certain other acts depending on the jurisdiction. Generally speaking, a notary public in the United States of America has powers that are far more limited than the role of a civil law notary in the rest of the world. There are far more notaries in the United States than in other countries. For the purposes of authentication, most countries require commercial or personal documents which originate from or signed in another country to be notarized before they can be used or officially recorded or before they can have any legal effect. This includes the translation of such documents done by an expert translator approved by a governmental entity.

In some countries and states, notaries are required to undergo specific training in the performance of their duties. Many must also first serve as an apprentice before being commissioned or licensed to practice their profession. In many countries even licensed lawyers (such as barristers or solicitors) must go through additional specialized notarial training and apprenticeship before being allowed to practice as a notary. A notary public commissioned in the United States of America is not an attorney-at-law unless also admitted to the bar. (Although some countries consider the profession of a civil law notary, itself, to be the practice of law, many even have institutes of higher education issuing degrees in the field. In the

United Kingdom, for example, a notary public can perform any task a solicitor or other lawyer can perform, as part of their notary public duties, with the sole exception of representing others before the courts, unless they are also members of the bar or admitted as a solicitor.)

«Generally speaking, a notary may be described as an officer of the law whose public office and duty is to draw, attest or certify under his official seal deeds and other documents, including wills or other testamentary documents, conveyances of real and personal property and powers of attorney; to authenticate such documents under his signature and official seal in such a manner as to render them acceptable, as proof of the matters attested by him, to the judicial or other public authorities in the country where they are to be used, whether by means of issuing a notarial certificate as to the due execution of such documents or by drawing them in the form of public instruments; to keep a protocol containing originals of all instruments which he makes in the public form and to issue authentic copies of such instruments; to administer oaths and declarations for use in proceedings; to note or certify transactions relating to negotiable instruments, and to draw up protests or other formal papers relating to occurrences on the voyages of ships and their navigation as well as the carriage of cargo in ships».*

(Chapter 1 of the «Brooke's Notary» 12th edition)



ANSWER THE FOLLOWING QUESTIONS

1. How many definitions of a notary public are given in the text?
2. Which one is most exhaustive?
3. What are a notary's functions?
4. What kind of training should a notary public possess?

Task 2. Translate the following phrases into Russian:

you may know the texts are borrowed from who can administer oaths which originate from or signed in another country documents to be notarized	by means of issuing a notarial certificate as to the due execution of such documents to keep a protocol containing originals of all instruments
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**(The texts about notaries are borrowed from the materials published on the Internet by the Notary Public Association, a nonprofit professional organization, an authority for information on Notary laws, customs and practices.)*

Task 3. Give Russian counterparts of the following English sentences:

- (1) Many must also first serve as an apprentice.
- (2) A notary may be described as an officer of the law.
- (3) Notaries are required to undergo specific training in the performance of their duties.
- (4) Some countries consider the profession of a civil law notary to be the practice of law.
- (5) But many even have institutes of higher education issuing degrees in the field.

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

(1) notary public officer	(a) государственная служба и служебные обязанности
(2) civil law notary	(b) выдавать оригинальный экземпляр
(3) governmental entity	(c) вести протокол/книгу регистрации документов
(4) undergo specific training	(d) доказывание дела
(5) performance of duty	(e) для использования в судебном разбирательстве; судопроизводстве
(6) serve as an apprentice	(f) сотрудник государственного нотариата; государственный нотариус
(7) practice a profession	(g) правительственная организация
(8) specialized notarial training	(h) проходить специальную подготовку
(9) to be admitted to the bar	(i) выполнение обязанностей
(10) issue a degree	(j) служить, работать в качестве подмастерья, ученика
(11) issue a notarial certificate	(k) работать по специальности, заниматься профессиональной деятельностью
(12) issue an authentic copy	(l) специальная подготовка в области нотариата
(13) public office and duty	(m) получить право адвокатской практики в суде
(14) power of attorney	(n) регистрировать и заверять, удостоверить сделки
(15) render smth. acceptable to	
(16) proof of the matter	
(17) keep a protocol	

(18) for use in proceedings	(o) составлять апелляции, опротестования, протесты или другие официальные документы
(19) note or certify transactions	(p) нотариус в гражданском праве
(20) draw up protests or other formal papers	(q) доверенность
	(r) делать что-либо приемлемым
	(s) выдавать степень (ученую)
	(t) выдавать нотариальное свидетельство



Task 5. Give English counterparts of the following Russian sentences:

- (1) Нотариус в Америке — это должностное лицо, в обязанности которого входит не только удостоверить документы, но многое другое.
- (2) Однако он имеет намного более ограниченные полномочия, чем нотариусы гражданского права в других странах.
- (3) Перевод таких документов должен быть выполнен профессиональным переводчиком, имеющим аттестацию государственного учреждения.
- (4) Во многих странах даже имеющие лицензию адвокаты обязаны пройти дополнительную специальную подготовку и практику в области нотариальной деятельности, чтобы быть допущенными к работе в качестве нотариуса.
- (5) В Англии нотариус в рамках своей деятельности может выполнять любую работу стряпчего или иного адвоката, за единственным исключением — представлять своего клиента в суде, если он не получил права адвокатской практики в суде.



Make stories, comparing the following:

- the definitions of the notary public in Text 1 and the same in Russia
- the list of functions of the two notaries in Text 1 and the same in Russia
- the kinds of training American and Russian notaries are to possess

Task 6. Read the text below making sure you fully comprehend it.

COMMON LAW JURISDICTIONS

A notary, in almost all common law jurisdictions, is a qualified, experienced practitioner trained in the drafting and execution of legal documents. Traditionally, notaries recorded matters of judicial importance as well as private transactions or events where an officially authenticated record or a document drawn up with professional skill or knowledge was required. Specifically, the functions of notaries include the preparation of certain types of documents (including international contracts, deeds, wills and powers of attorney) and certification of their due execution, administering of oaths, witnessing affidavits and statutory declarations, certification of copy documents, noting and protesting of bills of exchange and the preparation of ships' protests.

Documents certified by notaries are sealed with the notary's seal or stamp and are recorded by the notary in a register (also called a «protocol») maintained and permanently kept by him or her. These are known as «notarial acts». In countries subscribing to the Hague Convention Abolishing the Requirement for Legalization for Foreign Public Documents only one further act of certification is required, known as an apostille, and is issued by a government department (usually the Foreign Affairs Department or similar). For other countries an «authentication» or «legalization» must be issued by the Foreign Affairs Ministry of the country from which the document is being sent or the Embassy, Consulate-General or High Commission of the country to which it is being sent.

Notes:

certification	засвидетельствование, заверение (документа, факта)
draft	писать черновик, делать прикидку, набросок
execute	оформлять (документ), соблюсти все формальности (для осуществления чего-либо)
execution	выполнение формальностей; оформление (документов)
due	должный, надлежащий, соответствующий
record	документ, письменно зафиксированное свидетельство; письменное производство по делу; записывать, регистрировать; заносить в список, в протокол; оформлять как документ (какие-либо факты и т.п.)
apostille	замечание на полях, заметка; апостиль (печать, проставляемая компетентными органами (разными в разных странах) на любом нотариально заверенном документе, напи-

	санном в соответствии с требованиями Гаагской конвенции 1961 г., Hague Convention; документ с такой печатью автоматически действителен не только в стране выдачи, но также во всех государствах, подписавших конвенцию (не требуется консульских либо иных документов, удостоверяющих подлинность такого документа))
affidavit	письменное показание под присягой
to swear (to make) an affidavit	давать показания под присягой
bill of exchange	вексель, тратта
ships' protest	морской протест



ANSWER THE FOLLOWING QUESTIONS

1. What kind of training is a notary of?
2. What is the function of notaries?
3. What is a protocol?
4. What is a notarial act?
5. What is an apostille?
6. What is an affidavit?

Task 7. Give Russian counterparts of the following sentences:

- (1) Traditionally, notaries recorded matters of judicial importance as well as private transactions or events where an officially authenticated record or a document drawn up with professional skill or knowledge was required.
- (2) Documents certified by notaries are sealed with the notary's seal or stamp and are recorded by the notary in a register (also called a «protocol») maintained and permanently kept by him or her.
- (3) For other countries an «authentication» or «legalization» must be issued by the Foreign Affairs Ministry of the country from which the document is being sent or the Embassy, Consulate-General or High Commission of the country to which it is being sent.

Task 8. Complete the sentences:

- (1) _____ is a qualified, experienced practitioner trained in the drafting and execution of legal documents.

- (2) Notaries recorded _____ where a document drawn up with professional skill or knowledge was required.
- (3) Documents certified _____ are sealed with the notary's _____ and are recorded by the notary in a register.
- (4) _____ maintained and permanently kept by him or her.
- (5) Documents certified by notaries and the protocol are known as _____.



Task 9. Give English counterparts of the following sentences:

- (1) Почти во всех юрисдикциях нотариус — это получивший специальную квалификацию опытный профессионал, обученный составлять и оформлять юридические документы.
- (2) В функции нотариуса входит подготовка документов определенного типа, засвидетельствование их правильного оформления, приведение к присяге и прочее.
- (3) В странах, подписавших Гаагскую конвенцию об упразднении требований по легализации зарубежных государственных документов, необходим лишь один документ по засвидетельствованию, известный как апостиль, который выдается правительственным учреждением (обычно Департаментом иностранных дел или другим учреждением подобного рода).

Task 10. Compare the information in Texts 1 and 2 and trace the difference between the following. Supply arguments from the texts to prove your point of view.

- Notary public's definitions in the first and second texts.
- Notary public's status in the first and second texts.
- Notary public's appointments.
- Notary public's office and duty.
- The law and regulations governing notarial practices.



Task 11. Read the text below to learn more about notaries in individual countries.

ENGLAND AND WALES

After the passage of the 1533 Act, which was a direct result of the Reformation in England, all notary appointments were issued directly through the Court of Faculties. The Court of Faculties is attached to the office of the Archbishop of Canterbury.

In England and Wales there are several classes of notaries. English notaries, not to be confused with commissioners for oaths, also acquire the same powers as solicitors and other law practitioners, with the exception of the right to represent others before the courts (unless also members of the bar or admitted as a solicitor) once they are licensed or commissioned notaries. There are also Scrivener notaries, who get their name from the Scriveners' Company; until 1999, when they lost this monopoly, they were the only notaries permitted to practice in the City of London.

The other notaries in England are either ecclesiastical notaries whose functions are limited to the affairs of the Church of England or other unqualified persons who are not trained as solicitors or barristers but satisfy the Master of the Faculties of the Archbishop of Canterbury that they possess an adequate understanding of the law. Both the latter two categories are required to pass examinations set by the Master of Faculties. The regulation of notaries was modernized in the 1990 as a result of section 57 of the Courts and Legal Services Act 1990.

The Notary Society gives the number of notaries in England and Wales as «900 or so».

Notes:

to pass

принимать (закон, резолюцию и т.п.); быть принятым, быть одобренным (законодательном органом); переходить в другие руки (по наследству и т.п. — о собственности)

passage

проведение, утверждение (закона), вступление закона в силу

Reformation (the)

Реформация (широкое общественно-политическое и религиозное движение в Западной и Центральной Европе XVI в., носившее в своей основе антифеодальный характер и принявшее форму борьбы против католической церкви)

appointment

назначение (на должность, место)

Court of Faculties (the)	суд архиепископа Кентерберийского (обладающий правом разрешать отступления от правил, напр. в отношении заключения брака)
to attach	прикреплять, связывать (о чем-либо нематериальном)
not to be confused with	чтобы не путать с чем-либо/кем-либо
commissioner for oaths	уполномоченный, специальный уполномоченный, комиссар по приведению к присяге
ecclesiastical notary	церковный нотариус
Scriveners' Company (society of scrivener Notaries of London)	Общество нотариусов «Скривенер» Лондона
Master of the Faculties (the)	глава факультета
latter	недавний, более поздний, последний
regulation	правила и нормативы; процессуальные нормы и положения
Notary Society	общество, объединение, организация нотариусов



ANSWER THE FOLLOWING QUESTIONS

1. In what way could one become a notary in England?
2. What kind of notaries are there in England and Wales?
3. What are the powers of English notaries?
4. In what way would you characterize each class of English notaries?
5. What do you think about the number of notaries in England and Wales?

Task 12. Match the English phrases with their Russian equivalents.

(1) passage	(a) проведение, утверждение (закона), вступление закона в силу
(2) appointment	(b) назначение (на должность, место)
(3) not to be confused with	(c) чтобы не путать с чем-либо/кем-либо
(4) commissioner for oaths	(d) уполномоченный, специальный уполномоченный, комиссар по приведению к присяге
(5) ecclesiastical notary	(e) церковный нотариус
	(f) правила и нормативы; процессуальные нормы и положения

(6) regulation	(g) знающий, компетентный, сведущий; получивший соответствующую квалификацию
(7) qualified	(h) практик, профессионал (в частности практикующий врач / юрист)
(8) practitioner	(i) вопрос, дело судебной/законной важности; принадлежащий закону
(9) matter of judicial importance	(j) снимать показания
(10) to take an affidavit	



Task 13. Translate the following text into English:

- (1) Принятие закона 1533 года в Англии явилось прямым следствием Реформации.
- (2) Все назначения на должность нотариуса осуществлялись судом архиепископа Кентерберийского.
- (3) Суд архиепископа Кентерберийского находится в непосредственном подчинении ведомству архиепископа Кентерберийского.
- (4) В Англии и Уэльсе существуют несколько классов нотариусов.
- (5) Один класс — английские нотариусы, которые имеют те же полномочия, что и другие профессионалы права.
- (6) Другой класс составляет Общество нотариусов «Скривенер» Лондона.
- (7) Это был единственный класс нотариусов, которым до 1999 г. разрешалось работать в Лондонском Сити.
- (8) Другой класс нотариусов — это церковные нотариусы, которые обслуживают лишь английскую церковь.
- (9) Есть и другие люди, имеющие соответствующее образование, но не получившие специальности солиситора или барристера, но, по заключению Главы Факультета, обладающие адекватным пониманием права.
- (10) Две последние категории нотариусов должны сдать экзамен, установленный Главой Факультета.

Task 14. Can you compare the information about notaries given in Texts 1, 2 and 3 and trace as many differences between them as possible?

Task 15. Draw a table to sort out the information about the three notary systems to identify elements in common between the three, the two, as well as major discrepancies.



Make a story to analyze the character of the three notary systems. Compare them with the information you have about the Russian one.



Task 16. Read more about notaries in the United Kingdom.

SCOTLAND

Notaries public have existed in Scotland since the 13th century and developed as a distinct element of the Scottish legal profession. Those who wish to practice as notary must petition the Court of Session. This petition is usually presented at the same time as a petition to practice as a solicitor, but can sometimes be earlier or later.

Whilst notaries in Scotland are always solicitors, the profession remains separate in that there are additional rules and regulations governing notaries and it is possible to be a solicitor, but not a notary. They are also separate from notaries in other jurisdictions of the United Kingdom.

The profession is administered by the Council of the Law Society of Scotland under the Law Reform (Miscellaneous Provisions) (Scotland) Act 1990.

Notes:

distinct

отдельный; особый, индивидуальный; отличный (от других from)

petition

петиция; прошение, ходатайство; обращаться с петицией; подавать прошение, ходатайствовать

the Court of Session Шотландский Верховный гражданский суд
the Council of the Law Society Совет общества работников права



ANSWER THE FOLLOWING QUESTIONS

1. Since what time have notaries public existed in Scotland?
2. What kind of practitioners can petition the Court of Session?
3. In what way does the notarial profession remain separate from other legal professions?
4. What entity is the notarial profession administered by?
5. In what way are Scottish notaries connected with notaries in other jurisdictions in the United Kingdom?

Task 17. Complete the following phrases.

- (1) _____ have existed in Scotland since the 13th century.
- (2) Notaries public developed as _____ of the Scottish legal profession.
- (3) Those who wish to practice as notary _____ the Court of Session.
- (4) This petition is usually presented at the same time as a petition to _____.
- (5) Notaries in Scotland are always _____.
- (6) _____ additional rules and regulations governing notaries.
- (7) They are also _____ from notaries in other jurisdictions of the United Kingdom.
- (8) The profession is _____ by the Council of the Law Society of Scotland.

Task 18. Read Texts 3 and 4 again to trace the variations of the notary practices in England, Wales and Scotland. Which of the systems is more complicated or training intensive?



Task 19. Read the text about the notaries in the U.S. and do the tasks following it.

UNITED STATES

In the United States a notary public is a person appointed by a state government (often the governor or the secretary of state of the state, or in some cases the state legislature) to serve the public as an impartial witness. Since the notary is a state officer, whether the jurisdiction is common law or civil law is determined on a state-by-state basis; Louisiana is the only civil law state. In most states, only qualified persons can apply for such an appointment, called a commission. Qualifications vary from state to state, but states often bar people with certain types of criminal convictions and/or below a certain age from being appointed, and applicants usually must pass an examination covering notary practices and law. The material for such exams is typically contained in a booklet published by the state. Some states also require a bond or insurance.

Notaries in the United States are much less closely regulated than notaries in civil law jurisdictions or in most other common law countries, typically because U.S. notaries have less authority. In the United States, a non-attorney notary may not offer legal advice or prepare documents (with the exception of Louisiana) and cannot recommend how a person should sign a document or even what type of notarization is necessary. In many cases, a notary cannot authenticate a copy of a document. The most common notarial acts in the United States are the taking of acknowledgements and oaths.



Task 20. Read the supplementary texts given below and answer the questions that follow them.

INTERESTING FACTS FROM THE HISTORY OF NOTARIES PUBLIC

Notaries Public (also called «notaries», «notarial officers», or «public notaries») hold an office which can trace its origins back to ancient Rome, when they were called «scirbae», «tabellius» or «notarius». They are the oldest continuing branch of the legal profession worldwide.

Chapter 1 of the «Brooke's Notary» 12th edition sets out details of the history of Notaries. The office of a public notary is said to be a public office. The office had its origin in the civil institutions of ancient Rome. Public officials, called «scribae», that is to say, scribes, rose in rank from being

mere copiers and transcribers to a learned profession prominent in private and public affairs. Some were permanent officials attached to the Senate and courts of law whose duties were to recode public proceedings, transcribe state papers, supply magistrates with legal forms, and register the decrees and judgments of magistrates.

In the last century of the Republic, probably in the time of Cicero, a new form of shorthand was invented and certain arbitrary marks and signs, called «notae» were substituted for words in common use. A writer, who adopted the new method was called a notarius. Originally, a notary was one who took down statements in shorthand and wrote them out in the form of memoranda or minutes. Later the title «notarius» was applied almost exclusively to registrars attached to high government officials, including provincial governors and secretaries to the Emperor.

Notwithstanding the collapse of the Western Empire in the 5th century AD, the notary remained a figure of some importance in many parts of continental Europe throughout the Dark Ages. When the civil law experienced its renaissance in medieval Italy from the 12th century onwards, the notary was established as a central institution of that law, a position which still obtains in countries whose legal systems are derived from the civil law.

The separate development of the common law in England, free from most of the influences of Roman law, meant that notaries were not introduced into England until later in the 13th and 14th centuries. At first, notaries in England were appointed by the Papal Legate. In 1279 the Archbishop of Canterbury was authorized by the Pope to appoint notaries. Not surprisingly, in those early days, many of the notaries were members of the clergy. In the course of time, members of the clergy ceased to take part in secular business and laymen, especially in towns and trading centres, began to assume the official character and functions of a modern notary.

The Reformation produced no material change in the position and functions of notaries in England. However, in 1533 the enactment of «the Act Concerning Peter's Pence and Dispensation» (The Ecclesiastical Licenses Act, 1533) terminated the power of the Pope to appoint notaries and vested that power in the King, who then devolved it to the Archbishop of Canterbury who in turn devolved it to the Master of the Faculties. Traditionally, notaries recorded matters of judicial importance as well as private transactions or events where an officially authenticated record or a document drawn up with professional skill or knowledge was required.



**ANSWER THE FOLLOWING QUESTIONS TO MAKE
SURE YOU FULLY UNDERSTAND THE TEXT:**

1. What are the names used to call a notary public?
2. What is the origin of those words?
3. Where did the office of a public notary have its origin?
4. In what context is Cicero mentioned in the text?
5. What kind of public official was called a «notarius» originally?
6. When was the notary established as a central institution of the law?
7. At what period of time were notaries introduced into England?
8. Who were the first notaries in England and why?
9. In what way are notaries appointed in England?
10. What are the traditional functions of notaries in England?



Task 21. Read some more interesting information about notaries. You can learn more about them on the E-net and other sources.

FAMOUS NOTARIES

In addition to many well-known notaries public from the world of the law, there are several well-known notaries from other arenas of achievement. Klaus Hergesheimer of Massapequa, NY has the distinction of becoming the first notary to be licensed in all fifty states (a feat since duplicated several times by others), as well as numerous territories and trust possessions. Richard Nixon confidante Robert Abplanalp was a notary for many years, as were Faun Hall, astronaut Krista McAuliffe, and former major league baseball pitcher Joe Moeller.

From the world of entertainment, actor Stanley Tucci, actress Mindy Cohn, television host David Horowitz, and radio producer Gary Dell»abate all hold or have held notary certificates. At 2007's American Association of Notaries Public convention in Laughlin, NY, the surviving members of Moby Grape were presented with Lifetime Achievement Awards, in recognition of their lifelong efforts to promote the image of notaries public.

Upon the death of President Warren G. Harding in 1923, Calvin Coolidge was sworn in as President by his father, a Vermont notary public. As

there was some controversy as to whether a state notary public had the authority to administer the presidential oath of office, however, Coolidge took the oath again upon returning to the capital.



CREATIVE ACTIVITIES

- Look through the texts and compile a chronological registry of the history of notary public in England and the USA.
- Make a short story describing the origins of notaries public in England and the USA.
- Make a table to compare similar and different offices of notaries public in England and the USA.
- What do you know about notary public in Russia? Write a comparative story based on the material of the unit for a newspaper, as a lawyer would explain the issue.
- Write a brief summary of the information on notary public presented in the unit you have just studied.

Appendix 3

FICTION CRIME STORIES

ОТРЫВКИ ИЗ ХУДОЖЕСТВЕННОЙ ЛИТЕРАТУРЫ

Unit 1. Angélique
(After Sergeanne Golon)

Useful Words and Expressions for Speech Practice	
court	суд
court-room	зал суда
trial	заседание суда, судебный процесс
to try smb / to put smb on trial	судить кого-либо
accused/defendant	обвиняемый / подсудимый
plaintiff	истец
usher / bailiff	пристав в суде (судебный пристав)
clerk	судебный секретарь
court reporter	протоколист суда
witness	свидетель
judge	судья
prosecutor	прокурор
accomplice	сообщник
to charge sb with sth / to accuse sb of sth	обвинить кого-либо в чем-либо
to convict sb of sth	осудить кого-либо за что-либо
to sentence sb (to 3 years of imprisonment)	приговорить кого-либо (к 3 годам тюрьмы)
a sentence	приговор
indictment	юр. официальное обвинение, предъявление обвинения в суде
to bring in an indictment against sb	предъявить обвинение кому-либо
to waive the indictment / to drop the charges	снять обвинение
to take / make / swear an oath	дать клятву / принять присягу

on oath / under oath	под присягой
to put smb on oath; to administer the oath to smb	привести кого-либо к присяге
to give evidence against smb	свидетельствовать против кого-либо
to contradict one's earlier testimony	противоречить своим предыдущим свидетельским показаниям
to stand mute of malice	отказываться отвечать на вопросы суда
mute	немой, безгласный; подсудимый, отказывающийся отвечать на вопрос суда, признает ли он себя виновным
case for the prosecution / for the defence	версия обвинения / защиты; дело, выигранное обвинением / защитой
case for the defendant / for the plaintiff	факты в пользу подсудимого / в пользу истца

Task 1. Find correct definitions of the terms listed in the left column of the table using the word combinations from the right column.

Terms	Definitions
(1) defendant	(a) person who brings an action at law
(2) plaintiff	(b) legal official who prosecutes criminal cases on behalf of the State or the public
(3) accomplice	(c) person against whom a legal action is brought
(4) bailiff	(d) companion in wrongdoing
(5) clerk	(e) person employed to keep records
(6) Public Prosecutor	(f) law officer who helps a sheriff



Task 2. Translate the following sentences into English using the words and word combinations which do with legal matters. Consult 'Useful Words and Expressions for Speech Practice' above if necessary.

to be the prosecutor at the trial
to be responsible for the order
there was insufficient evidence for the court to convict him

- (1) Четыре человека свидетельствовали под присягой против него.
- (2) Подсудимый отказался отвечать на вопросы суда.
- (3) Кто будет прокурором на суде?
- (4) Судебный пристав отвечает за порядок в зале суда.
- (5) Два человека свидетельствовали против него под присягой.
- (6) Его приговорили к 5 годам тюрьмы.
- (7) Обвинение, сфабрикованное и предвзятое, было ему предъявлено только спустя сутки после задержания.
- (8) Его обвинили в грабеже, но у суда было недостаточно доказательств, чтобы осудить его.
- (9) Ему предъявили обвинение в краже, но поскольку на судебном заседании оба свидетеля дали показания, противоречившие их предыдущим показаниям, то обвинения с него были сняты.
- (10) Трех свидетелей привели к присяге, и все они дали показания против подсудимого.

Task 3. Complete the sentences with the words and word combinations from the table:

court-room judges trial trying the accused court

- (1) When he raised his head and his glowing black eyes slowly glanced around the semicircular _____ with a sort of mocking self-assurance, the pity which some of them had felt disappeared and a hostile murmur ran

through the audience. The sight before them exceeded even their wildest hopes. This really was a sorcerer!

Flanked by guards, the Comte de Peyrac remained standing before the stool of repentance, on which he was unable to kneel.

At this moment, a score of armed Royal guards entered through two doors and took up positions at various points in the vast room.

The _____ was about to begin. A voice announced:

«Gentlemen, the _____!»

The entire audience rose, and through the stage-door came the halberdier-ushers in 16th century costume, with frilled ruffs and plumed caps. They preceded a procession of eight ... in gown and ermine collar, wearing the square doctor's cap.

(After *Sergeanne Golon. Angélique*. P. 402—403)

(2) «I suppose the King decided to ignore custom and that your husband will be tried, if necessary, 'mute of malice.'»

«Which means?»

The lawyer explained that this consisted of _____ as if in his absence, which would jeopardise the Comte's chances. In France an accused was always presumed guilty, whereas in England, for instance, it was the task of the prosecution to prove the guilt of an arrested person who, in the absence of a written charge, was released within twenty-four hours.

(After *Sergeanne Golon. Angélique*. P. 384)

Notes:

repentance	покаяние, сожаление, раскаяние
halberdier	ист. алебардщик
gown	мантия (судьи, преподавателя университета)
ermine	горноста́й, мех горноста́я

Task 4. Read and translate the text below.

«Accused, take the oath!» said President Séguier, unfolding a sheet of paper which a clerk on his knees had handed him.

Angélique closed her eyes. Joffrey was going to speak. She expected his voice to be broken, feeble, as did all the spectators apparently, for when the deep, clear voice rang out, there was a stir of surprise. Shaken to the core, Angélique recognized the alluring voice which had murmured so many words of love to her on hot nights in Toulouse.

«I swear to speak the whole truth. I know, however, gentlemen, that the law authorizes me to challenge the competence of this court for, in my capacity as a *maître des requêtes* and a member of Parliament, I maintain that I must be tried by the Grand Court of Parliament. ...»

The Grand Master of Justice seemed to hesitate, then said with some haste:

«The law does not permit of restrictive oaths: just swear, and the court will then be empowered to try you. If you do not take the oath, you will be tried as standing mute of malice, that is to say as if you were absent.»

«I see, Monsieur le Président, that the dice are loaded. That is why, to facilitate your task, I relinquish the advantage of resorting to legal technicalities. Instead, I shall put my trust in this court's spirit of justice and I confirm my oath.» < ... >

After the not very dignified departure of Séguier, the Attorney-General, Denis Talon, tall, lean and solemn, climbed into the pulpit and broke the seals of a large envelope. In an acid voice, he set about reading the «charges, or bill of indictment»:

«Sieur Joffrey de Peyrac, who has already forfeited his rights to all his titles and possessions by judgment in the King's Privy Council, has been handed over to this court of justice to be tried for acts of witchcraft and magic and other acts offending both religion and the security of State and Church by practising the alchemistic manufacture of precious metals. For all these deeds and other kindred ones which the case for the prosecution holds against him, I demand that he and any possible accomplices be burned at the stake on the Place de Grève, and their ashes scattered, as is fit for magicians convicted of dealing with the devil. I demand further that he be previously subjected to the ordinary and extraordinary question so that he will reveal his other accomplices. ...»

The blood throbbed so loudly in Angélique's ears that she could not hear the end of the reading. She recovered her senses when the ringing voice of the accused sounded for the second time:

«I swear that all this is false and biased, and that I am in a position to prove it here and now to all men of good faith.»

The royal prosecutor compressed his narrow lips and folded his paper, as if the rest of the ceremony did not concern him. He, in turn, made as if to withdraw, when defending counsel Desgrez sprang up and cried:

«Gentlemen of the Court, the King and you yourselves have done me the great honour of appointing me to defend the accused. I therefore take the liberty of putting a question to you before the departure of the Attorney-

General: how is it that the bill of indictment was drawn up beforehand and thus presented ready and even sealed, when nothing of the sort is provided for by lawful procedure?»

(After *Sergeanne Golon. Angélique*. P. 404—406)

Notes:

dice *pl.*

игральные кости (*sing. die*)

to load the dice against smb

жульничать, ставить кого-либо в невыгодное положение

to relinquish

юр. отказаться (от права), уступить

to resort to legal technicalities

зд. прибегать к юридическим формальностям

attorney general

1) *брит.* представитель государства в суде, главный юрисконсульт правительства; 2) (А. Г.) *амер.* министр юстиции США; генеральный прокурор штата

pulpit

кафедра (проповедника и т.п.)

maître des requêtes

зд. судья с особыми полномочиями

bill of indictment

обвинительный акт для предварительного предъявления присяжным

to hand up / issue / present / return an indictment

предъявить обвинительный акт

to quash an indictment

аннулировать обвинительный акт

to forfeit

юр. лишиться в результате конфискации; потерять право (на что-либо)

to scatter ashes

зд. развеять прах

biased

необъективный, предвзятый



ANSWER THE FOLLOWING QUESTIONS

1. Why did Joffrey de Peyrac think that he was to be tried by the Grand Court of Parliament?
2. Did the law permit of restrictive oaths (according to the Grand Master of Justice)?
3. Did the Grand Master of Justice threaten Joffrey de Peyrac that he would be tried as standing mute of malice if he did not take the oath?
4. What does it mean 'to be tried as standing mute of malice'?

5. Had Joffrey de Peyrac forfeited his rights to all his titles and possessions by judgment in the King's Privy Council before the trial?
6. What were the charges against Joffrey de Peyrac?
7. Did the defending counsel consider it legal that the bill of indictment had been drawn up before the trial and presented ready and even sealed?
8. What was Angélique's reaction to the bill of indictment?



Task 5. Translate the following sentences into English using the words and word combinations from the text above:

- (1) Подсудимый, примите присягу! Закон не разрешает присягу с оговорками. Просто примите присягу, и суд будет вправе судить вас.
- (2) Я клянусь говорить правду, и только правду.
- (3) В качестве члена парламента и судьи с особыми полномочиями я полагаю, что меня может судить только Большой Суд Парламента.
- (4) Если Вы не примите присягу, то вас будут судить, как если бы Вы отказались отвечать на вопросы суда.
- (5) Чтобы облечить Вам задачу, я не буду прибегать к юридическим формальностям и подтверждаю свою присягу.
- (6) Кислым голосом он начал читать обвинительное заключение.
- (7) Решением королевского совета сэр Жоффре де Пейрак лишен всего своего имущества и титулов, и его будут судить за колдовство и магию, а также другие деяния, оскорбляющие Церковь и наносящие вред безопасности государства, в том числе получение драгоценных металлов алхимическими способами.
- (8) За все злодеяния, перечисленные в обвинительном заключении, я требую, чтобы Жоффре де Пейрак и его сообщники были сожжены живьем, а их прах развеян на все четыре стороны, как и должно быть с колдунами, связавшимися с дьяволом.
- (9) Как такое возможно, что обвинительное заключение было составлено заранее, представлено нам в готовом виде и даже за-

печатанным, при том, что ничего подобного не предусмотрено законом?

Task 6. (a) Complete the sentences with the words and word combinations from the table:

for the prosecution	to speak the whole truth
the terms of the indictment	charged with

- (1) Order returned to the court-room. On his part, Maître Desgrez contented himself with adding that he accepted ... on the understanding that his client be tried strictly on that basis. After a few words exchanged in an undertone, agreement was reached.
- (2) President Massenau promptly proceeded to question the prisoner.
«Do you admit the acts of witchcraft and magic that you are ... ?»
«I deny them one and all!»
«You have no right to. You will have to answer each question contained in the case Besides, this is in your own interest since there are points which cannot be denied and which you had better admit, since you have sworn Thus, do you admit having manufactured poisons?»
«I admit that I occasionally manufactured chemical products, some of which would be harmful if consumed. But in fact I never meant them to be consumed, or sold, nor did I use them to poison anyone.»

(After *Sergeanne Golon. Angélique*. P. 406—407)

(b)

to take the oath	at the trial	to try
indictment	accused (2)	for the prosecution
counsel for the defence	be tried	

- (1) The Comte refused _____, for the Chamber of Justice, he said, was incompetent in his eyes to try a member of parliament of Toulouse, the Grand Chamber of the Paris Parliament being the only court entitled _____ a former *maître des requêtes*, or Special Magistrate, of a provincial parliament. (Там же. С. 384)

- (2) Judicial custom says that a lawyer's assistance can only be denied to a man who is _____ of the crime of high treason. Such a charge is, after all, difficult to uphold in the present case. (Там же. C. 386)
- (3) «The relevant document has only just been added to the case _____ and is supposed to constitute evidence of capital importance.» <...>
 «But surely, since the case is going to be heard, you, as counsel for the defence, must have cognizance of the details of the bills of _____ ?» (Там же. C. 385—386)
- (4) The chief president of the Chamber of Justice, Séguier, has just appointed me as ... of Monsieur de Peyrac, _____ of witchcraft. (Там же. C. 386)
- (5) «Your husband has been transferred to the prison of the law courts.»
 «What does that mean?»
 «That he will _____ soon.» (Там же. C. 395)
- (6) «Do you know what these sheets represent that you see scattered over the floor?»
 «No, I don't.»
 «The speech of Maître Desgrez, defending counsel, which he will make _____ of Monsieur de Peyrac, accused of witchcraft, which will come up for hearing at the law court assizes on the 20th January, 1661.» (Там же. C. 396)

Task 7. Read and translate the text below.

Had the jury been out for a few minutes or several hours?

It seemed to Angélique that the judges had never moved, that they'd always been there with their square caps and their red and black robes, that they would stay there for all eternity. But now they were standing. President Massenau's lips were moving. They were articulating, in a trembling voice:

«I require for the King that Joffrey de Peyrac de Morens be declared guilty and convicted of the crimes of abduction, enticement, impiety, magic, witchcraft and other abominations mentioned at this trial, and in reparation of which he shall be delivered into the hands of the executioner of high justice, taken and led to the square of Notre Dame, shall there ask

pardon of God, bare-headed and barefoot, with a rope around his neck and a fifteen-pound taper in his hand. Whereupon he shall be taken to the Place de Grève, tied to a stake set up for this purpose and burned alive until his body and bones be consumed and reduced to ashes, which then be dispersed and scattered to the four winds. And each and all of his possessions shall be forfeited to and confiscated by the King. And, before being executed, he shall be subjected to the question ordinary and extraordinary. I require that the Saxon Fritz Hauer be declared his accomplice and, in reparation, be sentenced to be hanged and strangled until death ensues, on a gallows to be set up for this purpose on the Place de Grève. I require that the Moor Kouassi-Ba be declared his accomplice and, in reparation, be sentenced to the galleys for life.»

By the bench of infamy, the tall figure, supported on crutches, was swaying. Joffrey de Peyrac raised a ghastly face towards the Court.

«I am innocent!»

His shout echoed in a deathlike silence.

(After *Sergeanne Golon. Angélique*. P. 447—448)

Notes:

abduction	похищение (женщин, детей)
enticement	соблазнение
impiety	неверие, нечестивость, непочтительность
abomination	мерзость, гадость
reparation	возмещение, искупление
executioner	палач
to execute sb	казнить кого-либо
to set up a stake	ист. установить столб (к которому привязывали осужденного к сожжению)
to consume	уничтожать, истреблять (<i>обыкн об огне</i>)
to disperse	развевать, рассеивать
to scatter to the four winds	развевать на все четыре стороны
to forfeit	юр. лишиться в результате конфискации; потерять право (на что-либо)
to ensue	1) получаться в результате, происходить (из-за чего-либо); 2) последовательно происходить
gallows <i>pl.</i>	виселища
to be sent to the gallows	быть приговоренным к смертной казни через повешение

galley	ист. галера
to send / to condemn to the galleys	послать на галеры / на каторжные работы
infamy	бесчестье, позор, дурная слава, скандальная репутация



ANSWER THE FOLLOWING QUESTIONS TO THE TEXT ABOVE

1. What crimes was Joffrey de Peyrac de Morens convicted of?
2. What was his sentence?
3. Why were all his possessions forfeited to and confiscated by the King?
4. What was the Saxon Fritz Hauer sentenced to?
5. What was the Moor Kouassi-Ba sentenced to?
6. Did Joffrey de Peyrac admit his guilt?



Task 8. Translate the following sentences into English using the words and word combinations from the text above:

- (1) От имени короля я объявляю Жоффре де Пейрака де Морена виновным в совершении таких преступлений, как похищение людей, соблазнение женщин, нечестивость, колдовство, а также в совершении других мерзопакостных деяний, о которых упоминалось во время данного судебного заседания.
- (2) Во искупление своих преступлений он должен быть передан в руки палача, препровожден на площадь перед Нотр-Дамским собором, босой, с непокрытой головой и с веревкой на шее.
- (3) Во искупление своих преступлений он должен быть привязан к столбу, установленному специально для этой цели, и сожжен живым, его тело должно быть уничтожено огнем, а его прах развеян на все четыре стороны.
- (4) Он лишается прав на все свое имущество, и оно конфискуется Королем.

- (5) Фриц Хауэр объявляется его сообщником и во искупление своих грехов приговаривается к повешению на виселице, которая будет установлена специально для этой цели на площади де Грэв.
- (6) Мавр Куасси-Ба объявляется его сообщником и во искупление своих грехов приговаривается к отправке на галеры пожизненно.



Which of the tortures listed below exist nowadays? Give other examples of punishment and tortures of the past.

One would be wrong to think that a hangman's office was a simple one. The variety of methods employed to wrest confessions from patients had turned it into a difficult trade. There was no lack of work for young Rope-round-the-neck, no fear! He had to learn to sever a head with a single stroke of the sword or the axe, to handle the hot iron, pierce the tongue, hang, drown, break on the wheel, and know how to apply the tortures of quartering, water, the boot and the strappado.

(After Sergeanne Golon. Angélique. P. 376—377)

Unit 2. RAGE OF ANGELS (after Sidney Sheldon)

Useful Words and Expressions for Speech Practice	
accused	обвиняемый
to accuse of	обвинять в чем-либо
robbery	ограбление
robber	грабитель
witness	свидетель
federal offence	федеральное преступление
innocent	невиновный
guilty	виновный
preliminary hearing	предварительное слушание
judge	судья
to steal	красть
prosecutor	обвинитель
to plead	отвечать на обвинение, защищать
defendant	ответчик, подсудимый
arraignment	предъявление обвинения
trial	судебный процесс
evidence	улика, свидетельские показания
to commit a crime	совершить преступление
to convict	осуждать
attorney	юрист, адвокат, поверенный
court	суд
tort	гражданское правонарушение, деликт
to take the bar examination	сдавать экзамен на звание юриста
disbarment	лишение права адвокатской практики
court proceeding	судебное заседание
criminal complicity	соучастие в преступлении
crime connection	преступная связь

to deny one's guilt	отрицать свою вину
cross-examination	перекрестный допрос
to recess	делать перерыв в заседании
to be acquitted	быть оправданным
courtroom	зал суда
to win the case	выиграть дело
juror	присяжный
law practice	юридическая практика
to prosecute	поддерживать обвинение
will	завещание

Task 1. Read and translate the text below.

The Rainy Day Robber case brought Jennifer new headlines. The accused man had been called to her attention by Father Ryan.

«A friend of mine has a bit of a problem,» he began, and they both burst out laughing.

The friend turned out to be Paul Richards, a transient, accused of robbing a bank of a hundred and fifty thousand dollars. A robber had walked into the bank wearing a long black raincoat, under which was hidden a sawn-off shotgun. The collar of the raincoat was raised so that his face was partially hidden. Once inside the bank, the man had brandished the shotgun and forced a teller to hand over all his available cash. The robber had then fled in a waiting automobile. Several witnesses had seen the getaway car, a green sedan, but the licence number had been covered with mud.

Since bank robberies were a federal offence, the FBI had entered the case. They had put the *modus operandi* into a central computer and it had come up with the name of Paul Richards.

Jennifer went to visit him at Riker's Island.

«I swear to God I didn't do it,» Paul Richards said. He was in his fifties, a red-faced man with cherubic blue eyes, too old to be running around pulling bank robberies.

«I don't care whether you're innocent or guilty,» Jennifer explained, «but I have one rule. I won't represent a client who lies to me.»

«I swear on my mother's life I didn't do it.»

Oaths had ceased to impress Jennifer long ago. Clients had sworn their innocence to her on the lives of their mothers, wives, sweethearts and children. If God had taken those oaths seriously, there would have been a serious decline in the population.

The preliminary hearing was before Judge Fred Stevens, a strict disciplinarian. It was rumoured that he was in favour of shipping all criminals off to some inaccessible island where they would stay for the rest of their lives. Judge Stevens believed that anyone caught stealing for the first time should have his right hand chopped off, and if caught again, should have his left hand chopped off, in ancient Islamic tradition. He was the worst judge Jennifer could have asked for. She sent for Ken Bailey.

«Ken, I want you to dig up everything you can on Judge Stevens.»

«Judge Stevens? He's as straight as an arrow. He — »

«I know he is. Do it, please.»

The federal prosecutor who was handling the case was an old pro named Carter Gifford.

«How are you going to plead him?» Gifford asked.

Jennifer gave him a look of innocent surprise. «Not guilty, of course.»

He laughed sardonically. «Judge Stevens will get a kick out of that. I suppose you're going to move for a jury trial.»

«No.»

Gifford studied Jennifer suspiciously. «You mean you're going to put your client in the hands of the hanging judge?»

«That's right.»

Gifford grinned. «I knew you'd go around the bend one day, Jennifer. I can't wait to see this.»

«The United States of America versus Paul Richards. Is the defendant present?»

The court clerk said, «Yes, Your Honour.»

«Would the attorneys please approach the bench and identify themselves?»

Jennifer and Carter Gifford moved towards Judge Stevens.

«Jennifer Parker representing the defendant.»

«Carter Gifford representing the United States Government.»

Judge Stevens turned to Jennifer and said brusquely, «I'm aware of your reputation, Miss Parker. So I'm going to tell you right now that I do not intend to waste this court's time. I will brook no delays in this case. I want to get on with this preliminary hearing and get the arraignment over with. I intend to set a trial date as speedily as possible. I presume you will want a jury trial and — »

«No. Your Honour.»

Judge Stevens looked at her in surprise. «You're not asking for a jury trial?»

«I am not. Because I don't think there's going to be an arraignment.»

Carter Gifford was staring at her. «What?»

«In my opinion, you don't have enough evidence to bring my client to trial.»

Carter Gifford snapped, «You need another opinion!» He turned to Judge Stevens. «Your Honour, the government has a very strong case. The defendant has already been convicted of committing exactly the same crime in exactly the same manner. Our computer picked him out of over two thousand possible suspects. We have the guilty man right here in this courtroom, and the prosecution has no intention of dropping the case against him.»

Judge Stevens turned to Jennifer. «It seems to the court that there is enough prima facie evidence here to have an arraignment and a trial. Do you have anything more to say?»

«I do, Your Honour. There is not one single witness who can positively identify Paul Richards. The FBI has been unable to find any of the stolen money. In fact, the only thing that links the defendant to this crime is the imagination of the prosecutor.»



ANSWER THE FOLLOWING QUESTIONS

1. Why was Paul Richards accused of bank robbery?
2. Why had the FBI entered the case?
3. Why didn't Jennifer want a jury trial?
4. How did she win the case?

Task 2. Match the following English expressions with their Russian equivalents:

(1) accused	(a) предварительное слушание
(2) federal offence	(b) виновный
(3) innocent	(c) невиновный
(4) guilty	(d) совершать преступление
(5) preliminary hearing	(e) обвиняемый
(6) federal prosecutor	(f) федеральное преступление
(7) to plead	(g) федеральный обвинитель
(8) to commit a crime	(h) судебный пристав
(9) bailiff	(i) отвечать на обвинение, защищать



Task 3. Translate the following sentences into English using the words and word combinations from the text above:

- (1) Ограбление банка — это федеральное преступление.
- (2) Ее клиента обвинили в убийстве.
- (3) Судебный пристав отвечает за порядок в зале суда.
- (4) Он был осужден за совершение такого же преступления 10 лет назад.
- (5) Адвокат встретился с обвиняемым.
- (6) Свидетелями ограбления были двое прохожих.
- (7) Ей было все равно, виновен ее клиент или нет.
- (8) Предварительное слушание состоится в четверг.
- (9) Судья был сторонником древней традиции, по которой преступнику, пойманному за воровство, отрубали руку.
- (10) Прокурор спросил, собирается ли ее клиент признать себя виновным.
- (11) По мнению адвоката, у суда нет достаточно доказательств для признания его клиента виновным.

Task 4. Complete the sentences with the words and word combinations from the table.

accused of robbing a bank	of dropping the case against him	suspects, prosecutor	federal
attorneys	witnesses	the defendant	
the preliminary hearing	the accused	enough evidence	
representing	innocent or guilty	federal offence	
guilty man	convicted of committing ex- actly the same crime	a jury trial	
plead him			

- (1) _____ man had been called to her attention by Father Ryan.
- (2) The friend turned out to be Paul Richards, a transient,
_____ of a hundred and fifty thousand dollars.

- (3) Several _____ had seen the getaway car.
- (4) Since bank robberies were a _____, the FBI had entered the case.
- (5) I don't care whether you're _____.
- (6) _____ was before Judge Fred Stevens.
- (7) The _____ who was handling the case was an old pro named Carter Gifford.
- (8) How are you going to _____?
- (9) I suppose you're going to move for _____.
- (10) Would the _____ please approach the bench and identify themselves?
- (11) Jennifer Parker is representing _____.
- (12) Carter Gifford is representing the United States Government.
- (13) In my opinion, you don't have _____ to bring my client to trial.
- (14) The defendant has already been _____ in exactly the same manner.
- (15) Our computer picked him out of over two thousand possible _____.
- (16) We have the _____ right here in this courtroom, and the prosecution has no intention _____.

Task 5. (a) Match the following English expressions with their Russian equivalents:

(1) attorney	(a) окружной прокурор
(2) court	(b) юридический институт
(3) law school	(c) суд
(4) lawsuits and wills	(d) сдать экзамен на звание юриста
(5) to study law	(e) юрист, адвокат, поверенный, прокурор
(6) tort	(f) сдавать экзамен на звание юриста
(7) District Attorney	(g) гражданское правонарушение, деликт
(8) to take the bar examination	(h) изучать право
(9) to pass the bar examination	(i) судебные разбирательства и за- вещения

(b)

(1) law practice	(a) отрицать свою вину
(2) Disciplinary Committee of the Bar Association	(b) судья
(3) judge	(c) юридическая практика
(4) illegally	(d) судебное заседание
(5) disbarment	(e) соучастие в преступлении
(6) court proceeding	(f) преступная связь
(7) crime connection	(g) незаконно
(8) criminal complicity	(h) лишение права адвокатской практики
(9) to deny one's guilt	(i) Дисциплинарный Комитет Коллегии адвокатов

(c)

(1) courtroom	(a) суд присяжных
(2) cross-examination	(b) зал суда
(3) jury	(c) присяжный
(4) juror	(d) свидетель
(5) to recess	(e) уголовное право
(6) witness	(f) перекрестный допрос
(7) criminal law	(g) делать перерыв в заседании

(d)

(1) American College of Trial Lawyers	(a) Американский Колледж Уголовного Права
(2) defendant	(b) быть оправданным
(3) to prosecute	(c) обязанность, долг
(4) witness for the prosecution	(d) выиграть дело
(5) duty	(e) обвиняемый, ответчик
(6) to win the case	(f) свидетель обвинения
(7) to be acquitted	(g) поддерживать обвинение

Task 6. (a) Complete the sentences with the words and word combinations from the table.

contracts	torts, property	civil procedure and criminal law
to take the bar examination	had passed the New York bar examination	to study law
courthouse		

- (1) When she was graduated she enrolled at the University of Washington in Seattle _____.
- (2) During the first year of school, while Jennifer's classmates were flailing about in an impenetrable swamp of _____, Jennifer felt as though she had come home.
- (3) She flew to New York _____, and returned to Kelso to close her father's law office.
- (4) She got a job as an assistant in the Law Library of the university to tide her over until she heard whether she _____.
- (5) After school Jennifer would hurry over to the _____ to watch her father at work.

(b)

recommend	disbarment	found guilty	crime connections
proceedings		transcript of the court	prosecuted the case
lawyers		proceedings	

- (1) There were a hundred and twenty-five _____ in the firm.
- (2) Just make a quick check, verify that this Parker girl behaved illegally or unethically, and then _____.
- (3) Later that afternoon Adam Warner was studying the _____ in the case of The People of New York v. Michael Moretti.
- (4) When Adam was through reading the transcript, there was no doubt in his mind that Michael Moretti would have been _____ by the jury if fate had not intervened in the form of Jennifer Parker.
- (5) Di Silva had _____ flawlessly.
- (6) As far as he could determine, she had no _____, nor was there anything to link her with Michael Moretti.

(c)

cross-examinations
the leader of a jury
practising criminal law

courtroom
witness on the stand

preparing each case
the trial

- (1) The _____ was where Jennifer escaped from her own private pain.
- (2) Jennifer's _____ became theatrical events.
- (3) She learned to recognize _____ and to concentrate on him, knowing he could swing the others into line.
- (4) Jennifer spent endless hours _____.
- (5) Most cases are won or lost before _____ begins.
- (6) When a _____ was lying, there would be telltale gestures.
- (7) Jennifer discovered that being a woman was a disadvantage when it came to _____.

(d)

legal talent
lawyers

prosecute the case
represented a defen-
dant

defendant is vindicated
won the case

American College of
Trial Lawyers

defending a client

a dozen top experts on the
stand as witnesses for the
prosecution

trial

justice is done

- (1) Corporations that came up against Jennifer no longer sent in their second string of _____, so Jennifer found herself pitted against some of the top _____ of the world.
- (2) She was admitted into the _____.
- (3) When Jennifer _____ in Manhattan, she could be certain that Robert Di Silva would either _____ personally or mastermind it.
- (4) During one _____ in which Jennifer was pitted against the District Attorney, Di Silva put _____.
- (5) Jennifer _____.
- (6) This play worked beautifully for Jennifer until one day when she was _____ against Robert Di Silva.

- (7) I'm asking you, ladies and gentlemen, to remember where you are, to remember that all of us are here to see that _____ and that the _____.



Task 7. Translate the following sentences into English using the words and word combinations from the text above:

- (1) После школы Дженнифер спешила в здание суда, чтобы посмотреть, как работает ее отец.
- (2) Я получил письмо из окружной прокуратуры Манхэттена.
- (3) Она полетела в Нью-Йорк, чтобы сдать экзамен на звание юриста.
- (4) Она получила письмо о том, что сдала экзамен на звание юриста.
- (5) Она была погружена в судебные разбирательства и завешания.
- (6) Мой отец был адвокатом.
- (7) После окончания школы она поступила в университет, чтобы изучать право.
- (8) Он устроился на работу в юридическую библиотеку.
- (9) Во время обучения на юридическом факультете мы изучали уголовное, гражданское, семейное право и многое другое.
- (10) Моего друга лишили права заниматься адвокатской практикой.
- (11) Против нее нет никаких веских доказательств.
- (12) Насколько я знаю, у нее нет преступных связей.
- (13) У нас нет информации, которая докажет ее соучастие в преступлении.
- (14) Она отрицает свою вину.
- (15) Присяжные обязательно признают его виновным.
- (16) Прокурор безупречно подготовил обвинение.
- (17) В нашей фирме работают свыше 200 юристов.
- (18) Он поступил неэтично и незаконно.

- (19) Обычно суд делает перерыв в заседании в 3 часа.
- (20) Суд присяжных обычно состоит из 12 присяжных заседателей.
- (21) Адвокат и обвинитель проводят перекрестный допрос свидетеля.
- (22) Она занимается уголовным правом.
- (23) Большинство дел выигрывают или проигрывают до начала судебного процесса.
- (24) Она всегда понимает, когда свидетель врет.
- (25) Он тратит много времени на подготовку к каждому делу.
- (26) В зале заседаний было много людей.
- (27) Ее приняли в Американский колледж уголовного права.
- (28) Обвиняемый был оправдан.
- (29) Адвокат выиграл дело.
- (30) Свидетелем обвинения был сестра подсудимого.
- (31) Она представляла обвиняемого в суде.
- (32) Прокурор пригласил экспертов в качестве свидетелей обвинения.
- (33) Де Сильва будет представлять обвинение в суде.

Unit 3. THE WITNESS FOR THE PROSECUTION (after Agatha Christie)

Useful Words and Expressions for Speech Practice	
to commit a murder	совершить убийство
dastardly crime	подлое преступление
to find smb guilty	признать кого-либо виновным
to plead guilty / to admit one's guilt	признать свою вину
to confess	признаться
counsel for the defense	адвокат
witness for the prosecution / for the defense	свидетель обвинения / защиты
prisoner	заключенный
to render / to give a verdict	вынести решение / вердикт (о присяжных)

Task 1. Read and translate the text below.

The trial of Leonard Vole for the murder of Emily French aroused widespread interest. In the first place the prisoner was young and good-looking, then he was accused of a particularly dastardly crime, and there was the further interest of Romaine Heilger the principal witness for the prosecution. There had been pictures of her in many papers, and several fictitious stories as to her origin and history.

The proceedings opened quietly enough. Various technical evidence came first. Then Janet Mackenzie was called. She told substantially the same story as before. In cross-examination counsel for the defence succeeded in getting her to contradict herself once or twice over her account of Vole's association with Miss French; he emphasised the fact that though she had heard a man's voice in the sitting-room that night, there was nothing to show that it was Vole who was there, and he managed to drive home a feeling that jealousy and dislike of the prisoner were at the bottom of a good deal of her evidence.

Then the next witness was called.

«Your name is Romaine Heilger?»

«Yes.»

«You are an Austrian subject?»

«Yes.»

«For the last three years you have lived with the prisoner and passed yourself off as his wife?»

Just for a moment Romaine Heilger's eyes met those of the man in the dock.

«Yes.»

The questions went on. Word by word the damning fact came out. On the night in question the prisoner had taken out a crowbar with him. He had returned at twenty minutes past ten, and had confessed to having killed the old lady. His cuffs had been stained with blood, and he had burned them in the kitchen stove. He had terrorised her into silence by means of threats.

As the story proceeded, the feeling of the court which had been slightly favourable to the prisoner, now set dead against him.

Formidable and ponderous, counsel for the defence arose. He put it to her that her story was a malicious fabrication from start to finish, that she had not even been in her own house at the time in question — that she was in love with another man and was deliberately seeking to send Vole to his death for a crime he did not commit.

Romaine denied these allegations with superb insolence. Then came the production of the letter. It was read aloud in court in the midst of a breathless stillness.

«Max, beloved, the Fates have delivered him into our hands! He has been arrested for murder — but, yes, the murder of an old lady! Leonard, who would not hurt a fly! At last I shall have my revenge. The poor chicken! I shall say that he came in that night with blood upon him — that he confessed to me. I shall hang him, Max — and when he hangs he will know and realize that it was Romaine who sent him to his death. And then — happiness, beloved! Happiness at last!»

There were experts present ready to swear that the handwriting was that of Romaine Heilger, but they were not needed. Confronted with the letter, Romaine broke down utterly and confessed everything. Leonard Vole had returned to his house at the time he said, twenty past nine. She had invented the whole story to ruin him.

Sir Charles called his few witnesses, the prisoner himself went into the box and told his story in a manly straight — forward manner, unshaken by cross-examination.

The prosecution endeavoured to rally, but without great success. The judge's summing up was not wholly favourable to the prisoner, but a reaction had set in and the jury needed little time to consider their verdict.

«We find the prisoner not guilty.»

Leonard Vole was free!

Little Mr. Mayherne hurried from his seat. He must congratulate his client.

He found himself polishing his pince-nez vigorously, and checked himself. His wife had told him only the night before that he was getting a habit of it. Curious things, habits. People themselves never knew they had them.

An interesting case — a very interesting case. That woman, now, Romaine Heilger.

If he closed his eyes he could see her now, tall and vehement, her right hand clenching and unclenching itself unconsciously all the time. Curious things, habits. That gesture of hers with the hand was her habit, he supposes. Yet he had seen someone else do it quite lately. Who was it now? Quite lately —

The woman in Shaw's Rents —

It was impossible — Yet, Romaine Heilger was an actress.

He wanted one thing only — to see Romaine Heilger face to face.

He did not see her until some time later, and the place of their meeting is not relevant.

«So you guessed,» she said. 'The face? Oh that was easy enough, and the light of that gas jet was too bad for you to see the make-up.»

«But why — why —»

«Why did I play a lone hand?» She smiled a little, remembering the last time she had used the words. «My friend — I had to save him. The evidence of a woman devoted to him would not have been enough — you hinted yourself. But I know something of the psychology of crowds. Let my evidence be wrung from me, as an admission, damning me in the eyes of the law, and a reaction in favour of the prisoner would immediately set in.»

«And the bundle of letters?»

«One alone, the vital one, might have seemed like a — what do you call it? — put-up job.»

«Then the man called Max?»

«Never existed, my friend.»

«I still think,» said little Mr. Mayherne, «that we could have got him off by the — er — normal procedure.»

«I dare not risk it. You see you thought he was innocent -»

«But you knew it? I see,» said little Mr. Mayherne.
 «My dear Mr. Mayherne,» said Romaine, «you do not see at all. I knew — he was guilty!»



ANSWER THE FOLLOWING QUESTIONS

1. Did Janet Mackenzie succeed in cross examination?
2. What testimony did Ms Heilger bear?
3. What was her purpose?
4. What was the verdict?

Task 2. Match the following English expressions with their Russian equivalents:

(1) trial	(a) отправить на смерть
(2) prisoner	(b) судебное разбирательство
(3) dastardly crime	(c) признаться
(4) counsel for the defence	(d) совершить убийство
(5) to confess	(e) вердикт, решение
(6) to commit a murder	(f) признать обвиняемого невиновным
(7) verdict	(g) заключенный, обвиняемый
(8) to find the prisoner not guilty	(h) подлое преступление
(9) to send to death	(i) защитник



Task 3. Translate the following sentences into English using the words and word combinations from the text above:

- (1) Судебный процесс над Леонардом Воулом, обвиняемым в убийстве, вызвал общественный интерес.
- (2) Его обвинили в совершении подлого, трусливого убийства.
- (3) В зал суда был вызван следующий свидетель.

- (4) Он признался в убийстве пожилой женщины.
- (5) Она была главным свидетелем обвинения.
- (6) Во время перекрестного допроса адвокат добился того, что свидетель начал противоречить сам себе.
- (7) Адвокат заявил, что свидетель умышленно пытается отправить подсудимого на смерть за убийство, которого он не совершал.
- (8) Мы считаем, что подсудимый невиновен.

Task 4. Complete the sentences with the words and word combinations from the table.

accused of a particularly dastardly crime	innocent	guilty
confessed to having killed	cross-examination	trial
arrested for murder		

- (1) The _____ of Leonard Vole for the murder of Emily French aroused widespread interest.
- (2) In the first place the prisoner was young and good-looking, then he was _____.
- (3) In _____ counsel for the defence succeeded in getting her to contradict herself once or twice.
- (4) He had returned at twenty minutes past ten, and had _____ the old lady.
- (5) He has been _____.
- (6) We find the prisoner not _____.
- (7) You thought he was _____.

Unit 4. IF TOMORROW COMES
(after Sidney Sheldon)

Useful Words and Expressions for Speech Practice	
guilty plea	заявление подсудимого о признании вины
judicial system	судебная система
to kill in cold blood	хладнокровно убить кого-либо
to incarcerate smb / to imprison smb / to put smb behind bars	заключать в тюрьму
to drive to suicide	довести до самоубийства
to coddle criminals	потворствовать преступникам
insurance claim	страховое требование
district attorney	прокурор
penitentiary	тюрьма
confession	признание
bankruptcy	банкротство
handcuffs	наручники
victim	жертва
pimp	сводник, сутенер
cell	тюремная камера

Task 1. Read and translate the text below.

She was not permitted to make any phone calls before she was returned to the courtroom. Ed Topper stood on one side of her, and Perry Pope on the other. Seated on the bench was a distinguished-looking man in his fifties, with a smooth, unlined face and thick, styled hair.

Judge Henry Lawrence said to Tracy, «The court has been informed that the defendant wishes to change her plea from not guilty. Is that correct?»

«Yes, Your Honour.»

«Are all parties in agreement?»

Perry Pope nodded. «Yes, Your Honour.»

«The state agrees. Your Honour,» the district attorney said.

Judge Lawrence sat there in silence for a long moment. Then he leaned forward and looked into Tracy's eyes. «One of the reasons this great country of ours is in such pitiful shape is that the streets are crawling with vermin who think they can get away with anything. People who laugh at the law. Some judicial systems in this country coddle criminals. Well, in Louisiana, we don't believe in that. When, during the commission of felony, someone tries to kill in cold blood, we believe that person should be properly punished.»

Tracy began to feel the first stirrings of panic. She turned to look at Perry Pope. His eyes were fixed on the judge.

«The defendant has admitted that she attempted to murder one of the outstanding citizens of this community — a man noted for his philanthropy and good works. The defendant shot him while in the act of stealing an art object worth half a million dollars.» His voice grew harsher. «Well, this court is going to see to it that you don't get to enjoy that money — not for the next fifteen years, because for the next fifteen years you're going to be incarcerated in the Southern Louisiana Penitentiary for Women.»



ANSWER THE FOLLOWING QUESTIONS

1. Why did judge Lawrence agree to accept a guilty plea from Tracy?
2. What was judge Lawrence' speech about?
3. Why did Tracy begin to feel the first stirrings of panic?
4. What did judge Lawrence say about Joseph Romano?

Task 2. Match the following English expressions with their Russian equivalents:

(1) defendant	(a) заявление подсудимого о признании вины
(2) to punish	(b) тюрьма
(3) felony	(c) подсудимый, ответчик
(4) guilty plea	(d) тяжкое преступление
(5) to steal	(e) наказывать
(6) judicial system	(f) заключать в тюрьму
(7) to incarcerate	(g) судебная система
(8) penitentiary	(h) украсть



Task 3. Translate the following sentences into English using the words and word combinations from the text above:

- (1) Некоторые люди смеются над законом.
- (2) Судья не разрешил ей позвонить кому-либо по телефону.
- (3) Он согласился принять от вас заявление о признании вины.
- (4) Судья сказал, что общество потворствует преступникам.
- (5) Судья спросил, пришли ли стороны к соглашению.
- (6) Если кто-то пытается хладнокровно совершить убийство, то этот человек должен быть наказан.
- (7) За совершение тяжких преступлений предусмотрено суровое наказание.
- (8) Подсудимая пыталась украсть картину стоимостью 100000 долларов.
- (9) Суд отправил его в тюрьму на 15 лет.

Task 4. Complete the sentences with the words and word combinations from the table.

to change her plea from not guilty	properly punished	attempted to murder
courtroom	in agreement	commission of felony
act of stealing	to be incarcerated	permitted
judicial systems	admitted	

- (1) She was not _____ to make any phone calls before she was returned to the _____.
- (2) The court has been informed that the defendant wishes _____.
- (3) Are all parties _____?
- (4) Some _____ in this country coddle criminals.
- (5) When, during the _____, someone tries to kill in cold blood, we believe that person should be _____.
- (6) The defendant has _____ that she _____ one of the outstanding citizens of this community.

- (7) The defendant shot him while in the _____ an art object worth half a million dollars.
- (8) For the next fifteen years you're going _____ in the Southern Louisiana Penitentiary for Women.

Task 5. (a) Match the following English expressions with their Russian equivalents:

(1) confession	(a) банкротство
(2) to arrest	(b) довести до самоубийства
(3) to be guilty of fraud	(c) арестовать
(4) bankruptcy	(d) быть арестованным
(5) to drive to suicide	(e) убить кого-то
(6) to kill smb	(f) признание
(7) to be under arrest	(g) быть виновным в мошенничестве
(8) handcuffs	(h) наручники

(b)

(1) police station	(a) залог
(2) pimp	(b) жертва
(3) mugger	(c) уличный грабитель
(4) victim	(d) сводник, сутенер
(5) sergeant-on-watch	(e) изнасиловать
(6) to rape	(f) попытка убийства
(7) attempted murder	(g) дежурный сержант
(8) armed robbery	(h) полицейский участок
(9) bail	(i) вооруженное ограбление

(c)

(1) court-appointed attorney	(a) заключить в тюрьму
(2) cell	(b) страховое требование
(3) desperate criminal	(c) расследование
(4) insurance claim	(d) признание

(5) confession	(e) разг. наркотики
(6) investigation	(f) суд присяжных
(7) dope	(g) адвокат, назначенный судом
(8) to put behind bars	(h) тюремная камера
(9) jury	(i) закоренелый преступник

(d)

(1) jail	(a) условный приговор
(2) to sentence	(b) сделка
(3) suspended sentence	(c) зл. совершение (действия)
(4) record	(d) приговаривать
(5) to plead guilty	(e) юрист, адвокат
(6) lawyer	(f) признавать себя виновным
(7) commission	(g) тюрьма
(8) deal	(h) послужной список, досье, прошлое

Task 6. (a) Complete the sentences with the words and word combinations from the table.

arrest	to write out a confession	suicide
put it into bankruptcy	guilty of fraud	caused the death

- (1) If he refused, she would threaten him with the gun and force him _____.
- (2) She would take it to Lieutenant Miller, and he would _____ Romano.
- (3) He had _____ of her mother.
- (4) The district attorney believes that my mother was _____.
- (5) You're going to write down how you stripped the company, _____, and drove my mother to suicide.

(b)

prostitutes, pimps, muggers and their victims	courtroom	handcuffs
ordered held in jail	authority	escorted
sergeant-on-watch	counsel	to rape
police station	accident	hearing
attempted murder and armed robbery		

- (1) The _____ Tracy was taken to was in the Algiers district, on the west bank of New Orleans.
- (2) The booking room was crowded with seedy-looking characters — _____.
- (3) Tracy was marched to the desk of the _____.
- (4) The _____ were removed.
- (5) It was an _____. I didn't mean to kill him. He tried _____ me.
- (6) You'll have a _____ in the morning.
- (7) She _____ Tracy down a corridor and through a door that led into a _____.
- (8) Now was Tracy's moment to explain to someone in _____ the truth about what had happened.
- (9) The state is requesting that Tracy Whitney be held for _____ and that bail be set at half a million dollars.
- (10) Are you represented by _____?
- (11) You are _____, in lieu of five hundred thousand dollars bail.

(c)

cell	desperate criminal	insurance claim	appointed by the court
confession obtained at the point of a gun	to hear this case	go to trial	put you in front of a jury
insurance company	put them all behind bars	start an investigation	

- (1) The name of the attorney _____ was Perry Pope.
- (2) He walked into her _____ and sat on the cot.
- (3) You don't look like the average _____.

- (4) Romano will put in an _____ for half a million dollars for the Renoir he's hidden away somewhere, and he'll collect.
- (5) The _____ will be after you, not him.
- (6) Didn't you realize that a _____ is worthless?
- (7) I just thought that if I could get the truth out of him, someone would _____.
- (8) I'd give anything to _____.
- (9) If you _____, they'll bury you so deep you'll never see daylight again.
- (10) I don't want to _____, because, believe me, it will be his jury.
- (11) If I can arrange for him _____, I'm pretty sure I can make a deal for you.

(d)

jail	cell	pleading guilty	put you on trial
a three-month suspended sentence	a record	deal	expense of a trial
persuaded	sentence	probation	district attorney
suspend			

- (1) That afternoon Tracy was moved to a larger _____.
- (2) There was no way she could have him telephone her at the _____.
- (3) I've just left Judge Lawrence and Topper, the _____.
- (4) _____, you save the state the _____.
- (5) I've _____ the judge that you didn't steal the painting.
- (6) Judge Lawrence will _____ you to three months in prison.
- (7) He'll _____ the sentence, and you can do your _____ out of state.
- (8) But then I'll — I'll have _____.
- (9) If they _____ for armed robbery and attempted murder during the commission of a felony, you could be sentenced to ten years.
- (10) You don't have to take the _____.
- (11) She was probably lucky to get off with _____.



Task 7. Translate the following sentences into English using the words and word combinations from the text above:

- (1) Вас представляет защитник?
- (2) Суд назначит вам защитника.
- (3) Штат обращается с просьбой, чтобы Трейси Уитни был вынесен приговор за попытку убийства и вооруженное ограбление.
- (4) Вам необходимо внести залог в размере 5 000 долларов.
- (5) Ближайший полицейский участок находится на соседней улице.
- (6) Она подошла к дежурному сержанту.
- (7) В регистрационной комнате находились сутенеры, проститутки, уличные грабители и их жертвы.
- (8) Сержант сказал снять с нее наручники и отвести в камеру.
- (9) Судебный пристав отвечает за порядок в зале суда.
- (10) Изнасилование — это тяжкое преступление.
- (11) Штат обращается с просьбой, чтобы Трейси Уитни был вынесен судебный приговор за попытку убийства и вооруженный грабеж или она может быть отпущена под залог в полмиллиона долларов.
- (12) Вы будете находиться под стражей вместо залога в пятьсот тысяч долларов.
- (13) Его преступление довело ее до самоубийства.
- (14) Ты виновен в мошенничестве.
- (15) Его признания очень важны для нас.
- (16) Ты довел компанию до банкротства.
- (17) Полиция арестовала преступника.
- (18) Я убью тебя, если ты этого не сделаешь.
- (19) Я хочу, чтобы ты во всем признался.
- (20) Адвоката, назначенного судом, звали Перри Поуп.
- (21) Этот человек — закоренелый преступник.
- (22) Он подаст иск о выплате страховки.
- (23) Я надеюсь, что полиция начнет расследование.

- (24) Я готов отдать все что угодно за то, чтобы заключить их в тюрьму.
- (25) Адвокат пришел к ней в камеру.
- (26) Я не хочу, чтобы ты предстала перед судом присяжных.
- (27) Судья Лоуренс будет рассматривать это дело.
- (28) Суд не примет признания, полученные таким способом.
- (29) Полицейский спросил, есть ли у нее судимость.
- (30) Тебе не обязательно соглашаться на эту сделку.
- (31) Судья вынесет условный приговор.
- (32) Если тебе что-то не нравится, ты можешь попросить другого адвоката.
- (33) Я хочу посоветовать Вам признать себя виновным.
- (34) Судья может приговорить Вас к десяти годам тюремного заключения.
- (35) Расходы на такой судебный процесс всегда очень большие.
- (36) Я смог убедить судью в том, что она не крала эту картину.
- (37) По просьбе адвоката ее перевели в другую камеру.

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