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Сборник профессионально-ориентированных текстов

для студентов очной и заочной форм обучения специальности 40.02.01 Право и организация социального обеспечения

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Сборник содержит профессиональные тексты и практическое задания, направленные на развитие навыков чтения профессионально — ориентированных текстов, совершенствование коммуникативных навыков в области юриспруденции.

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ЛЕКСИЧЕСКИЕ ЕДИНИЦЫ, ИСПОЛЬЗУЕМЫЕ В ПРОФЕССИОНАЛЬНОМ ОБЩЕНИИ ПО СПЕЦИАЛЬНОСТИ

law	- закон
law - student	- студент - юрист
lawful	- законный
criminal law	- уголовное право
criminal justice	- уголовное
	судопроизводство; правосудие
justice of the peace	- мировой судья
judge	- судья
common law	- общее право
civil law	- гражданское право
labour law	- трудовое право
lawyer	- юрист, адвокат
court	- суд
court of appeal	- апелляционный суд
court decision	- решение суда, заключение
legal	- юридический, правовой
legal rights	- законные права
human rights	- права человека
bar	- адвокатура
crime	- преступление
criminal	- преступник
guilt	- вина
guilty	- виновный
victim	- жертва
duty	- долг
to be on duty	- дежурить
to prevent crime	- предотвратить
	преступление
theft	- воровство
thief	- вор
evidence	- улика, свидетельские
	показания
law - abiding citizen	- законопослушный

	гражданин
to break the law	- нарушать закон
trial	- судебный процесс, суд
a person accused of crime	- обвинённый в совершении
	преступления
innocent	- невиновный
to prove	- доказывать
to commit murder	- совершать убийство
to tell the truth	- говорить правду
to pass sentence	- выносить приговор
burglar	- ночной грабитель,
	взломщик
pick - pocket	- карманник
to punish	- наказывать
accident	- несчастный случай
to injure	- травмировать
to protect from	- защитить о
to be responsible for	- быть ответственным за
to abolish	- отменить

PETE IS PREPARING FOR THE SEMINAR

Pete Sokolov is in the reading-room of the library. He is reading something and making notes. Let's come up to him and ask what he is reading. "Hello, Pete! What are you doing now? " — "Oh, hello! I'm preparing for my seminar in the theory of state and law. I'm not good at this subject and I'm working very hard now. And I haven't much time either Please, don't bother me anymore, will you? " Isn't Pete a busy boy? But let's see what he is reading. Is it really so very difficult? Look and judge for yourself.

It is difficult to be precise as to what law is, but it may be defined as a code of conduct for the people in a given community, which controls their activities towards each other, with respect to their private and business lives, and to their relationship with the State. It is generally agreed that law must be accepted by the majority of the community. Most road-users recognize the necessity for all drivers travelling on the same side of the road, or stopping at traffic lights when they show red. Even if there was no punishment for these offences, the majority of

drivers would still follow the Highway Cod because they know it is the sensible thing to do. If a community did not have a system of law, the strongest person, or group of persons, could dominate with arbitrary and unfair rules, or there could be anarchy. If a community is to develop as a fair and free society, law must be present to ensure that an individual's rights and freedoms are protected. As a community develops its industry and business, its law must develop and create a system, which will ensure that disputes will be settled. Law is not only needed to ensure that offenders will be punished, it creates a code of conduct, which a community wishes to follow. A community has its own values and its law should reflect these values.

Laws are not made to be broken, but to be followed. All breaches of civil or criminal law are not necessarily deliberate. An employer may have created a dangerous place of work by accident; a motor accident could have been caused by the negligence of the driver, and a shopkeeper may not have known that the goods were unsatisfactory. Yet all three may have committed an offence or a breach of law. There have been breaches of law because the community created the laws and requires individuals to behave or conduct themselves accordingly for the benefit of the community as a whole.

Answer the question:

- 1. What is the definition of law?
- 2. What is generally agreed?
- 3. What would happen if a community did not have a system of law?
 - 4. What must law create?
 - 5. What should law reflect?
 - 6. What are the examples of not deliberate branches of law?
 - 7. What does the community require?

Закончите начатые фразы:

- 1. Law is a code of conduct which controls ...
- 2. Even if there was no punishment for these offences, the majority of drivers ...

- 3. If a community did not have a system of law, the strongest person could ...
 - 4. Law creates a code of conduct which a community ...
 - 5. Law are not made to be broken, but ...
- 6. There have been breaches of law because the community....

ELECTIONS

Tomorrow is the great day for Peter Sokolov. For the first time in his life he'll take part in the general elections of this country. According to the constitution of Russia all organs of state power are elected by the entire adult population on the basis of universal, equal and direct suffrage by secret ballot¹. The right to elect and be elected to the bodies of state power and local authorities, and also to take part in the referendum is guaranteed by the Constitution of Russian Federation. Pete will vote for some candidate tomorrow, but he himself can't be elected yet, because he's only 18. Under the law every citizen of this country at the age of 21 can be elected to the Parliament. The candidate whom Pete will vote for was nominated by the university. Pete knows that periodically the deputies will inform their electors about their activity during the meetings with them and also with the help of mass media.

Jane Snow will also take part in the elections of the President next year. But her vote isn't a direct one. In November voters in each state give their votes for candidates. Before voting in November every citizen must register in accordance with the laws of his state. This gives him the right of participating in "primaries". The US constitution guarantees every citizen the right to vote but the states with the help of numerous qualifications deprive a lot of people of this right. The national presidential elections really consist of two separate campaigns: one is for the nomination of candidates at national party conventions³. The other is to win the actual election. The nominating race is a competition between members of the same party. They run in a succession of state primaries and caucuses⁴. The party convention then votes to select the party's official candidate for the presidency. In November of the election year the voters across the nation go to the polls. If the majority of the popular votes in a state go to the Presidential (and vice-presidential)

candidate of one party, then that person is supposed to get all of that state's "electoral votes." These electoral votes are equal to the number of Senators and Representatives each state has in Congress. The candidate with the largest number of these electoral votes wins the election. Each state's electoral votes are formally reported by the "Electoral College." In January of the following year, in a joint session of Congress, the new President and Vice-President are officially announced. And those who do vote can only make their choice practically between two sets of candidates — Democrats and Republicans whose political platforms are practically alike.

- 1. universal, equal and direct suffrage by secret ballot всеобщее, равное и прямое избирательное право при тайном голосовании
 - 2. "primaries" первичные выборы
 - 3. convention съезд
 - 4. caucus партийное собрание

Переведите следующие предложения:

1. For the first time in his life he'll take part in the general elections. 2. The entire adult population takes part in the election of the organs of state power. 3. The majority of the citizens of this country enjoy their suffrage. 4. Both you and your friend will represent our organization. 5. The voter couldn't make a choice between two candidates, because both of them had represented similar programmes. 6. He had no right to receive the representatives of that country.

Закончите следующие предложения:

- 1. Voters in each state...
- 2. Before voting in November every citizen must...
- 3. The state with the help of numerous qualifications...
- 4. The national presidential elections consist of ...
- 5. The nominating race is ...
- 6. If the majority of votes go to the candidate of one party...
- 7. In January of the following year...

KIDNAP!

Mr and Mrs Barker were having a quiet day at home. Their 17year-old daughter was away in Scotland staying with a friend. At 12 noon, Mr and Mrs Barker got a phone call from the friend where their daughter was supposed to be staying, saying that she had disappeared. They were just about to call the police when the phone rang again. A hoarse voice informed Mr Barker that his daughter had been kidnapped and that unless he paid a ransom of \$ 1000 he would never see his daughter alive again. When Mr Barker inquired who the caller was, the voice answered that it was someone he knew well. The voice then gave him instructions about where and when to hand over the money. He was warned not to tell the police or to attempt to have the phone call traced. Mr Barker went to the bank and immediately withdrew the money out of his bank account and left on the next train to Brighton. When he arrived, he entered the Grand Hotel at five to six and carefully placed the briefcase beside a sofa as arranged. At six o'clock precisely, a woman in a scarf and raincoat approached, took the briefcase and walked quickly awav.

At 10 p.m. the same evening, to his great relief, his daughter returned home. She could hardly refrain from laughing. Imagine his surprise when she handed him his briefcase containing the \$ 1000. It turned out that she and her friend had decided to play a practical joke. It was she who had put on a hoarse voice to phone her father and it was she who had collected the briefcase in Brighton. The joke had succeeded but, strangely enough, Mr And Mrs Barker did not appreciate it as much as their daughter did.

Answer the questions:

- 1. What did the daughter's friend phone to say?
- 2. Where did Mr Barker have to go with the money?
- 3. Where did he put the money?
- 4. What was his daughter's explanation?

THE PROFESSION OF A LAWYER

It is very important for everybody to make a **right choice** (1) of profession. There are a lot of **honorable** (2) professions today. Still, it is

difficult for young people to choose. I changed my planes several times about what want to be. I have decided yet that I want to be a lawyer.

It is important to understand that law is not only necessary just because there are bad people in the world. If we were all as good as we ought to be, laws would still be necessary. If we never lied, never took anything that didn't belong to us, never omitted to do anything that we ought to do and never did anything that we ought not to do, we should still require a set of rules of behavior. In other words these are laws. They **enable** (3) us to live in any kind of a state.

Every lawyer is required to protect the law. The legal profession is very popular and highly paid today. He is responsible to use laws to help people live **safely (4)** and comfortably. Still, it is not all an easy work to do

A lawyer gives you pieces of advice on legal problems or gives reasons for defending people in the court.

Today a good lawyer is of great demand (5) in our country. I want to become a lawyer devoted to my cause (6).

Vocabulary

- 1. a right choice правильный выбор
- 2. honorable уважаемый, почетный
- 3. enable давать возможность
- 4. safely в безопасности
- 5. to be of great demand иметь большой опыт
- 6. to be devoted to one's cause быть преданным делу

Answer the question:

- 1. What kind of profession do you want to choose?
- 2. Why do we need laws?
- 3. Is the profession of a lawyer popular and highly paid today?
- 4. What is a lawyer responsible for?
- 5. Why is the profession of a lawyer of great demand today?

THE CONSTITUTIONAL PROTECTION OF HUMAN RIGHTS

The dignity and rights of man, a dominant theme in the political philosophy of the 18th century, flowered into practical significance with such instruments as the Virginia Declaration of Rights 1776, the American Declaration of Independence 1776, the French Declaration of the Rights of Man and of the Citizen 1789 and, of more lasting importance, the series of Amendments to the United States Constitution adopted in 1791 as the American Bill of Rights.

The constitutional settlement in the United States and the attached Bill of Rights provided a model for the protection of human rights. For many years this US model stood almost alone, but now the overwhelming majority of world states have a written constitution providing checks and balances against the abuse of authority and enshrining in one form or another fundamental rights and liberties of individuals. There is no one model. In some states the fundamental rights and liberties are protected within the Constitution itself. In other states a Bill of Rights is annexed to the Constitution subject to the same overriding primacy as the Constitution itself. In yet other states, fundamental rights are guaranteed by a Basic Law, falling short of the constitution itself but remaining paramount over the ordinary legislation of the state.

It has to be remembered that the effectiveness of the protection of human rights is dependent only in part on the rights and liberties set out in the relevant law. There are many instances of states whose constitutions contain an impressive series of human rights provisions which are not observed in practice. In such cases, outside pressure by international organizations, both private and public, and the existence of binding international treaty obligations are of particular importance, as is the diplomatic pressure of other states where they are willing and able to exercise it.

dignity – достоинство amendment – поправка overwhelming – подавляющий abuse – злоупотребление enshrining – сохранение annex — добавлять subject to — по причине overriding — главенствующий paramount — первостепенный relevant — соответсвующий

Answer the question:

- 1. What did the Bill of the rights provide in the USA?
- 2. What does a written constitution provide?
- 3. How many models are there according to the text?
- 4. What are the ways of influencing the states where human rights are not observed in practice?

INTRODUCTION TO LAW

The English word "law" (Scandinavian borrowing) refers to limits upon various forms of behavior. Some laws are descriptive - they simply describe how people usually behave. Other laws are prescriptive - they prescribe how people ought to behave.

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

Customs need not be made by governments, and they need not be written down. We learn how we should behave in society through the instruction of family and teachers, the advice of friends, and our own experiences. The rules of social institutions tend to be more formal than customs. Governments often consider anti-social behaviour not simply as a matter between two individuals but as a danger to the well-being and order of society as a whole. The laws made by the government of one country are often very different from the laws of another country. Law today is, to a large extent, a complex of different and relatively independent national systems.

Find the English equivalents for the words and word-combinations given below.

Заимствование, описательный, предписывающие законы, социальные общества, опыт (жизненный), личность.

Match the English words and word-combinations given below with their Russian equivalents.

1) различные формы поведения a) to enforce the laws

2) определенные законы b) well-being

3) проводить законы в жизнь с) to a great extent

4) благополучие d) various forms of behaviour

5) в целом e) independent national systems

6) в значительной степени f) as a whole 7) независимые государственные g) precise laws

т) независимые государственные g) precise taw системы

Answer the following questions.

- 1. What does the word "law" refer to?
- 2. What are descriptive and prescriptive laws?
- 3. What is the difference between customs and the rules of social institutions?
- 4. What is law today?

ANCIENT SYSTEMS OF LAW

The oldest code of laws from anywhere in the world is that of Ur-Nammu, the Sumerian king who lived in the 21st century B.C. The next known is again in Sumerian; it was promulgated under Lipit-Ishtar (about 1850—1840 B.C.), the ruler of Isin. All of these codes date from before Hammurapi. As we have noted, he was not the first ruler of Mesopotamia to issue a collection of laws; but his code was so far ahead of anything previously attempted that we must regard it as the apex of legal codification prior to Roman Law. In fact, Hammurapi's Code is the best mirror of Mesopotamian society.

Hammurapi ordered to cave this code into a great stone stele. This stele was set up in a temple to the Babylonian god Marduk and every citizen could read it. After the fall of Babylon in the 16th century B.C. the stele was lost for centuries and lay buried until French archaeologists unearthed it in 1901—1902. It is now in the Louvre museum in Paris. Hammurapi's Code is carefully arranged laws aiming at regulating society in clear language. It covered crime, divorce and marriage, slaveholding, theft and property ownership and even kidnapping.

Another ancient code is the code of Hebrew Law contained in the Book of Exodus in the Bible

In Greece each city state had its own law, some laws were common to many states. In the seventh century B.C. the Greeks began to put their laws into writing. About 594 B.C. Solon, the famous Athenian lawgiver, provided a new code of law. He was not without some experience in matters of law and justice before he was chosen as lawgiver. The judicial reforms of Solon, which secured a minimum of popular participation in the administration of justice and laid the foundation of democracy, are among the most important in Athenian history. The Athenians did not consider it necessary to have legal experts for non-criminal cases. In a civil case the verdict was given by a jury, which might number anything from 201 to 2,500. The members of the jury listened to speeches made by persons who had brought the case before them, and by their friends. Barristers did not participate in court proceedings, but professional speech-writers sometimes prepared speeches.

Roman Law is one of the greatest systems that has ever existed. It was based upon custom, and by A.D. 528 the quantity of Roman Law had become so immense that the Emperor Justinian in Constantinople ordered to make a clear, systematic code of all the laws. Roman Law had a deep influence upon the law of the world. It had a strong influence on the law of most European countries and some influence on Anglo-Saxon law, which is the other great law system of the world. After many years Roman Law reappeared in the eleventh century, when there was a great revival of learning. Many European countries began to use Roman Law in their courts.

Find the English equivalents for the words and word-combinations given below.

Кодекс, стела, раскапывать, государство, гарантировать, законодатель, правосудие, юридический, состав присяжных, барристер (адвокат), судопроизводство, огромный, возродился.

Match the English words and word-combinations given below with their Russian equivalents.

1)	был провозглашен при	a) criminal case
2)	вершина правовой	b) revival of learning
	кодификации	
3)	до Римского права	c) civil case
4)	излагать свои законы	d) influence on the law
	в письменном виде	
5)	предоставил новый свод	e) was promulgated under
	законов	
6)	уголовное дело	f) to put their laws into writing
7)	гражданское дело	g) the apex of legal codification
8)	влияние на право	h) provided a new code of law
9)	возрождение	i) prior to Roman Law

Answer the following questions.

- 1. What ancient systems of law do we have knowledge of?
- 2. Why do we regard Hammurapi's code as the apex of legal codification?
 - 3. Why did Hammurapi set up the stele in a temple?
 - 4. Where is this stele now?
 - 5. What did the laws of Hammurapi cover?
 - 6. When did the Greeks begin to put their laws into writing?
 - 7. What is one of the greatest systems of law?
- 8. What system of law had a great influence on the law of the world?

THE CODE NAPOLEON

Napoleon Bonaparte is both a historical figure and a legend - and it is sometimes difficult to separate the two.

In the states he created, Napoleon granted constitutions, introduced law codes, abolished feudalism and created efficient governments. One of his i greatest achievements was his revision and collection of French law into codes. The new law codes - seven in number - incorporated some of the freedoms gained by the people of France during the French revolution. The most famous of the codes, the Code Napoleon or Code Civil, still forms the basis of French civil law.

The Civil Code introduced by Napoleon at the beginning of the 19th century changed the political lives of all the states of continental Europe.

The extent of Napoleon's influence on the Code that bears his name is debated. The Code was an expression of the laws and morals of the French nation as a whole, not the personal work of Napoleon. While Napoleon can certainly not be considered the author of the Code, he was the dynamic force that brought it about.

The Code's final draft contained a total of 2,287 articles. It was issued as the French Civil Code in 1804. The Code was a great attempt to create a legal system that treated all the citizens as equals without regard to their rank or privileges. Napoleon's contribution into the world's legislative system will never be forgotten.

Find the English equivalents for the words and word-combinations given below.

Жаловал (предоставил), достижения, включал, активный (действующий), проект, был издан, без учета служебного положения или привилегий.

Match the English words and word-combinations given below with their Russian equivalents.

- 1) отменить (упразднить) феодализм
- 2) гражданское право
- 3) носит его имя
- 4) которая вызвала его
- 5) создать правовую систему
- a) that brought it about
- b) to create a legal system
- c) to abolish feudalism
- d) bears his name
- e) civil law

Answer the following questions.

- 1. What was one of Napoleon's greatest achievements?
- 2. What does still form the basis of French civil law?
- 3. When was the Civil Code introduced?
- 4. What was its influence on the political lives of all the states of continental Europe?
 - 5. Can Napoleon certainly be considered the author of the Code?
 - 6. How many articles did the Code's final draft contain?
 - 7. When was the French Civil Code issued?

THE ROOTS OF AMERICAN GOVERNMENT

By the year 1733 the English had owned thirteen separate colonies along the Atlantic coast of North America. All the English colonies in America shared a tradition of representative government. This means that in all of them people had a say in how they were governed. Each colony had its own government. At the head of this government was a governor, chosen in most cases by the English king. To rule effectively, these governors depended upon the cooperation of assemblies elected by the colonists. In most of the colonies all white men who owned some land had the right to vote.

The years from the 1750s until the mid-1770s were uneasy times in the colonies. First the colonists fought the French and American Indians to gain land. Then they argued with the British king about their rights and freedom.

Democracy in all the colonies grew rapidly. On July 2, 1776, the Continental Congress took the step that many Americans believed was inevitable. It cut all political ties with Britain and declared that "these United Colonies are free, and independent states". Two days later, on July 4, it issued the Declaration of Independence. The Declaration of Independence is the most important document in American history. It was written by Thomas Jefferson, a lawyer from Virginia.

After repeating that the colonies were now "free and independent states" it officially named them the United States of America. The Declaration of Independence was more than a statement that the colonies were a new nation. It said that governments should consist of

representatives elected by the people; that the main reason that governments existed was to protect the rights of individual citizens.

In 1790 the Constitution of the USA was adopted and a year later, in 1791 ten amendments known as the Bill of Rights were added to the Constitution. The Constitution gave the United States a "federal system of government". A federal system is one in which the power to rule is shared. The Constitution made arrangements for the election of a national leader called the President. He would head the "executive" side of the nation's government.

Find the English equivalents for the words and word-combinations given below.

Губернатор, эффективно, законодательное собрание (орган), голосовать, быстро, неизбежный, объявил, Декларация независимости,) адвокат, утверждение,

Answer the following questions.

- 1. How many colonies had the English owned by the year 1733?
- 2. What form of government did they have?
- 3. Who was at the head of each government?
- 4. What right did all white men who owned any land have?
- 5. What was the reason for arguing with the British king?
- 6. When was the Declaration of Independence issued?
- 7. Who wrote the Declaration of Independence?
- 8. What did the Declaration of Independence state?
- 9. When was the Constitution of the USA adopted?
- 10. How do the Americans call their ten amendments to the Constitution?
 - 11. What did the Constitution give the United States?

THE PRESIDENTS OF THE UNITED STATES

The United States has had over 40 Presidents. The first President, George Washington, was inaugurated in 1789. He served two terms that ended in 1797. When he died he was mourned in the United States and

abroad as one of the great men of the time. He was buried at his home at Mount Vernon, Virginia.

Nine Presidents were elected for two terms. Franclin D. Roosevelt served three terms. He was elected to a fourth term in 1944. He died in 1945, and his term was completed by Harry Truman.

The shortest term was served by William Henry Harrison who died one month after his inauguration in 1841. Four Presidents were killed while in office. The first of these was the 16th President, Abraham Lincoln. He was shot while attending the theatre in Washington. James Garfield was shot a few months after his inauguration and died at the age of forty-nine. William McKinley was killed in Buffalo, New York in 1901. John Kennedy was killed in Texas in 1963.

James Buchanan was the only bachelor to be elected. He was assisted in the social activities of the White House by his niece.

One of the Presidents (Andrew Johnson) was a tailor before he became President. Three of the Presidents - Washington, Grant and Eisenhower were Generals of the Army before they were elected.

The 26th President, Theodore Roosevelt was a Colonel in the Army before he was elected to serve as Vice-President during William McKinley's term of office. When President McKinley was killed, Theodore Roosevelt became President. He became the youngest man to be called upon to fill presidency. He was forty-two years old. John Kennedy was the youngest person to be elected to the office. He was forty-three at the time he was chosen.

The State of Virginia is known as the "Presidents' State". Eight Presidents were born in Virginia and seven were born in Ohio. Some Presidents will be remembered by people as great men of their times.

Say whether the statements given below are true or false.

- 1. The United States has had 60 Presidents.
- 2. George Bush is the 41^{s1} President.
- 3. George Washington served 3 terms that ended in 1797.
- 4. George Washington was buried at his home at Mount Vernon, Virginia.
 - 5. Franklin D. Roosevelt served four full terms.
 - 6. The shortest term was served by William H. Harrison.
 - 7. Five Presidents were killed while in office.

- 8. James Buchanan was the only bachelor to be elected.
- 9. Five Presidents were generals of the army before they were elected.
- 10. John Kennedy was the youngest person to be elected to the office.
- 11. Some Presidents will be remembered by people as great men of their times.

WHAT IS LAW?

Law is the whole set of rules that are supported by the power of government and that control the behaviour of members of a society. The law itself provides the basic structure within which commerce and industry operate. It safeguards the rights of individuals, regulates their dealings with others and enforces the duties of government.

There are two main kinds of the law - public and private (civil). Private law concerns disputes among citizens within a country, and public law concerns disputes between citizens and the state, or between one state and another.

The system of law consists of different categories of law.

There are laws which enable citizens to take legal action against the state. These actions are part of constitutional law. A constitution is the political and ideological structure within which a system of laws operates. J Most countries have a formal written Constitution describing how laws are to I be made and enforced.

Many countries face similar social, economic and political problems. Nations have always made political and economic treaties with each other. International law is created to regulate relations between governments and also between private citizens of one country and those of another.

Criminal law deals with wrongful acts harmful to the community and punishable by the state.

Civil law deals with individual rights, duties and obligations towards one another.

As well as defining the powers of government, most constitutions describe the fundamental rights of citizens. These usually include general declarations about freedom and equality, but, also some specific provisions. I The European Convention on Human Rights (ECHR) was

first adopted in 1950 and has now been signed by every country of Western Europe. Individual citizens of these countries have the right to bring a complaint before the European Commission if they think their government has broken the Convention. But despite the development of legally binding national and international conventions, millions of people in the world still do not enjoy human rights

Guess the meaning of these words.

System, control, structure, industry, constitution, individual, regulate, public, civil, category, legal, political, general, ideological, formal, social, economic, problem, international, criminal, act, fundamental, declaration, specific, convention, commission, million.

Answer the following questions.

- 1. What is law?
- 2. What categories of law can you name?
- 3. What is the principle source of constitutional law?
- 4. What is the central institution of private (civil) law?
- 5. What does criminal law define?
- 6. What does international law regulate?
- 7. What is civil law connected with?
- 8. When was ECHR adopted?
- 9. What does ECHR deal with?

HOW LAWS ARE PASSED

Nearly all important bills are introduced by the Government. About fifty bills are passed each year, some short, some long, some needing much discussion. Once the Government has decided to introduce a bill, a minister is put in charge of it. The preparation of the text may take many months, with long consultations involving civil servants in the minister's department on (he one hand and Parliamentary Counsel on the other.

At last the bill is ready to be submitted to Parliament. It will have to be passed by both Houses of Parliament, one after the other. It can begin its journey in either the House of Commons or the House of Lords, though all really important bills are in fact submitted to the House of Commons first.

The typical bill of moderate importance, then, will begin in the House of Commons. According to very ancient practice, it must have three "readings" there. The "first reading" is in effect merely an announcement that the bill is coming forward. Then after being in circulation for a reasonable length of time (usually one or two weeks at least) it goes to the 'second reading". This is the main debate on the general principles of the bill, and at the end of the debate a vote is taken. The important thing about this stage is not the final decision, but the words spoken in the debate, the arguments for and against, the discussion of principles and of details from many points of view.

After the bill has passed its second reading, a "standing committee" of up to forty-five MPs is set up to consider it in detail. The bill is printed in clauses and committee members may propose changes to the text. After the committee has finished with the bill, the next stage is called "the report stage". The House itself now repeats the committee stage, though taking much less time. The House has before it the new text of the bill, incorporating the committee's amendments. Some, new amendments are proposed and there may be further discussion of the amendments which were proposed in committee but withdrawn so as to give the minister time to examine them thoroughly.

The last stage is the debate on the proposal to "read the bill a third time". This debate is usually short. It is a final review and discussion of the bill as it stands after amendment.

Next the bill must go through the same stages in the House of Lords. If the House of Lords rejects a bill which has been passed by the Commons, the bill can go no further for a few months; but if the Commons pass it again, in the same form as before, it must go to the Queen for her signature no matter what the Lords do. The Lords can merely delay bills which they don't like.

A bill becomes an Act of Parliament when the Queen signs it.

Find the English equivalents for the words and word-combinations given below.

Государственные служащие (чиновники), законопроект средней важности, чтения, сообщение, находиться в обращении,

точка зрения, постоянная комиссия, статьи, объединяющий, основательно

Answer the following questions.

- 1. What is the difference between a bill and an Act of Parliament?
 - 2. How many readings should a bill receive to become a law?
 - 3. Which of the two Houses of Parliament has more power?
 - 4. How does a bill go through Parliament?

THE HISTORY OF RUSSIAN LAW

During his travels to London in 1698 Peter the Great encountered some English barristers wearing their wigs and gowns. "Who are those men?" Peter inquired of his escort. "Lawyers," was the reply. "Lawyers!" exclaimed Peter, "What is the use of so many? I have only two in my whole empire, and I mean to hang one of them as soon as I return."

The law and lawyers have not traditionally been accorded much power or status in Russia. Yet, like Peter, a current generation of Russian leaders wishes to reform and modernize Russian society and, in so doing, is eagerly adopting Western practices, concepts, and mores. At the heart of these reforms is the need to create a society based on the rule of law.

The Russian legal tradition, like Russian society generally, is neither Western European, nor wholly Eastern. Russian legal culture is a mix of numerous traditions and influences, some dating back to the Byzantine Empire, some to the 250-year Mongol-Tatar occupation, and still others introduced from Western Europe beginning in the I8th century. As in the West, early Russian law based on custom. The earliest known remnants of Russian law were embodied in Oleg's Treaty with Byzantium in 911. This document proclaimed that striking someone with a sword requires compensation to be paid in silver and set other punishments for specified actions. Other treaties between the Kievan prince and Byzantium defined the status of foreigners, the process for ratifying treaties, and the law of shipwreck. The adoption of Christianity by Grand Prince Vladimir of Kiev in 988 opened Russia to a wealth of canon law from Byzantium.

The first attempt to codify customary laws was the *Russkaya Pravda*, thought to have been compiled under Yaroslav the Wise in approximately 1016 in Novgorod. Among the provisions of the *Russkaya Pravda* were revenge for murder and monetary payment for damages. The *Russkaya Pravda* began with the rule for blood feuds. The first written codes of law in Russia concentrated on criminal rather than civil matters and focused on regulating the interactions between families.

As in the West, Russian society in the 11th century was evolving into a feudal state, in which feudal relations were only weakly defined by customary law. However, between 1050 and 1150 feudalism in Western Europe became rationalized through the drafting of feudal and manorial laws. Russia, however, remained remote and isolated from these developments. In the words of the late Russian historian Georgi Vernadsky, Russia was characterized by "feudalism without feudal law."

The occupation under the Mongols further isolated Russia from cultural and legal developments in Western Europe, and retarded the natural development of law. By the end of the Mongol occupation, Russian civil law had not advanced markedly beyond the primitive state of the *Russkaya Prcivda* of four centered earlier.

Thus, the early influences on the development of Russian law came from the south and the east, rather than from Western Europe. It was only with the emergence of the Russian Empire in the early 18th century and the Westward-looking leadership of Peter the Great that European influences began to reshape traditional Russian law. It is often claimed that Russia inherited its legal traditions from Roman law. This claim is only partly true. Roman law only began to influence Russian law in the 18th century and the conduit was Western Europe, not Byzantium, as commonly believed.

When Peter the Great assumed the throne in 1692 he immediately began a series of reforms designed to modernize and strengthen the Russian state. Much of Peter's rule can be interpreted as a reaction to the traditional Muscovite past. He adopted a military uniform. He changed his title from tsar to emperor. In the field of law, Peter's reforms were largely concerned with strengthening the power of the state, and thereby enhancing his own power over the regional nobility. The use of law and

the legal system to reinforce the power of the autocrat is another enduring feature of Russian legal culture.

Catherine II (1762-1796) wished to bring Russia up to the standard of the other European empires. Like her predecessors, she imported noted West European legal scholars, changing the intellectual climate and laying the groundwork for legal reforms. In 1775 a new hierarchy of local, district, and appellate courts was established. The following year she ordered an ambitious plan of legal codification, which was, however, thwarted by her unwillingness to accept legal restrictions on her power as sovereign.

Alexander I (1801-1825), a progressive and reform-minded tsar who admired the logical consistency of the Germanic and French codes, was also determined to modernize the state apparatus and bring order to the chaotic state of Russian laws and legislation. Alexander was much influenced by the ideas of the French Revolution which entered Russia largely as a result of the Napoleonic Wars.

Thus, until the legal reforms of 1864, there was a fundamental ambivalence concerning Russian law: on the one hand there was a desire to protect justice and order in the state; on the other hand there was a resistance l>y the tsars to anything that would constrain the exercise of their personal whim or will. Reform in Russia, however, has not been a continual, incremental process, rather it has been cyclical and dialectical in nature.

Find the English words and word-combinations given below in the text.

Мантия, парик. Византийская империя, воплощать, кораблекрушение, каноническое право, обычное право, кровная месть, возникно- исние Российской империи, римское право, вступать на престол, военная форма, усиливать власть самодержца, предшественник, разрушать (планы), ограничения на власть, прихоть.

Answer the following questions.

1. How much power did the lawyers have in Russia in early times?

- 2. What is there at the heart of legal reforms?
- 3. What are the roots of Russian law?
- 4. Where were the earliest remnants of Russian law embodied?
- 5. What did Russia take from Byzantium?
- 6. What was the first attempt to codify customary laws?
- 7. What provisions were there in Russkaya Pravda?
- 8. What did the first written code of law in Russia deal with?
- 9. What role did the occupation under Mongols play in the development of law?
- 10. Where did the early influences on the development of Russian law come from?
 - 11. When did Peter the Great assume the throne?
 - 12. What were Peter's reforms in the field of law concerned with?
 - 13. When was a new hierarchy of courts established?
 - 14. What ideas was Alexander I much influenced?
- 15. What was a fundamental ambivalence concerning Russian law?

THE STATE SYSTEM OF RUSSIA

Russia is a democratic federative law-governed state with a republica form of government. The Russian Federation consists of 89 constituent entities (republics, territories, regions, cities of federal significance, the autonomous regions and autonomous area, which have equal rights). The authorities of the constituent entities have the right to pass laws independently from the federal government. The laws and other normative legal acts of the subjects of the Russian Federation may not contradict federal laws. The President of the Russian Federation is the head of state. Th President of the Russian Federation has the right to suspend the actions of acts of executive bodies of Russian Federation members if they contradict the Constitution of the Russian Federation, federal laws, or the international obligations of the Russian Federation.

State power in the Russian Federation is exercised on the basis of its separation into legislative, executive, and judicial branches. The Federal Assembly - the Parliament of Russia — is the supreme representative and legislative body of the Russian Federation. Executive power belongs to the central and local governments. Justice in the Russian Federation is administered by the courts of law only. Judicial

power is effected by means of constitutional, civil, administrative, and criminal judicial proceedings.

The President is elected to office for a term of four years by the citizens of the Russian Federation on the basis of universal, direct and equal suffrage by secret ballot. One and the same person cannot serve as President for more than two terms in succession. The President stops performing his duties ahead of time if he resigns, because of impeachment, or if he cannot continue to carry out his duties due to poor health. Elections of a new President are to take place within three months and in the meantime his duties are acted upon by the Chairman of the Government of the Russian Federation. The President of the Russian Federation:

- appoints, with the consent of the State Duma the Chairman of the Government of the Russian Federation, chairs the meetings of the government, accepts the resignation of the government;
- nominates for approval by the State Duma the Chairman of the Central Bank:
- nominates judges to the Constitutional Court, Supreme Court , and Court of Arbitration of the Russian Federation, and the Prosecutor-General of the Russian Federation for appointment by the Federation Council;
 - organizes and chairs the Security Council of Russia;
- is the Supreme Commander-in-Chief of the Armed Forces of the Kussian Federation and appoints and dismisses the supreme commanders of tin Armed Forces:
- appoints diplomatic representatives for approval by the Parliament. I If confers supreme military and supreme special titles and honorary titles of llir state;
- has the right to show mercy and to decide on issues of citizenship;
- has the right to introduce the state of emergency throughout the i mintry or in a particular territory within the Russian Federation;
 - dissolves the State Duma;
- announces elections ahead of time and passes the decision to i onduct a referendum on federal issues, etc.

Answer the following questions.

1. What type of state is Russia?

- 2. Who is the head of the Russian Federation?
- 3. In which case does the President have the right to suspend acts passed by local executive bodies?
- 4. What are the three independent branches of state power in Russia?
- 5. When does the President stop performing his duties ahead of time?
- 6. What are the basic principles of voting when electing the President?
 - 7. Name 4-5 duties of the President.

THE PARLIAMENT AND THE GOVERNMENT OF THE RUSSIAN FEDERATION

The Federal Assembly - the Parliament of the Russian Federation is the representative and legislative body of the Russian Federation. The Federal Assembly consists of two houses: a Federation Council and a State Duma. The Federation Council is composed of two representatives from each member of the Russian Federation - one from its representative and one from its executive body of state authority. The State Duma consists of 450 deputies. The Federal Assembly is a permanently working body. The Federation Council and the State Duma have their sessions separately. Their sessions are public, but in the cases stipulated by their code of procedure, they may hold their sessions in camera. Each of the houses forms committees and commissions and holds hearings on the appropriate issues. To supervise the execution of the federal budget the Federation Council and the State Duma form an Accounting Chamber. Its composition and procedure of work is determined by federal legislation.

The Federation Council has power:

- to approve changes of borders between members of the Russian Federation;
- to approve the decree of the President of the Russian Federation on the introduction of martial law;
- to approve the decree of the President on the introduction of the state of emergency;
- to decide the possibility of using the Armed Forces of the Russian Federation beyond its territory;

- to call the elections of the President of the Russian Federation;
- to remove the President of Russia from office by impeachment;
- to appoint the judges of the Constitutional Court, the Supreme Court and the Supreme Court of Arbitration of the Russian Federation;
- to appoint and remove from office the Prosecutor-General of the Russian Federation:
- to appoint the Deputy Chairman of the Accounting Chamber and half of its auditors and to remove them from office.

The State Duma has power:

- to approve the nominee of the President of the Russian Federation to the office of the Chairman of the Government of the Russian Federation;
- to appoint the Chairman of the Central Bank of the Russian federation and to remove him from office;
- to appoint the Chairman of the Accounting Chamber and half of its iniditors and to remove them from office;
- to appoint an Office for Human Rights, who acts in accordance with и Inderal constitutional law, and to remove him from office;
 - to declare amnesty;
- to bring charges against the President of the Russian Federation for the purpose of removing him from office by impeachment.

The Government (executive power) of the Russian Federation is composed of the Chairman of the Government (the Prime Minister), Deputy Chairman of the Government and the federal ministers. The Chairman of the Government is appointed by the President of the Russian Federation with the consent of the State Duma. The State Duma considers the candidate for the office of Chairman of the Government proposed by the President of the Russian Federation within a week of the submission of the nomination of the candidate. Alter the State Duma rejects three candidates to the office of Chairman of the Government, the President of the Russian Federation appoints the Chairman of the Government of the Russian Federation, dissolves the State Duma, and calls new elections. The Chairman of the Government of the Russian Federation proposes to the President his candidates to the offices of Deputy Chairmen of the Government of the Russian Federation and federal ministers.

The Government of the Russian Federation has power:

- to prepare and submit to the State Duma the federal budget and ensure its execution; submit to the State Duma a report on the implementation of the federal budget;
- to ensure the pursuit in the Russian Federation of a uniform financial, credit, and monetary policy;
- to ensure the pursuit in the Russian Federation of a uniform state policy in the fields of culture, science, education, health protection, social security, and ecology;
 - to manage federal property;
- to carry out measures aimed to ensure the defense and state security of the country and the pursuit of the foreign policy of the Russian Federation;
- to carry out measures aimed to ensure legality, protect human rights, personal freedoms and property, maintain public order, and combat crime.

True or false

- 1. The Federation Council consists of two houses.
- 2. The Federation Council and the State Duma have their sessions separately.
- 3. Each of the houses forms committees and commissions and holds hearings on the appropriate issues.
- 4. The Federation Council has power to call the elections of the President of the Russian Federation.
- 5. The State Duma doesn't have the power to declare amnesty.
- 6. The Chairman of the Government of the Russian Federation is appointed by the President of the RF with the consent of the State Duma.
- 7. The Government of the Russian Federation has power to manage federal property.

Answer the following questions.

- 1. What kind of a working body is the Federal Assembly?
- 2. What house has the right to conduct closed sessions?
- 3. Which of the houses has the right to approve changes of borders between members of the RF?

- 4. Whose power is to appoint and remove from office the Prosecutor-General of the RF?
- 5. What is the head of the Government of the RF?
- 6. In what connection does the word "impeachment" appear in the text?

THE RUSSIAN BAR

Instrumental in the transformation of the Russian legal system will be the *advokatura* or Russian bar - attorneys who provide representation to citizens in civil and criminal cases. Following long-standing Soviet practice, advocates are organized into "colleges" of about 150 lawyers each. These colleges maintain consultation bureaus in virtually every town and city throughout the country. Each bureau has a staff of approximately twenty advocates. At the consultation bureaus citizens may seek legal advice on a vast array of questions: divorce, custody, inheritance, property rights, housing disputes, labor conflicts, and so forth. The colleges also provide legal defense for people accused of criminal offences. The constitution provides that a defendant is guaranteed the right to legal counsel and that legal assistance will be provided free of charge if the defendant cannot afford a lawyer. Prior to 1988 legal fees were set by state authorities. After 1988 advocates were permitted to set their own fees.

There were approximately 27,000 advocates in the Soviet Union. Until February 1989 advocates were not represented by a professional organization, although there had been repeated calls for an organization to represent their interests. The creation of the Union of Advocates, however, for the first time gave defense attorneys an institutional basis for pressing their demands for legal reform. A December 1990 draft of a new Law on the Advokatura proposed keeping the structure of colleges of advocates under the direction of the Ministry of Justice. The Union of Soviet Advocates organized a public protest march in Moscow which drew some 600 attorneys. The advocates demanded the right to be a self-governing profession, free of the ministry's control or supervision.

Increasingly, Russian attorneys are establishing their own law firms, independent of the colleges and consultation bureaus. Such private law firms began on an experimental basis in Moscow and St. Petersburg and are rapidly spreading throughout Russia.

With the collapse of the USSR, former Union of Soviet Advocates has fragmented into three organizations. The International Union of Advocates endeavors to unite all advocates of the former Soviet Union. Closely associated with it is the Russian Union of Advocates. Both associations favor preserving the existing system of colleges and consultation bureaus. A rival organization, the Association of Russian Advocates, draws on support from provincial lawyers who resist the collegiate structure and dominance of Moscow and St. Petersburg lawyers in the other organizations.

The International Union and its affiliate Union of Russian Advocates claim a membership of about 40 percent of all advocates, while the association's membership represents approximately 30 percent of the profession. The remaining advocates apparently are not affiliated with any professional organization.

Find the English equivalents for the words and word-combinations given below.

Давнишний, консультационное бюро, юридический совет, опека, имущественные права, трудовые конфликты, юридическая помощь, бесплатно, защитник, министерство юстиции, юридические фирмы (консультации).

CRIME AND CRIMINAL CODE

A crime is understood as a social dangerous act directed against the social and state system, the system of economy, property and other rights of citizens or any other act infringing law and order which is defined in criminal legislation as dangerous to society.

One of the unfortunate results of the reform process in the former USSR is the breakdown of public order and a rapid increase in violent crime. An increasing portion of violent crimes appear to be linked to the rise of Mafia-type organized crimesyndicates. According to one estimate, two- thirds of all commercial and financial enterprises in Russia and 40 per cent of individual businessmen were engaged in some form of corruption. Organized crime was increasingly inflecting Russian youth. Tempted by easy money, many young people gave up on attending school and instead were involved in semi-legal or criminal

activities. Some scholars indicate that the period of rapid inflation and the flooding of the private economy with desirable and expensive consumer goods created an incentive for criminals to acquire cash quickly, resulting in a precipitous rise in armed robberies and thefts. The outbreak of crime has prompted proposals for changes to the criminal code.

For several years, Soviet and Russian jurists have noted the need to recodify criminal law. Work was begun in 1987 on a comprehensive revision of the criminal code. In 1985, legal scholars at the Institute of State and Law drafted a "Theoretical Model of a Criminal Code" that greatly influenced the direction of efforts to reform the criminal code. Work on the new draft criminal code was completed in mid-1988. Chief among the concerns of jurists during the drafting were extending the right of counsel during the preliminary investigation, restricting the application of the death penalty, formally adopting the presumption of innocence. Given the importance of the preliminary investigation and the extremely high conviction rate of persons who are formally charged, advocates long argued that they need to be involved in every stage of the criminal investigation and trial. The draft scaled back the number of offences for which the death penalty can be imposed. Under the previous criminal code of the former USSR, the death penalty, by shooting, was applied in cases of treason, espionage, terrorist acts, sabotage, and intentional homicide committed under aggravating circumstances (e.g. murder for profit, murder for to cover up a previou crime, or especially brutal murder). Capital punishment was also employed to punish officials in flagrant cases of economic crimes (e.g. accepting bribes on a grand scale, theft of state property, etc.). The new draft criminal code would permit the death penalty only for murder, espionage, treason, terrorist acts, and sabotage.

Although the draft code has not been enacted, several of its provisions were introduced via amendment to the existing criminal code. Article 70 of the code which specified up to seven years deprivation of freedom for anti- Soviet agitation has been deleted. Article 154 of the former code made it a crime to "resell goods for the purpose of making a profit" and was amended in October 1990.

Finally, the revised criminal code increases sentencing limits for crimes committed "by an organized group." For example, an attack by a group is punishable by imprisonment from six to fifteen years and the seizure of hostages draws a sentence of five to fifteen years.

Find the English equivalents for the words and word-combinations given below.

Насильственное преступление, оценка, коррупция, стимул для преступников, вооруженный грабеж, воровство, презумпция невиновности, обвинять, государственная измена, шпионаж, диверсия, предумышленное убийство, взятки, лишение свободы.

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