

**АНГЛИЙСКИЙ ЯЗЫК**  
**ДЛЯ СТУДЕНТОВ**  
**1 КУРСА**  
**ДНЕВНОГО ФАКУЛЬТЕТА**

**2 СЕМЕСТР**

Рекомендовано кафедрой иностранных языков и редакционным советом Оренбургского института МГЮА

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Настоящее пособие предназначается для студентов первого курса дневного факультета ОИ МГЮА. Цель данного пособия – последовательное обучение студентов грамматике и правовой лексике на основе образовательных текстов, адаптированных для студентов-юристов. Пособие состоит из языкового материала второго академического семестра.

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## Предисловие

Настоящее пособие предназначается для студентов первого курса дневного и вечернего факультетов ОИ МГЮА для аудиторной и самостоятельной работы во втором семестре. Цель данного пособия – последовательное изучение грамматики и правовой лексики на основе образовательных текстов, объединенных в пять тематических блоков: "Право и его источники", "Законодательный процесс", "Конституционализм", "Международное право", "Международные организации".

Виды заданий, предлагаемых в учебном пособии:

**BEFORE READING** - задание выполняется до прочтения тематического текста

**SCANNING** - подробное изучение текста

**LEXIS** - лексический минимум, который необходимо усвоить при изучении текста

**FORMATION** - работа со словами, образованными в соответствии с определенным правилом

**QUESTIONS** - вопросы к прочитанному тексту

**AGREE OR DISAGREE** - задание предполагает оценку соответствия предложений содержанию изученного материала; если предложение не соответствует действительности, то необходимо внести соответствующие изменения и дать исправленный вариант предложения

**SAY WHAT YOU KNOW** - вопросы по изучаемой теме, предполагающие использование дополнительной информации и позволяющие высказать собственную точку зрения по изучаемой проблеме

**DEBATES** - спорные суждения, выносимые для детального обсуждения темы и для обоснования студентами своей точки зрения

**KEY WORDS** - ключевые слова по изученной теме; необходимо дать толкование каждого из них, используя материал прочитанных текстов

## Unit 6. Law and Its Sources



### 6.1. BEFORE READING

1. Find different meanings of the term “law” given in a dictionary. Explain them in English.
2. What is the role of law in a modern society?



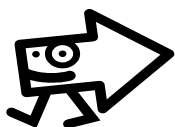
### 6.2. SCANNING

#### Law

1. 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 behaviour 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*.

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

3. 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*.



### 6.3. LEXIS

judicial opinion - судебная практика

the like – такое, подобное

back - поддерживать; подкреплять

coercive power - власть принуждения [наказания]; власть, основанная на принуждении ( власть, базирующаяся на возможности применения или отмены наказания)

penalty – наказание; взыскание; штраф

remedy - средство судебной защиты, средство защиты права

mores – нравы, обычаи, традиции  
 morality – мораль, нравственность; этика  
 public opinion – общественное мнение  
 lawmaker - законодатель  
 respond to - реагировать  
 pressure - острая необходимость, воздействие  
 maintain - поддерживать, удерживать, сохранять  
 orderly - упорядоченный, организованный; спокойный, мирный  
 contribute to - содействовать, способствовать  
 resolve a dispute – разрешать спор  
 facilitate - облегчать; содействовать; способствовать; помогать,  
 продвигать  
 limit - ограничивать  
 provide - давать, предоставлять; обеспечивать  
 otherwise - или же, в противном случае, иначе  
 inhibit - подавлять, препятствовать, сдерживать  
 welfare - благоденствие, благополучие, благосостояние



#### **6.4. FORMATION**

A. Translate the given word forms into Russian. Explain the rule according to which they were derived. Find examples in the text.

B. Consult a dictionary. Find examples of your own to illustrate the rule.

1. unacceptable, unaccountable, unforgettable, unbearable;
2. relatively, positively, comparatively, objectively



#### **6.5. QUESTIONS**

1. What does the term law mean?
2. How does a state enforce the law?
3. What are the main functions of law?
4. How does the law influence the society?



#### **6.6. AGREE OR DISAGREE**

1. It is morality and public opinion that the law is predominantly backed by.
2. In some cases law depends on public opinion.
3. The powers of government cannot be limited by any body of laws.
4. Law makes life of people more stable, equal and free.



#### **6.7. DEBATES**

The law mostly depends on morality and natural law, doesn't it?



### 6.8. SAY WHAT YOU KNOW about:

- reflection of natural law on Russian legal system;
- institutions that make laws.



### 6.9. BEFORE READING

1. What is a “system” in its general meaning? What do you know about the system of law in our country?
2. If there are different branches of law what is the reason to have so many of them?



### 6.10. SCANNING

## **System of Law**

1. The system of law in our country is represented by a great number of different branches, among them are the following:

- **Constitutional Law** is a leading branch of the whole legal system. It deals with frame of society, state structure, organization of Government and legal status of citizens.

- **Administrative Law** is a body of rules *applicable to* the operations of agencies established by the legislature to carry out the functions of the executive branch of government.

- **Criminal Law** *defines* the general principles of *criminal responsibility*, individual types of crimes and punishment *applied* to criminals. Criminal Law in Russia takes the form of a Criminal Code consisting of a general and special part.

- **Civil Law** deals with civil relationships such as *citizenship*, marriage, divorce, and certain contractual *arrangements*.

- **Financial Law** regulates *taxation*, budget, *state credits* and other spheres of financial activity.

- **Labour Law** covers matters arising from *labour relations* of industrial and office *employees* and their *employers*.

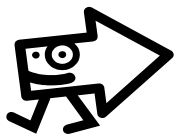
2. *Substantive* and *Procedural Law*. **Substantive Law** defines the rights and duties of persons; it determines a wide variety of matters—for example, what is required to form a contract, what the difference is between *larceny* and *robbery*, when one *is entitled to* compensation for an *injury*, and so on.

3. **Procedural Law** defines and deals with procedures for *enforcing* the rights and duties of persons. The rules of procedure and jurisdiction determine the court or administrative agency that may *handle a claim or dispute*; the form of the *trial*, *hearing*, or *appeal*; the *time limits* involved; the kinds of *evidence* that may be presented and so on.

4. Public and Private Law. **Public Law** concerns the relationships within government and those between administrative institutions and individuals. It includes such branches as Constitutional, Administrative and Criminal Law.

5. **Private Law** involves the various relationships that people have with one another and the rules that determine their legal rights and duties among themselves. Civil law is sometimes referred to as private law.

6. International and National Law. **National Law** is the law operative within a state. Federal laws in Russia are made by the Federal Assembly. **International Law** deals with principles and rules of conduct that nations regard as binding upon them and, therefore, are expected to observe in their relations with one another. International law is the law of the international community.



### 6.11. LEXIS

applicable - применимый, подходящий

define - задать (процедуру) ; определить, описать

criminal responsibility - уголовная ответственность

apply to - использовать, применять

citizenship - гражданство

arrangements - меры, мероприятия, приготовления

taxation - налогообложение

state credit - государственный кредит

labour relations - трудовые отношения ( отношения, возникающие между работодателем и работником на основании трудового договора между ними )

employee - служащий; работающий по найму

employer - наниматель, работодатель

Substantive law - материальное право

Procedural Law - процессуальное право

larceny - воровство, кража

robbery - кража; грабеж

be entitled to - иметь право, быть уполномоченным

injury - вред, повреждение, порча, убыток, ущерб

enforce- проводить в жизнь; придавать законную силу

handle - обращаться с, прорабатывать; обсуждать, разбирать

claim – иск; претензия

dispute - спор

trial - судебное разбирательство; судебный процесс, суд

hearing - разбор, слушание дела

appeal - апелляция

time limits - предельный срок, регламент

evidence - улика; свидетельское показание

Public law - общественное право, публичный закон (закон, касающийся всего населения)

Private Law - частное право, частный закон; закон, действующий в отношении конкретных лиц

International law - международное право

National law - внутригосударственное право

operative within – действующий внутри, в пределах

binding - обязательный



### **6.12. FORMATION**

A. Translate the given word forms into Russian. Explain the rule according to which they were derived. Find examples in the text.

B. Consult a dictionary. Find examples of your own to illustrate the rule.

1. responsibility, audibility, credibility, sensibility;
2. citizenship, friendship, ownership, scholarship;
3. government, arrangement, measurement, judgement.



### **6.13. QUESTIONS**

1. What does Substantive Law define?
2. What is a difference between International and National Law?
3. What branches of law does Public Law include?
4. What does Procedural Law deal with?



### **6.14. AGREE OR DISAGREE**

1. Federal laws in Russia are made by the subjects of the Federation.
2. Constitutional law regulates private affairs between citizens.
3. The Criminal Code consists of three parts.
4. Labour law and Administrative law cover matters arising from contracts.
5. Family matters are resolved under Financial law.
6. Public law includes Constitutional, Administrative, Civil and Criminal law.



### **6.15. DEBATES**

The Constitution is a supreme law, thus it can't be changed or amended.





### 6.16. SAY WHAT YOU KNOW about:

- the protection of people's rights by all the branches of law;
- Constitutional law as a leading branch of the whole system.



### 6.17. BEFORE READING

What do we call “a source of law”? Which sources of Russian law do you remember?



### 6.18. SCANNING

## **Domestic Sources of Law in Russia**

1. Since its adoption in 1993 **the Russian Constitution** is considered to be the supreme law of the land. Article 15 of the Constitution reads that it “shall have supreme legal force and have direct effect, and shall be applicable throughout the entire territory of the Russian Federation.” Courts in their judgments are guided by the Constitution and federal and local laws.

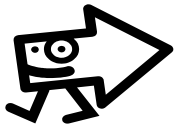
2. **Statutes** are the predominant legal source of Russian law, and may only be enacted through the legislative process. Enactments may take shape of codes, e.g. Criminal Code, Civil Code or Labour Code.

3. **Sub-Laws:** Presidential Decrees and Agency Rules. The President has power to issue normative and non-normative decrees, provided they don't contravene the constitution. Parliament has since placed restrictions on this power, so presidential decrees also may not contravene the Civil Code. Government may also issue directives having “normative” character and that contain rules of the civil law.

4. Judicial Decisions and **Judicial Practice**. Traditionally, there is no judge-made common law, and decisions only cite to the constitution, written laws in codes, statutes, or regulations. There is no stare decisis, and cases have arguable value as precedent. Past cases are not referred to in opinions, but attorneys may introduce them in their arguments. However, court judgments are not future precedents.

5. **Judicial Explanations of Law**. The Russian Supreme Court and Supreme Arbitration Court have authority to issue general “explanations” of the substantive law and procedural issues. Legal scholars also take part in these discussions, and the opinions of the judges and commentators are published and used as persuasive authority.

6. **Judicial Review of Laws for Constitutionality** by the Constitutional Court. Judicial Review allows courts to declare unconstitutional laws *void*. The Constitutional Court is therefore negative legislator. The interpretations of the constitution in the decisions of the Constitutional Court are also authoritative and binding on the political branches.



### 6.19. LEXIS

source of law - источник права

adoption – принятие

read - содержать (какой-л.) смысл, гласить

supreme law of the land - высшее право страны

legal force - законная сила, юридическая сила

direct effect - непосредственное воздействие; прямой эффект

predominant - преобладающий, превалирующий

enact - вводить закон; постановлять

code - кодекс, свод законов (государства)

sub-law - подзаконный нормативный акт

Presidential Decree – президентский указ

Agency Rules – устав учреждения

provided - при условии, если только; в том случае, если

contravene - противоречить; идти вразрез с чем-л.

since - зд.: впоследствии, позднее, позже, потом

issue a directive — издавать директиву/распоряжение

judicial practice - судебная практика

judge-made law - право, основывающееся на судебных прецедентах

cite - ссылаться (на что-л.); цитировать, приводить цитату

stare decisis – (лат.) господствующая сила прецедента (при выработке решения суда)

opinion - оценка; заключение специалиста

arguments - аргументация, доказательство

attorney - адвокат; юрист

legal scholar - учёный юрист

persuasive authority - убедительный прецедент

void - недействительный; не имеющий юридической силы



### 6.20. FORMATION

Translate the given word forms into Russian. Explain the rule according to which they were derived. Find examples in the text.

1. adoption, interpretation, enumeration, restriction;
2. persuasive; evasive; restrictive; retributive.



### 6.21. QUESTIONS

1. What is the Supreme law in the RF?
2. What is the predominant source of law in Russia?
3. What are the differences between Presidential Decrees and Agency Rules?
4. Which courts have the authority to issue explanations of legal acts?
5. Which court is authorized to interpret the Constitution?



### 6.22. AGREE OR DISAGREE

1. Courts are guided only by federal laws.
2. Sub-laws are the normative acts, which do not contravene the Constitution.
3. Agencies have unlimited power in enacting regulations.
4. All court judgments in Russia are equal to precedents.



### 6.23. DEBATES

Think of the hierarchy of legislative acts. Get ready to discuss it with your group mates.

6.24. SAY WHAT YOU KNOW about judge-made common law. Is it a source of law?



### 6.25. BEFORE READING

What do you know about the sources of law in other countries? How do they differ from those of the RF?



### 6.26. SCANNING



## **The Sources of English Law**

1. The courts are the interpreters and declarers of the law, the «sources» of law are therefore the sources to which the courts turn in order to determine what it is. Considered from the aspect of their sources, laws are traditionally divided into written (formally enacted) or unwritten (unenacted law). In England unwritten law is predominant, for more of English law has derived from judicial precedents than from legislative enactment. Two principal and two subsidiary sources there should be mentioned. These principal sources are Legislation and Judicial Precedent; the subsidiary sources are Custom and Books of Authority.

2. **Legislation** is enacted law. In England the ultimate legislator is Parliament, but this does not mean that the courts have no influence upon the development of enacted law; for in order to be applied, every enactment has to be interpreted, and the courts are the recognized interpreters of the law. Legislation consists of laws made by or under the authority of Parliament and may be:

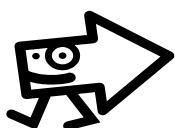
- Statutes or Acts of Parliament;
- Orders in Council made by the Queen in Privy Council (in practice, a Minister drafts and makes it in the name of the Queen);
- rules and regulations made by Ministers, but they must be submitted to Parliament for approval;
- by-laws made by local authorities, they require the approval of the appropriate Minister before they have legislative force.

3. In England **the decisions of courts** are treated with respect, and they are regarded as «precedents». The feature of their national system is the hierarchical authority of the courts: an inferior court is obliged to follow a court of superior authority if decides upon facts similar to facts already tried by the superior court. The precedents formed by decided cases are thus the «anchors of the laws».

4. **Customs** are social habits of behaviour, which all societies seem to evolve without express formulation or conscious creation. Customs, prevailing among particular groups of people living in particular localities, are sometimes still recognized by the courts as capable of creating a special law for the locality. But recognition will only be accorded if the custom: 1) is reasonable, 2) is certain, 3) has existed since «time immemorial».

5. In England the **writings of legal authors** form an essential source of law, for there are certain «books of authority», written by authors of outstanding eminence, which may carry a weight of authority almost equal to that of precedent. Among the most important of these works are Bracton's "De Legibus et Consuetudinibus Angliae" (thirteenth century), Coke's "Institutes" (1628-1641) and Blackstone's "Commentaries" (1765).

6. Since Britain's accession to European Community, **Community Law** forms an independent source of English law. Community law has not been incorporated or made identical with domestic law but operates as a separate system side by side with that law. In the event of conflict Community law prevails over domestic law.



### 6.27. LEXIS

written law - писаное право, статутное право

unwritten law - неписанный закон, неписаное право, прецедентное право

derive from - происходить  
 legislative enactment - законодательный акт  
 order in council - "королевский указ в совете" (правительственное распоряжение, одобренное монархом и не требующее рассмотрения в парламенте)  
 draft - писать черновик, делать набросок  
 in the name of - от имени; именем  
 rules and regulations - правила и предписания  
 submit - представлять на рассмотрение  
 hierarchical - иерархический  
 inferior court - нижестоящий суд  
 superior court - высший суд; вышестоящий суд  
 be tried - находиться на рассмотрении суда  
 decided case - судебное дело, по которому принято решение  
 reasonable - разумный, благоразумный; рациональный; здравый  
 certain - верный, известный, проверенный, надежный; бесспорный  
 time immemorial - незапамятное время  
 legal author - автор работ по праву; юрист-теоретик  
 author of eminence - знаменитый автор  
 accession - вступление



### 6.28. FORMATION

A. Translate the given word forms into Russian. Explain the rule according to which they were derived. Find examples in the text.

B. Consult a dictionary. Find examples of your own to illustrate the rule.

1. immemorial, impossible, impracticable, imprecise;
2. independent, inaccessible, inaccurate, ineducable.



### 6.29. QUESTIONS

1. What do the expressions «written» and «unwritten law» signify?
2. What are principal/subsidiary sources of English law?
3. What organ is an ultimate legislator in England? What does it mean?
4. Is most English law codified?
5. What are the types of Legislation?
6. What makes legislation in England?
7. What is regarded as «precedent»?
8. Can the English courts influence the effect of legislation?

9. Has English law developed from fixed general rules or through decisions in individual cases?
10. When are customs recognized by courts as capable of creating a special law?
11. What does a «book of authority» mean?
12. Is Community law a part of domestic law of England? What prevails in the event of conflict?



### **6.30. AGREE OR DISAGREE**

1. In England written law is predominant.
2. The courts are the interpreters and declares of the law.
3. Legislation includes both enacted and unenacted law.
4. Rules, made by Ministers, need not be submitted to the Parliament.
5. In England the decisions of courts are treated with respect.
6. Coke's *Institutes* can also be considered a source of law in England.



### **6.31. DEBATES**

Are the decisions of courts treated as sources of law in Great Britain? Is it possible to adopt the same approach in Russia?



### **6.32. SAY WHAT YOU KNOW** about:

- our national legal system;
- written or unwritten sources of law in Russian legal system.



### **6.33. BEFORE READING**

What do you know about the system of law in the USA?



### **6.34. SCANNING**



## **Understanding the US Law**

1. Common law and Civil law. The term «common law» has several meanings. It is used to distinguish the law developed by the courts from that enacted by legislatures. The term is also used to distinguish between the English system of law and the civil or continental system of law. The sources of the American common law for the most part are found in English law. The colonists were governed by charters granted by the King of England. These charters were

general in their nature and left much to be worked out by the people of the colonies.

2. Since most of the colonists were of English origin, they naturally were controlled by the customs of their mother country. In Louisiana, Texas and California the civil law or the Roman law is the basis of the legal system, because these states were founded by French and Spanish colonists. The law of Continental Europe is based more directly upon the Roman law.

3. Reports of the judicial decisions from which the common law was derived initially were published by private parties. In the 19th century the courts themselves took responsibility for publishing judicial decisions in both Great Britain and the U.S. It is primarily decisions of appellate rather than trial courts that are published.

4. If you are going to become a legal practitioner in America, you should understand the system of legal citations. A legal citation in US law refers to the full text of a statute, a case, or some other source of legal information. The important thing to remember is that these citations are always unambiguous: they tell you exactly where you can locate the original document. If the legal citation is to a statute, the citation will direct you to the appropriate volume and section number of the code.

5. For example, 18 U.S.C. §1001 would refer to the 1001st section of the 18th volume of the United States Code. If the citation is to a case, it will contain both the style of a case or heading [the names of the parties who are involved in the litigation] and sufficient information to locate the text of the case.

6. Full texts of cases are found in volumes called reporters, which record and preserve decisions of a particular court or courts and are usually based on geography. There are state reporters, regional reporters, federal reporters, and U.S. Supreme Court reporters.

7. In regional reporters, for example, cases heard in state courts in Delaware and Connecticut are reported in the Atlantic Reporter while cases heard in state courts in Alaska and Arizona are found in the Pacific Reporter. Other regional reporters for state cases include the South Eastern, the South Western, the Southern, and the North Eastern Reporters. Federal Reporters (F./F.2d/F.3d) report on appellate cases, and the Federal Supplement (F. Supp.) reports on cases heard in federal district courts. There are also special reporters of U.S. Supreme Court cases [U.S. Reporter (U.S.), Supreme Court Reporter (S. Ct.), and the Lawyer's Edition (L.Ed., L.Ed.2d)] and the various state reporters, which are often just excerpts from the regional reporters.

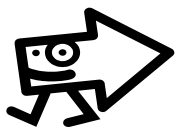
8. Of course, it would be impossible to report all cases heard at the federal and state levels in the United States. Statutes establish the criteria for inclusion of cases in the reporters. Once decisions are published, they serve as precedent for any future decisions in the same jurisdiction.

9. Speaking about the style of case (the names of the parties involved), it is good to keep in mind that the order of parties may, in some states, switch back and forth through a series of appeals. This name changing can be very confusing unless you are able to decipher it. For example, in Alaska Sherrie Johnson sued Patrick Pletnikoff. The trial court designation (as in all states) was *Johnson v. Pletnikoff*. Sherrie Johnson won at the trial level, so Patrick Pletnikoff appealed the trial court's decision, at which time the style changed to *Pletnikoff v. Johnson* [*Pletnikoff v. Johnson*, 765 P.2d 973 (Alaska 1988)].

10. In most other states and in the federal system, the appellate courts retain the original trial court designations. In a Tennessee appellate case (one of the states that retain trial court designation), Sandra Kilpatrick sued James W. Bryant for medical malpractice. She lost at the trial court level and appealed. The style of the case on appeal was *Kilpatrick v. Bryant* [*Kilpatrick v. Bryant*, 868 S.W.2d 594 (Tenn. 1993)]. The same would have been true if she had won at the trial court level and Bryant had appealed.

11. How, then, does an attorney know what's going on? In the headnote, many states indicate after the party names the case history (e.g., Plaintiff-Appellant or Defendant-Appellee). If not, the attorney's next option is to read the summary of the case in the headnote or delve into the actual court opinion.

12. Actually locating the case in a reporter is simple once you understand the shorthand used in case citations. Let's look at one citation (often called just a cite) to see what we can learn: *Pletnikoff v. Johnson*, 765 P.2d 973 (Alaska 1988). The case is found in the 765th volume of the Pacific Reporter, Second Series, on page 973. The case was decided in Alaska in 1988.



### 6.35. LEXIS

Common law – 1) общее право (как прецедентное право в отличие от статутного права); 2) общее право (в отличие от права справедливости); 3) общее право, англо-саксонское право (в отличие от континентального права)

charter - хартия, грамота

origin - происхождение

private party - сторона-частное лицо



take responsibility - взять на себя ответственность  
 judicial decision - судебное решение  
 trial court - суд первой инстанции  
 legal practitioner – практикующий юрист, адвокат  
 legal citation - цитата из книги, статьи и т.п . по праву; ссылка на такой источник или на правовой акт  
 unambiguous - недвусмысленный, точно выраженный  
 style of case - наименование (судебного) дела  
 litigation - тяжба; судебный процесс  
 reporter – сборник судебных решений  
 state court - суд штата (в отличие от федерального суда)  
 Federal Supplement Сборник - судебных решений окружных судов и Претензионного суда США  
 federal district court - окружной суд; Федеральный суд первой инстанции (единственный вид суда в федеральной судебной системе США, который ведет судебные процессы, использует присяжных и выслушивает показания свидетелей)  
 Supreme Court Reporter - сборник решений Верховного суда США  
 Excerpt - (отдельный) оттиск (статья из журнала или сборника в виде отд. брошюры)  
 criteria (мн. ч. от criterion) - критерии  
 party - сторона  
 decipher - разбирать; разгадывать, распутывать, понимать  
 designation - обозначение, название, указание  
 appellate court - апелляционный суд  
 medical malpractice - врачебная ошибка, неправильный курс лечения  
 headnote - краткое изложение основных вопросов по решенному делу  
 case history - досье по делу  
 plaintiff - истец  
 defendant - ответчик; обвиняемый, подсудимый  
 appellant - подающий апелляцию, апеллянт  
 appellee - ответчик по апелляции  
 delve - делать изыскания, изучать, тщательно исследовать  
 court opinion - мотивированное судебное решение  
 shorthand - условное обозначение



### **6.36. FORMATION**

A. Translate the given word forms into Russian. Explain the rule according to which they were derived. Find examples in the text.

B. Consult a dictionary. Find examples of your own to illustrate the rule.

1. legislature, moisture, furniture, puncture;
2. malpractice, maladjustment, maldistribution, malformation.



### **6.37. QUESTIONS**

1. Where can we find the sources of the American common law?
2. What was the American common law initially derived from?
3. What is a legal citation?
4. What do they call a “reporter”?
5. What is meant by the “style of case”?
6. What does a headnote indicate?



### **6.38. REVIEW** the following citations and answer the questions for each:

- *United States v. Alvarez*, 755 F.2d 830 (11th Cir. 1985)
- 42 U.S.C. § 9401 (1988)
- *Crompton v. Commonwealth*, 239 Va. 312, 389 S.E.2d 460 (1990)
- *Davis v. Monsanto Co.*, 627 F. Supp. 418 (S.D. W.Va. 1986)
- Kan. Stat. Ann. § 59-102 (1983 & Supp. 1992)
- *Hall v. United States*, 454 A.2d 314 (D.C. 1982)

1. What type of authority is cited?
2. In which publication on which page would you expect to find the material?
3. Is it a state or federal decision/statute?



### **6.39. AGREE OR DISAGREE**

1. Most of the American colonists were controlled by the customs of their mother country.
2. Reports of the judicial decisions were initially published by the state.
3. It is primarily decisions of trial rather than appellate courts that are published.
4. Citations are always ambiguous thus leaving much for legal practitioners to decipher.
5. Reporters are usually based on geography.
6. Besides state, regional and federal reporters there are also some special reporters.
7. It is extremely important to report all cases heard at the federal and state levels in the United States, so there are no special criteria for inclusion of cases in the reporters.



**6.40. SAY WHAT YOU KNOW** about different traditions of formatting case citations in different jurisdictions.



**6.41. BEFORE READING**

1. How, in your opinion, is it important for a lawyer to be able to use different sources of information? Why?
2. Which sources of information do lawyers use in our country?



**6.42. SCANNING**

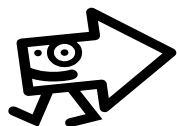
**Locating the Information**

1. The first step for an American attorney in researching the legal authority in a jurisdiction is a general search using descriptors (words that represent general categories of information). You may conduct a search using a computer if you have access to LEXIS or Westlaw, for example. Or you may conduct a manual search in which you go to shelves of law books and search for statutes, cases, and other types of legal authority that are on point [deal with the issue you are researching].

2. There are general information sources, also known as secondary sources, such as *Corpus Juris Secundum* [C.J.S.] or *American Jurisprudence* [Am. Jur.] [both forms of legal encyclopedias] that will lead you to specific cases. You may search by word descriptors (e.g., "wrongful death") in the indices of the encyclopedias for references to specific sections in Am. Jur. or C.J.S. A general statement of the law is provided in the section, and case references interpreting prior cases and statutes are listed in footnotes. Be sure that you also check the pocket parts (updates that indicate the newest decisions). In addition, there are also softcover updates that should be reviewed or you may find and use out-of-date decisions.

3. You can also check other types of materials such as:

- o *Words and Phrases*: an encyclopedic-type set that uses cases to define legal words and phrases;
- o *federal and state digests*: volumes with extensive case law summaries that can be located using a key number or descriptive words; and
- o annotated statute books: code books with cases listed in footnotes, such as *United States Code Annotated* [U.S.C.A.].



**6.43. LEXIS**

legal authority - юридические полномочия

descriptor - дескриптор, ключевое слово  
 conduct a search - искать  
 secondary source - вторичный источник  
 corpus juris - свод законов  
 jurisprudence - законоведение, право, правоведение, юриспруденция  
 encyclopedia = encyclopaedia - справочник, энциклопедия  
 reference - ссылка; отсылка (к источнику и т. п.)  
 footnote - сноска; подстрочное примечание  
 update - обновление информации, данных; новая версия, обновленный вариант (чего-л.)  
 digest - сборник (каких-л. материалов, в частности, юридических)  
 case law - прецедентное право  
 key number - цифровой код  
 annotated - снабжённый комментариями, ссылками, примечаниями  
 statute books - существующее законодательство, свод законов



#### **6.44. FORMATION**

A. Translate the given word forms into Russian. Explain the rule according to which they were derived. Find examples in the text.

B. Consult a dictionary. Find examples of your own to illustrate the rule.

1. footnote, notebook, iceman, softcover, paperback;
2. update, updo, updraft, upbuild.



#### **6.45. QUESTIONS**

1. What is the first step for an American attorney in researching the legal authority in a jurisdiction?

2. What are the two possible ways for an attorney to conduct a search?

3. What is referred to as “general information sources”?
4. What do footnotes list?
5. What can you find in the pocket parts?
6. Are there any other types of materials?



#### **6.46. AGREE OR DISAGREE**

1. Descriptors are words that represent general categories of information.

2. General information sources are more important than secondary sources.

3. In softcover updates one can find some out-of-date decisions.

## KEY WORDS

book of authority	precedent
classification of law	principal source of law
Community law	reporters
customs	statute
doctrine of binding case	subsidiary source of law
judicial decisions	sub-law
judicial explanation of laws	unwritten law
judicial review of laws	written law
legal citation	

## Unit 7. Lawmaking Process



### 7.1. BEFORE READING

What is, in your opinion, important for a bill to become a law? What requirements should it meet and what stages should it go through?



### 7.2. SCANNING

#### **Bicameral Legislative System**

1. *Bicameral* system is a legislative institution in which the power of making laws is vested in two chambers, or houses, both of which must approve a bill before it becomes law. In general the upper house is composed of members selected on a territorial basis, representing states or other political subdivisions rather than the people directly, and usually serving for longer terms than the members of the lower house. In principle the upper house provides the legislative experience necessary to control unwise legislation. The lower house is generally composed of members selected on the basis of population, each member representing an equal number of citizens. Because of more frequent election and closer identification with the districts they represent, members of the lower house reflect more strongly the contemporary mind of the electorate.

2. The various legislatures throughout the world are known by different names, such as Congress, Parliament, Knesset, Diet, and Assembly. Most are limited in their powers by the Constitution or organic law of the government of which they are a part.

3. The enactments of the U.S. Congress, for example, can be vetoed by the president, and the Congress must approve by a two-thirds majority any bill it wishes to pass despite a presidential veto.

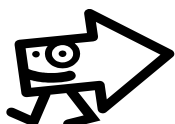
The British Parliament, on the other hand, chooses its own Prime Minister and Cabinet, who are ultimately responsible to it for all their administrative actions. Being legislative as well as executive or administrative leaders, these officials have considerable power to initiate and influence legislation desired by their administrative departments.

4. Bill, in the political process, is a proposed law placed before a legislative body for examination, debate, and enactment. Once enacted, a bill becomes a law. Because making laws is the primary function of legislature, the introduction and processing of bills constitute the main day-to-day parliamentary activity.

5. In the USA, for example, a bill must be introduced by a member of Congress. Once submitted, in either the House of Representatives or the Senate, it is assigned to the appropriate committee and subcommittee, where it is reviewed. If necessary, hearings are held and expert opinions are solicited. Many bills are rejected at the committee stage; others are placed before the main body for possible adoption. A bill approved by a committee is generally debated on the floor, and amendments may result. A vote is then taken. If the bill receives a favorable majority vote, it is sent to the other house of Congress, where a similar procedure takes place.

6. Any differences between versions of a bill passed by the House and the Senate are resolved by a joint House-Senate conference committee; both the House and the Senate must approve the compromise bill that emerges.

7. The bill then goes to the President for approval or veto. Presidential approval renders the bill into law. A presidential veto, however, can be overridden by a two-thirds majority vote of both the House and the Senate.



### 7.3. LEXIS

bicameral - двухпалатный

vest - наделять (правом, властью), давать права, облекать правом (in, with - чем-л.)

in principle - в принципе

identification - отождествление

mind - мнение, взгляд, точка зрения; настроение

organic law - основной закон, конституция

ultimately - в конечном счете, в конце концов

proposed law - предложенный законопроект

introduction - официальное представление

processing - обработка (информационная)

assign - давать, задавать, поручать, распределять

subcommittee - подкомиссия, подкомитет

solicit - требовать; запрашивать, спрашивать

reject - отвергать, отклонять

committee stage - комитетская стадия, стадия рассмотрения законопроекта в комитете

the floor of the House (the House floor) - Палата представителей

take a vote - провести голосование

majority vote - решение большинством голосов

conference committee - комитет по согласованию расхождений, согласительный комитет

joint committee - объединенный комитет

render - приводить в какое-л. состояние, изменять состояние



#### 7.4. FORMATION

A. Translate the given word forms into Russian. Explain the rule according to which they were derived. Find examples in the text or make your own examples to illustrate the rule.

1. subdivision, subcommittee, subsystem, submarket;

2. override, overreact, overrun, overpay, overload.



#### 7.5. QUESTIONS

1. What legislative institution do we call “*bicameral*”?

2. What are the general characteristics of the upper/lower house?

3. How are legislatures limited in their powers?

4. What do we call a proposed law placed before a legislative body?

5. Which are the stages that a bill goes through in the U.S. Congress?

6. How can any differences between versions of a bill passed by the House and the Senate be resolved?

7. Can Congress override a presidential veto?



#### 7.6. AGREE OR DISAGREE

1. Members of the lower house reflect more strongly the contemporary mind of the electorate.

2. There are various legislatures throughout the world

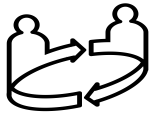
but all of them are known by one and the same name.

3. The British Parliament is ultimately responsible to its Prime Minister and Cabinet.

4. The introduction and processing of bills constitute the main day-to-day parliamentary activity.

5. Many bills are rejected at the committee stage.

6. It is the Lords' approval that renders the bill into law in America.



### 7.7. DEBATES

There are two opposite views on unicameral and bicameral legislative systems:

1) Supporters of unicameralism note that a) if an upper house is democratic, it simply mirrors the equally democratic lower house, and is therefore duplicative; b) a theory in favor of this view is that the functions of a second chamber, such as reviewing or revising legislation, can be performed by parliamentary committees, while further constitutional safeguards can be provided by a written constitution; c) other nations, such as the United Kingdom and Canada, have technically bicameral systems that function much as unicameral systems, because one house is largely ceremonial and retains few powers.

2) Critics of unicameralism point out a) the double checks and balances that a bicameral system affords, forcing a greater level of consensus on legislative issues; b) a feature of unicameralism is that urban areas with large populations have more influence than sparsely populated rural ones. In many cases the only way to get sparsely populated regions on board a unified government is to implement a bicameral system (such as the early United States).

What do you think of the advantages and disadvantages of unicameral and bicameral legislative systems?



### 7.8. SAY WHAT YOU KNOW

1. About unicameral or bicameral legislative systems in different countries? Do you know any examples of tricameral legislatures in the world history?

2. Although there is widespread agreement that the House of Lords in the UK needs to be reformed, the overall view is that it should be replaced by an alternative chamber, or Senate, rather than simply be abolished. What do you think about it?



### 7.9. BEFORE READING

1. Who is granted the right to initiate the legislative process in Russia?

2. What is the purpose of passing a federal law in Russia?



### 7.10. SCANNING

## **Legislative process in Russia**

1. The President of the Russian Federation, the Federation Council, the members to the Federation Council, the deputies to the State Duma, the Government of the Russian Federation and



the legislative (representative) bodies of the subjects of the Russian Federation are given the right of legislative initiative. The Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation and the Supreme Court of Arbitration of the Russian Federation also have the right of legislative initiative within their jurisdiction.

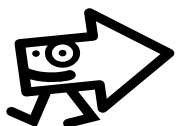
2. Bills are introduced in the State Duma. The draft laws adopted by the State Duma are sent to the Federation Council for review within five days.

3. A federal law is considered passed by the Federation Council if more than half of its deputies vote for it or if within fourteen days it has not been considered by the Federation Council. In the event the Federation Council rejects the federal law, the chambers may set up a conciliatory commission to settle the differences, whereupon the federal law is again considered by the State Duma.

4. In the event the State Duma disagrees with the decision of the Federation Council, the federal law is treated as adopted if, in the second voting, at least two-thirds of the total number of deputies to the State Duma vote for it.

5. An adopted federal law is sent to the President of the Russian Federation for signing and publication within five days. The President of the Russian Federation shall, within fourteen days, sign a federal law and publish it.

6. If the President rejects a federal law within fourteen days since it was sent to him, the State Duma and the Federation Council shall again consider the law in accordance with the procedure established by the Constitution of the Russian Federation. If, during the second hearings, the federal law shall be approved in its earlier draft by a majority of not less than two thirds of the total number of deputies of the Federation Council and the State Duma, it shall be signed by the President of the Russian Federation within seven days and published.



### 7.11. LEXIS

right of legislative initiative - законодательная инициатива; право законодательной инициативы (право вносить проекты законов в законодательный орган с обязательностью для последнего обсудить их и принять решение)

draft law - законопроект

conciliatory commission – примирительная/согласительная комиссия

settle the differences - урегулировать разногласия

whereupon - после чего



### 7.12. FORMATION

A. Translate the given word forms into Russian. Explain the rule according to which they were derived. Find examples in the text.

B. Consult a dictionary. Find examples of your own to illustrate the rule.

1. review, reconstruction, reconsideration, repost;
2. disagree, disbelieve, dislike, disapprove, disprove.



### 7.13. QUESTIONS

1. What does the right of legislative initiative mean?
2. Name the main stages of the legislative process in Russia.
3. What is a conciliatory commission?
4. Does the President of Russia have any real power in the legislative process?
5. What will happen if the President rejects the federal law?



### 7.14. AGREE OR DISAGREE

1. The right of legislative initiative is given to the President of the Russian Federation and the State Duma.
2. Federal Courts in Russia haven't got any authority in the legislative process.
3. After adoption by the State Duma the draft laws are sent to the President.
4. If the Federal Council rejects the federal law, the chambers may set up a conciliatory commission.
5. An adopted federal law is sent to the President of Russia for signing and publication within a month.



### 7.15. DEBATES

1. There is such a saying: "Laws are not for ordinary people, they are for lawyers". Do you agree with it?
2. If you had the right of legislative initiative what would you offer?
3. What would you change in our legislative process?



### 7.16. SAY WHAT YOU KNOW

1. How can ordinary citizens apply to state bodies for legislative initiative? Is there any mechanism?
2. What do you know about any recent changes in our legislation?
3. What about some draft laws that our law-makers are especially interested in? Which of them are being discussed right now?



### 7.17. BEFORE READING

What do you remember about the legislative branch of power in Great Britain?



### 7.18. SCANNING

## **How Laws are Made in Great Britain**

1. Once MPs take their seats in parliament their most important job is to participate in parliament's main role, which is to make legislation. Every year, parliament passes about a hundred laws directly, by making Acts of Parliament. Because this can be a long process, parliament sometimes passes a very general law and will leave a minister to fill in the details. In this way, it indirectly passes about 2,000 additional rules and regulations.

2. No new law can be passed unless it has completed a number of stages in the House of Commons and the House of Lords. The monarch also has to give the Bill the Royal Assent, which is now just a formality. Since the sixteenth century the monarch has never refused assent. Whilst a law is still going through parliament it is called a Bill. There are two main types of Bills - Public Bills and Private Bills.

3. Public Bills. These are the most important, as they are intended to affect the public as a whole. They can either be sponsored by the Government, when it wants to put new policies into effect, or they can be sponsored by an individual MP. These are then called Private Member's Bills and often concern moral issues. The Murder (Abolition of the Death Penalty) Bill began as a Private Member's Bill. These should not be confused with Private Bills.

4. Private Bills. These give particular powers or benefits to any person or body. They are intended to affect only one particular area or organization, not the whole country. The stages through which they pass are essentially the same as for Public Bills.

5. Before a Bill reaches parliament, it is prepared by a respective Department of State. A Bill may be preceded by a Green Paper, which gives a general idea of what the Government intends to do. At this stage, people who might be affected by the new law are invited to give their views. However, it is more common for a White Paper - a more definite statement of what the Government plans - to precede a Bill.

6. Before going through all its stages in parliament a Bill has to be written down, or drafted. The Bill has to be exact, so that no misunderstandings can occur and so it can be understood by as many people as possible.

7. First reading. In the days before printing, the only way MPs could find out what a Bill contained was by having the contents read out to them. Therefore the next stages within parliament are known as 'readings', although now MPs do have a printed copy. The first reading lets MPs know that the Bill is coming up for discussion. There is no voting at this stage.

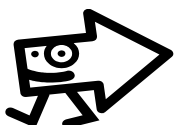
8. The second reading explains the purpose of the Bill, and the House has to vote on it. If the House votes for the Bill, it proceeds to the Committee stage.

- The Committee stage. This involves a small group - or committee - of about 18 MPs looking in detail at the Bill and suggesting amendments.
- The Report stage. Now the House of Commons is told what the Committee decided.

9. The Bill then goes to the third reading, which gives the House of Commons a chance to look again at the Bill as a whole. Once it has passed its third reading, the Bill is carried to the House of Lords. This second chamber can be very useful; a different group of people can often see something in a different way. The House of Lords has the time to examine Bills and make amendments.

10. During the consideration by the House of Lords, as in the Commons, the Bill goes through a number of stages. The first reading introduces the Bill, the second reading explains it in more detail, then it goes on to the Committee stage. The Committee stage is different in that it is conducted in the chamber of the House itself, not in a committee room. Any Lord who is interested in the Bill can take part in the discussion. This stage is followed by the Report stage and then the third reading, where the Lords get their last chance to look at the Bill as a whole.

11. The Royal Assent. If the Bill passes this process, it is automatically given the Royal Assent. However, if the Lords have made any changes to the Bill, it is taken back to the House of Commons. If the House of Commons does not agree with the changes, they send a note to the Lords explaining the reasons. A Bill may go to and fro until an agreement can be reached. If the two Houses are unable to agree, the Commons can reintroduce the Bill the following year, when the Lords have to accept it, so a compromise is usually reached quite early on. The whole process, from first reading to Royal Assent can take from a few days up to 11 months.



### 7.19. LEXIS

fill in the details - вписать частности, прописать детали  
Royal assent - королевская санкция  
whilst - в то время как, пока ещё

Public Bill - билль, защищающий интересы государства в целом  
 Private Bill - парламентский билль, защищающий права отдельных граждан, организаций и корпораций  
 sponsor - поддерживать, содействовать, способствовать продвижению  
 private member's bill - личный законопроект (внесённый рядовым членом парламента)  
 particular area - отдельная сфера деятельности  
 precede - предшествовать  
 green paper - "Зелёная книга" - официальный правительственный документ, содержащий предварительные предложения относительно будущей политики правительства; представляется парламенту для обсуждения; название по цвету обложки  
 white paper - "Белая книга" - официальный правительственный документ, который представляется палате общин для ознакомления; является формой делегированного законодательства; название по белой обложке  
 misunderstanding - неправильное понимание, неверное толкование, неправильное представление (о чем-л.)  
 first reading - первое чтение, формальное внесение законопроекта в парламент  
 second reading - второе чтение (законопроекта в парламенте)  
 proceed - отправляться; идти, направляться  
 report stage - стадия доклада; стадия обсуждения законопроекта, второе чтение  
 as a whole - в целом, полностью  
 to and fro - взад и вперед; туда и сюда  
 compromise - мировая сделка, соглашение, компромисс



## 7.20. FORMATION

A. Translate the given word forms into Russian. Explain the rule according to which they were derived. Find examples in the text and make your own examples to illustrate the rule.

1. precede, preact, preface, predetermine;
2. misunderstanding, misadjustment, miscommunication, misfortune.



## 7.21. QUESTIONS

1. What is an MP's main job?
2. What does the monarch have to do after the bill has gone through all the stages in Parliament?
3. Why are Public bills considered to be the most important ones?
4. What is a Private bill?

5. What does a Green Paper contain?
6. Why are some Parliament stages called “readings”?
7. Is the role of the Committee stage the same in both Houses of the British Parliament?
8. Which stages does a bill pass in the House of Lords?
9. Can the House of Lords prevent a bill from becoming a law?
10. What is the difference between the law and the bill?



### **7.22. AGREE OR DISAGREE**

1. Every year the British Parliament passes about 2,000 laws, by making Acts of Parliament.
2. There are some bills, which do not need the Royal Assent.
3. A public bill can not be sponsored by an individual MP.
4. All bills are prepared by a Department of State.
5. A bill must be drafted, before going through all its stages.
6. Nowadays, the only way MPs can find out what a bill contains is by having the contents read out to them.



### **7.23. DEBATES**

1. The Lords cannot normally prevent a proposed bill from becoming a law if the Commons insists on it. Is the House of Lords necessary in the legislative process?
2. How can you evaluate the role of the Monarch in the legislative process?



### **7.24. SAY WHAT YOU KNOW**

On March 7, 2007, the House of Commons voted, in principle, in favour of replacing the Lords with an elected chamber (either 100% elected or 80% elected, 20% appointed). This was another step towards legislation to that end. However, the House of Lords, being the upper legislative chamber, rejected this proposal and voted for an entirely appointed House of Lords. What do you know about the reform of the House of Lords in Great Britain?

## **KEY WORDS**

Acts of Parliament  
 bicameral legislative system  
 bill  
 Committee stage  
 conciliatory commission  
 hearings  
 introduction of a bill  
 joint conference committee

legislature  
 presidential approval  
 presidential veto  
 Private Bills  
 Public Bills  
 Report stage  
 right of legislative initiative  
 Royal Assent

## Unit 8. Constitutionalism



### 8.1. BEFORE READING

1. Where does the term "constitution" come from?
2. What is the purpose of a Constitution?



### 8.2. SCANNING

#### **Definition and Purpose of a Constitution**

1. A Constitution is a set of rules which define the relationship between the various organs of government and between the government and citizens of a country. Its purpose is to set the parameters of governmental power and the rights and duties of the citizens.

2. Therefore, the constitution of any individual country will determine the system of government in that country. It is important that you have a clear understanding of what is meant by the "organs" or "institution" of government. In this context we mean the executive, the legislature and the judiciary. In addition, in some countries such as the United Kingdom, the Monarch has an important constitutional role as head of state.

3. Written/Unwritten Constitutions. Because the rules of a Constitution are laws of fundamental importance, it is not surprising that they are often embodied in a single written document. Thus, for example, the Constitution of the United States was reduced to writing in 1787 and the document which comprises it lays down the fundamental law of America today. Furthermore, the US Constitution, like many other written Constitutions, cannot be altered easily; a constitutional amendment can only be carried if a very substantial majority, both in Congress and in the individual States, approve it.

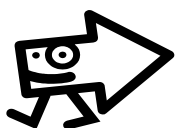
4. The British constitution is just as important to its people as the US Constitution is to the Americans. Nevertheless, it is not "written", that is to say, it has never been wholly reduced to writing. Furthermore, since Parliament is "sovereign" it can, without any special procedure, and by simple Act, alter any law at any time, however fundamental it may seem to be. Thus we can say that there are Rigid/Flexible Constitutions.

5. The statement that the Constitution is not "written" does not mean that there are no important constitutional documents; it means that the Constitution is not embodied in any single document, or series of documents, containing essential constitutional laws. The largely unwritten nature of the UK Constitution is mainly

due to the absence of any clear break in the continuity of British history from 1066 to the present time.

6. Federal/Unitary Constitutions. In many states there exists a division of powers between the central government and individual states or provinces which collectively make up a federation: e.g. Russia, USA, Canada, Australia, etc. The essence of federalism is the sharing of power between central government and the regions.

7. In the UK they have a unitary state (at present) where Parliament is the ultimate law-making power in the country. It gives limited powers to local government and local authorities. Their powers, and indeed their individual existence, can be changed or removed by Statute.



### 8.3. LEXIS

constitutionalism - 1) конституционная система правления; 2) конституционализм (строгое соблюдение конституционных принципов)

embody - воплощать (в чем-л.); заключать (в) ; включать

reduce - превращать, обращать; переводить

fundamental law - основной закон, конституция

alter - изменять, внести изменения

substantial - значительный, существенный, солидный

rigid Constitution - закрепленный, неизменный текст конституции

flexible Constitution - подвижный, гибкий, легко адаптируемый текст конституции

due to - благодаря; вследствие; в результате; из-за

continuity - преемственность, постоянство

essence - существо, сущность

sharing – разделение; распределение



### 8.4. FORMATION

A. Translate the given word forms into Russian. Explain the rule according to which they were derived.

B. Find examples in the text and make your own examples to illustrate the rule.

1. absence, existence, negligence, violence;

2. division, decision, evasion, provision.



### 8.5. QUESTIONS

1. What does a Constitution determine?

2. What is meant by the “organs” in this text?

3. Can a written Constitution be altered easily?

4. How may the US Constitution be amended?



5. Is the British Constitution rigid or flexible?
6. How can you explain the existence of unwritten Constitution in the UK?
7. What are the examples of English constitutional documents?
8. What is the essence of federalism?
9. Do local authorities in GB enjoy unlimited powers?

### 8.6. AGREE OR DISAGREE



1. A Constitution can be changed as well as any law.
2. The Constitution of any individual state determines the system of government in that country.
3. The Constitution of the USA was reduced to writing in 1787.
4. There is no Constitution in GB.
5. "Constitution is not written" means that there are no important constitutional documents.



### 8.7. DEBATES

1. The most obvious advantages of codified Constitutions are that they tend to be more coherent and more easily understood, as well as simpler to read (being single documents). However, although codified constitutions are relatively rigid, they still yield a potentially wide range of interpretations by constitutional courts. What do you think is better: to have a written Constitution or an unwritten and thus more flexible one?
2. Can a state exist without a Constitution?
3. How often should a Constitution be changed?



### 8.8. SCANNING

## **The Constitution of the Russian Federation**

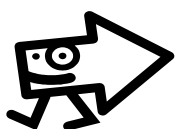
1. The current Constitution of the Russian Federation was adopted by national *referendum* on December 12, 1993. The Constitution declares Russia a democratic, federative, law-based state with a republican form of government. State power is divided among the legislative, executive, and judicial branches.

2. *Diversity of ideologies* and religions is *sanctioned*, and a state or compulsory ideology may not be adopted. The *right* to a multiparty political system *is upheld*. The *content* of laws must be *made public* before they *take effect*, and they must be formulated in accordance with international law and principles. Russian is proclaimed the state language, although the republics of the federation are al-

lowed to establish their own state languages for use alongside with Russian.

3. The main rights and freedoms, guaranteed to the citizens by the Russian Constitution, are:

- equal protection under the law
- freedom of speech
- guarantees for social security
- religious freedom
- right to life
- right to liberty and personal immunity
- right to personal privacy
- right to secrecy of correspondence, telephone conversations, mail and other forms of communication
- right to sanctity of the home
- right to determine one's own nationality
- right to use the mother tongue
- right to free movement and choice of a place to live
- right to peaceful meetings, demonstrations and processions
- right to own private property
- right to succession
- right to own land as private property
- right to a free, gainful and safe occupation
- right to rest
- right to medical insurance
- right to a favorable environment
- right to education
- right to qualified legal assistance
- right to petition to international organizations protecting human rights and freedoms
- right to be presumed innocent until proven guilty.



### 8.9. LEXIS

referendum - референдум, всенародный опрос

diversity - разнообразие; многообразие

ideology - идеология, мировоззрение

sanction - санкционировать, разрешать, одобрять

uphold - поддерживать, защищать

content - содержание, суть, существо, сущность; значение, смысл

make public - делать общеизвестным

take effect - вступить в силу; возыметь действие

alongside with - наряду с

personal immunity - право личной неприкосновенности, личный иммунитет; неприкосновенность личности

personal privacy - неприкосновенность личной жизни  
 sanctity - неприкосновенность, святость  
 private property - частная собственность  
 gainful - доходный, прибыльный, оплачиваемый  
 safe occupation - гарантированная (безопасная) профессия по способностям  
 right to rest - право на отдых  
 social security - социальная защита, социальные гарантии, социальная безопасность  
 medical insurance - медицинское страхование  
 favorable environment - безопасная окружающая природная среда  
 legal assistance - правовая защита  
 petition - обращаться с петицией; подавать прошение



### **8.10. FORMATION**

A. Translate the given word forms into Russian. Explain the rule according to which they were derived. Find examples in the text.

B. Consult a dictionary. Find examples of your own to illustrate the rule.

1. gainful, peaceful, meaningful, colourful;
2. multiparty, multi-address, multichannel, multi-level.



### **8.11. QUESTIONS**

1. When was the current Constitution of the Russian Federation adopted?
2. What form of government has the Russian Federation?
3. Which principle is used to regulate state power in the country?
4. Give examples of the main rights and freedoms guaranteed to the RF citizens by the Constitution.



### **8.12. AGREE OR DISAGREE**

1. The current Constitution was adopted by national referendum.
2. State power in Russia is divided among three branches.
3. International law and principles don't play any role in the formulation of laws.
4. There is only one official language in Russia.



### **8.13. DEBATES**

1. What do you consider to be your most important rights and how are they exercised?
2. How, in your opinion, can the Public Chamber influence the hu-

man rights enforcement and protection in Russia?



#### 8.14. SAY WHAT YOU KNOW

- about constitutional rights you personally enjoy
- about the difference between political and civil rights
- about the place and role of the RF Constitution in the

legal system of the country.



#### 8.15. BEFORE READING

Why is it often said that Great Britain has an "unwritten constitution"? What does it mean?



#### 8.16. SCANNING

### **British constitution**

1. The British Constitution is an unwritten constitution, thus it is not contained in a single legal document. It is based on statutes and important documents (such as the Magna Carta), case law (decisions taken by courts of law on constitutional matters), customs and conventions, and it can be modified by a simple Act of Parliament like any other law. It contains two main principles - the rule of law (i.e. that everyone, whatever his or her station, is subject to the law) and the supremacy of Parliament, which implies that there is no body that can declare the activities of Parliament unconstitutional and that Parliament can in theory do whatever it wishes. The constitutional safeguard of the separation of powers between the Legislature (the two Houses of Parliament), which makes laws, the Executive (the Government), which puts laws into effect and plans policy, and the Judiciary, which decides on cases arising out of the laws, is only theoretical.

2. Of all the democratic countries in the world, only Israel is comparable to Britain in having no single document codifying the functions of its political institutions 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; the Reform Act (1832), which reformed the system of parliamentary representation; the Parliament Acts 1911 and 1949.

3. Common law has never been precisely defined - it is deduced from custom or legal precedents and interpreted in court cases by judges. Conventions 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. The constitution can be altered by Act of Parliament, or by general agreement to alter a convention.

4. The Magna Carta (Latin for "Great Charter") is Britain's best known constitutional document. In 1215 feudal barons forced the "tyrannical" King John (1199-1216) to agree to a series of concessions embodied in a charter which became known as the Magna Carta. Sixty-one clauses set out a clear expression of the rights of the community against the Crown. The contents deal with the "free" Church; feudal law; towns, trade and merchants; the reform of the law and justice.

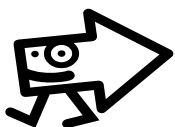
5. The English Bill of Rights, enacted by the Convention Parliament on December 16, 1689, represents the triumph of Parliament over the crown in the long contest for supremacy that had marked English history. The specific clauses of the Bill of Rights can be grouped into three broad categories:

(i) provisions confirming and safeguarding the institution of parliamentary supremacy, notably those stating that parliaments are to be held frequently, that freedom of speech and debate in Parliament is guaranteed, that there can be no suspension of laws without parliamentary consent, and that parliamentary consent is required for the levying of money or the keeping of a standing army;

(ii) provisions settling the succession to the crown and restricting the succession to Protestants;

(iii) provisions guaranteeing certain individual freedoms and procedural safeguards against impairment by governmental power, for example, the right of petition, prohibitions of excessive bail, and reaffirmation of the right to jury trial.

6. A century later the English Bill of Rights served as an important source for the first 10 amendments to the Constitution of the United States.



### 8.17. LEXIS

convention - обычай, традиция, правила поведения

rule of law - норма права

station - общественное положение; социальный статус

supremacy - верховенство; превосходство

comparable - сопоставимый, соизмеримый  
 Bill of Rights - "Билль о правах" (в Англии)  
 extend - расширять  
 impracticable - невозможный, невыполнимый, неосуществимый  
 Reform Act - реформа избирательной системы в Англии (1831-32)  
 Parliament Acts 1911, 1949 - акты парламента, ограничившие  
 полномочия палаты лордов  
 deduced - (логически) выведенный  
 indispensable – обязательный; важный, необходимый  
 derive - получать, выводить (путем умозаключений и т. п.)  
 account - отвечать, нести ответственность ( for)  
 feudal baron - феодал  
 force — заставляя, принуждать, вынуждать  
 series - ряд; последовательность  
 concession - уступка, соглашение; послабление  
 feudal law - феодальное право  
 merchant - купец, торговец  
 contest - соперничество, борьба, противоборство  
 clause - статья, пункт, условие; параграф, пункт  
 provision - положение, условие (договора и т. п.)  
 suspension - приостановка; временное прекращение; задержка,  
 отсрочка  
 levying of money - сбор, взимание (пошлин, налогов)  
 standing army - регулярная армия, постоянная армия  
 succession to the crown — порядок наследования королевской  
 короны  
 restricting - ограничивание  
 procedural safeguard - процессуальная гарантия  
 impairment - ухудшение; повреждение  
 right of petition - право подачи петиций  
 prohibition - запрет, запрещение  
 excessive bail - чрезмерная сумма залога  
 jury trial - слушание дела в суде присяжных



### 8.18. FORMATION

A. Translate the given word forms into Russian. Explain the rule according to which they were derived. Find examples in the text.

B. Consult a dictionary. Find examples of your own to illustrate the rule.

1. unconstitutional, unwritten, unadopted, unbroken;
2. freedom, kingdom, wisdom, boredom.



### **8.19. QUESTIONS**

1. What is the British Constitution based on?
2. Can it be modified? How?
3. What two main principles does the British Constitution contain?
4. Do you know any other democratic countries in the world, which have no written Constitution?
5. What is a "convention" according to the text?
6. Which is Britain's best known constitutional document? What does it deal with?
7. What does the English Bill of Rights represent?
8. Which three broad categories can the clauses of the Bill of Rights be grouped into?



### **8.20. AGREE OR DISAGREE**

1. The British Constitution is contained in a single legal document.
2. The Magna Carta protects the rights of the community against the Crown.
3. The Bill of Rights extended the powers of the Sovereign.
4. The Reform Act changed the system of taxation.
5. Common law has never been precisely defined.
6. It was in 1415 when King John agreed to a series of concessions embodied in the Magna Carta.
7. The English Bill of Rights served as a source for the first 10 amendments to the US Constitution.



### **8.21. DEBATES**

1. While some might assert that the UK does not have a constitution, the vast majority of theorists describe the 1688 compromise between Crown and Parliament as a Constitution.

What do you think about the uncodified nature of the United Kingdom Constitution? Does it mean that it should not be characterised as a "Constitution"?

2. The bedrock of the British Constitution has traditionally been the doctrine of parliamentary supremacy or parliamentary sovereignty, according to which the statutes passed by Parliament are the UK's supreme and final source of law. It follows that Parliament can change the Constitution simply by passing new Acts of Parliament.

The Constitution is therefore often spoken of by political scientists as being "organic;" that is, it has "evolved" over time since its medieval origins. In theory, its flexibility makes it responsive to po-

litical and social change especially since many political principles are simply conventions.

However, the absence of entrenchment means that in theory far-reaching changes could be made without significant popular support. For example, most of (the) Magna Carta has been repealed since 1828. The courts' role is important, but not imperative. The courts may not question any act of Parliament.

The continuing validity of the orthodox doctrine of parliamentary supremacy is arguably open to question, particularly in view of the consequences of Britain's membership of the European Union. What do you think of it?

3. The Labour government under Prime Minister Tony Blair instituted constitutional reforms in the late 1990s and early-to-mid 2000s. For example, the incorporation of the European Convention on Human Rights into UK law has granted citizens specific negative rights and given the judiciary some power to enforce them. The courts can encourage Parliament to amend primary legislation that conflicts with the Act by a "declaration of incompatibility," and courts can refuse to enforce or "strike down" any incompatible secondary legislation. Any actions of government authorities that violate Convention rights are illegal except if forced to by an Act of Parliament.

Find some information on recent reforms and the effect they have had.



**8.22. SAY WHAT YOU KNOW** about the history of Britain's best known constitutional documents.

### KEY WORDS

adoption of a Constitution  
Bill of Rights  
Constitution  
constitutionalism  
convention

federal/unitary Constitutions  
Magna Carta  
rights and freedoms of citizens  
main principles of Constitutionalism  
written/unwritten Constitutions



## Unit 9. International Law



### 9.1. BEFORE READING

1. How can you define International Law?
2. What is the origin of contemporary International law?
3. What is the relationship between law and International Community?



### 9.2. SCANNING

#### **The Concept of International Law**

1. In order to understand international law concepts, it is helpful to consider the world's different types of legal systems. The oldest and most influential is the Roman-Germanic legal system, commonly called Civil (or Civic) Law. In this meaning Civil Law is the law contained in codes and accompanying statutes, such as the law of persons, family law, property law, succession law, commercial law, labour law, the law of obligations, and criminal law. The Anglo-American legal system of common law is based on court decisions, or precedent, rather than on formal codes.

2. By definition, International Law is the common concern of nations, a blend of legal cultures, ideas and experiences. International law is derived from treaties, texts, court cases, statutes, custom, and all other sources used in national law.

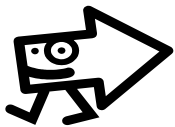
3. The main concept of International Law is the regulation of relations between different states. International Law attempts to establish a workable framework for intergovernmental relations as well as provide criteria and procedures for the resolution of disputes among states.

4. International Law tends to settle international disputes by treaties, agreements, conventions which can be either bilateral or multilateral in nature:

- treaty - a formal agreement between two or more states in reference to peace, alliance, commerce, or other international relations;
- convention - an international agreement especially one dealing with a specific matter such as postal service, copyright, etc.;
- agreement - a mutual arrangement or accord based on unanimity and tending to involve cultural exchange, economic or technical operation as well as using control of the terms of a transaction or agreement.

5. In general International Law regulates three main categories of questions which include the following:

- Questions which cannot be resolved by one state or by the unilateral actions of one state. These questions include common human interests and values which need to be agreed upon in the framework of the international community, i.e. the very existence of states, diplomatic relations, international security, disarmament, global ecological processes, open seas, space exploration.
- Questions which are not connected with common human interests but resolved only by mutual efforts by two or more states. All these questions include the establishment of common borders, offering legal aid, dual citizenship, entrance upon a foreign territory with or without a visa (documented and undocumented passengers).
- Questions which can be regulated within each state but which are better regulated by mutual intergovernmental acts in order to make them more effective; they include the provision and protection of human rights and interests, provision of criminal jurisdiction of transnational nature: international terrorism, money laundering, drug trafficking, etc.



### 9.3. LEXIS

concept - понятие, идея; общее представление; концепция

Civil Law - позитивное право (в отличие от естественного права), гражданское право

law of persons - личное право

succession law - наследственное право

law of obligation - обязательственное право

workable framework - оптимальные рамки, применимая система взглядов, реальная точка отсчета

intergovernmental - межправительственный

procedure — процедура; порядок

resolution of disputes - разрешение споров/ конфликтов

settle a dispute - урегулировать спор/конфликт

agreement - договор, соглашение

convention - соглашение, договоренность, договор, конвенция

bilateral - двусторонний

multilateral - многосторонний

alliance - союз; альянс

postal service - почтовая служба, почтовая связь

copyright - авторское право

war crimes - военные преступления

mutual - взаимный, обоюдный

accord - соглашение; договор; договорённость, сделка

cultural exchange - культурный обмен

transaction - дело; сделка, соглашение

international security - международная безопасность  
disarmament - демилитаризация, разоружение  
open seas - открытое море, нейтральные воды  
space exploration - космические исследования; космонавтика  
unilateral - односторонний  
legal aid - правовая помощь, юридическая помощь  
dual citizenship - двойное гражданство  
documented passenger – легально въезжающий в страну  
undocumented passenger – нелегально въезжающий в страну  
transnational - транснациональный  
money laundering – отмывание денег  
drug trafficking - торговля наркотиками



#### **9.4. FORMATION**

A. Translate the given word forms into Russian. Explain the rule according to which they were derived. Find examples in the text.

B. Consult a dictionary. Find examples of your own to illustrate the rule.

1. bilateral, bilingual, bicameral, biatomic;
2. unilateral, unicameral, uniform, unipolar;
3. triangle, triarchy, tricolour, tricycle.



#### **9.5. QUESTIONS**

1. What are the world's different types of legal systems?
2. What is the main concern and concept of International Law?

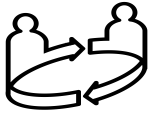
3. What are the basic means of settling down international disputes among states and how do they differ from each other?
4. What questions cannot be resolved unilaterally by one state?
5. What kind of international questions require mutual efforts of the states?
6. Why should some questions be regulated both by national legal systems as well as by mutual intergovernmental acts?



#### **9.6. AGREE OR DISAGREE**

1. The Anglo-American legal system of common law is the oldest and most influential.
2. International Law is actually a blend of legal cultures.
3. A treaty is a formal agreement between two or more states in reference to peace, alliance, commerce, or other international relations.
4. A convention is an international agreement especially one dealing with a very general matter.

5. International law regulates questions which cannot be resolved by one state or by the unilateral actions of one state.



### 9.7. DEBATES

1. In international law there is a distinct lack of hierarchy. A judgment will be eventually reached but there are no clear guidelines. Can you agree with this?

2. How one can prevent global organisations becoming either dangerous tyrannies or self-expanding bureaucracies, and instead make them effective and responsive to the people whose lives they affect?

3. Larger organizations and institutions, whether public or private, are almost always, and inherently, less efficient, less agile, more resistant to change, more hierarchic, and less transparent than smaller organizations. So the challenge is to achieve the best of both worlds, having organizations of global scope and authority and responsibility, but broken up into sufficiently small, autonomous and dynamic units that they are sensitive, resilient, responsible and responsive to the people and communities they serve.

What do you think about it?



9.8. SAY WHAT YOU KNOW about international agreements and conventions dealing with international relations and law.



### 9.9. SCANNING



## **International Dispute Settlement**

1. Under international law "dispute" has a specific meaning which goes beyond a mere difference of views. A dispute is a contest of some specificity, the resolution of which has some practical effect on the relations between the parties. International law includes several provisions outlining methods of dispute settlement. They require states to "settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered".

2. Thus Article 33 of the UNO Charter calls for peaceful settlement of disputes through "negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice".

3. **Negotiation** is a face-to-face discussion between the disputing parties. It is a traditional and commonly employed method, and usually the first step in the peaceful resolution of disputes. Negotia-

tions are not bound by rules of procedure and are frequently carried out through diplomatic channels or handled by "competent authorities" representing appropriate government departments and ministries.

4. **Inquiry** is an attempt to clarify the facts pertinent to a dispute in the hopes that agreement on factual matters will facilitate a final resolution. A group of individuals or an institution may be designated as impartial fact-finders.

5. **Mediation**, unlike negotiation, involves the intervention of an outside party. This method is commonly employed when the negotiations have reached a dead-lock and a third-party mediator is required to break the impasse and to assist the parties in reaching an acceptable solution. Mediation may be sought by the disputing parties themselves or may be offered by outside parties. The third-party mediator becomes an active participant and is expected to informally present proposals for a solution based on information supplied by the disputing parties.

6. **Good offices**: An outside party is said to contribute "good offices" when the intervention in a dispute is more passive than that of a mediator. A third-party contributing "good offices" usually does nothing more than simply encourage a resumption of the negotiations or provide an additional channel of communication.

7. **Conciliation**: This method of dispute settlement also involves the intervention of a third-party and is a link between mediation and arbitration. Conciliation has been described as the process of settling a dispute by referring it to a commission of persons whose task it is to elucidate the facts and to make a report containing proposals for a settlement, but without the binding character of an award or judgment. Conciliation is a more formal process than mediation and involves independent investigation of factual matters but does not result in legally binding solutions, as does arbitration.

8. **Arbitration** is a quasi-judicial method of dispute resolution and, unlike any of the five methods mentioned above, results in legally binding settlements.

Arbitration has several advantages over both the other non-judicial means of dispute settlement and adjudication:

- It is more conclusive than the other forms of non-judicial dispute settlement because the decisions of the arbitral panels are binding upon the parties.

- The disputing parties retain greater control in the arbitration process than they retain in the judicial process because they appoint the arbitrators. In making such appointments, the parties may select people with specialized knowledge of the matters at issue.

- Parties may designate the procedures and the laws to be applied. The selected procedures are usually less cumbersome than those applied in the courtroom and the arbitration process can therefore be less time consuming.

- Arbitration is less formal and less contentious than adjudication. This is especially important for maintaining commercial relationships.

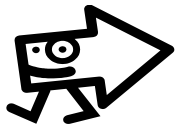
- Both the arbitration proceedings and decisions can be kept confidential, a great advantage in disputes regarding sensitive matters.

9. Arbitration also has its disadvantages:

- If the parties do not specify procedures, arbitration may be a very cumbersome and time-consuming process.

- Arbitration panels do not have the authority of courts to conduct discovery or subpoena witnesses.

- The parties themselves pay for the entire cost of the arbitration, which includes compensation for the arbitrators as well as administrative costs. However, if the arbitration is conducted efficiently these costs are often less than the costs of litigation.



### 9.10. LEXIS

peaceful means - мирные средства

endanger - подвергать опасности

enquiry - исследование обстоятельств дела, изучение

mediation - посредничество, вмешательство с целью примирения

conciliation - примирение, согласительная процедура, мировое соглашение

arbitration - третейский суд, арбитраж

resort to - обращение за помощью к

clarify - вносить ясность, разъяснить

pertinent - имеющий отношение, по существу

impartial fact-finder - независимый посредник, беспристрастный

расследователь фактов или обстоятельств

outside party - посторонний участник

dead-lock - тупик, полное прекращение действия

impasse - безвыходное положение

contribute - способствовать, представлять

resumption - возобновление, продолжение

elucidate - выяснять, выявлять

binding character - обязательный характер

award - решение суда, награда или наказание

quasi-judicial - квазисудебный, частично обладающий характеристиками судебного процесса

adjudication - вынесение судебного или арбитражного решения

conclusive - неоспоримый, окончательный  
 arbitral panel - группа экспертов в арбитраже; группа арбитров, рассматривающих дело  
 retain - сохранять, удерживать  
 designate - определять, устанавливать  
 cumbersome - обременительный, трудоёмкий  
 courtroom - зал судебного заседания  
 contentious - тяжёлый, придирчивый  
 sensitive matter - вопрос не для публики, конфиденциальный вопрос  
 subpoena - вызывать в суд, присылать повестку о явке в суд  
 administrative costs - административные расходы



### 9.11. QUESTIONS

1. What kinds of peaceful means to settle international disputes do you know?
2. Which of them involve the intervention of an outside party?
3. What is traditionally the first step in peaceful resolution of disputes?
4. Is there any difference between mediation and good offices?
5. Does conciliation result in the legally binding solution of a dispute?
6. What are the advantages and disadvantages of arbitration?

### KEY WORDS

arbitration	International Law
agreement	judicial settlement
concept of International Law	mediation
conciliation	negotiations
convention	peaceful means
enquiry	treaty
international dispute	world's legal system

## **Unit 10. International Organizations**



### 10.1. BEFORE READING

1. What is the role of international organizations in regulating global processes and challenges facing the world community today?
2. How many years ago was the United Nations Organization founded? Where? Why?



## 10.2. SCANNING

### **The United Nations Organization**

1. The UNO was established on the 24th of October, 1945. On this day the Charter of the UN came into force. The UNO was formed as a result of the victory over fascism. All the victor countries united with a view to maintain and strengthen the international peace and security and develop peaceful cooperation among nations. The Charter of the UN is based on the principles of dignity and equality of all human beings. The organization consists of about 190 states.

2. The first purpose of the UN, as stated in Article 1 of its charter, is the maintenance of international peace and security. To this end, the organization is required "to take effective collective measures for the prevention and removal of threats to the peace ..." The UNO is the international forum at which the states conduct talks on the most important problems of today, take the decisions for solving global problems, such as peaceful use of outer space and atomic energy, protection of the human environment and others.

3. In the course of its activities, the UN has made important contributions towards expanding the law of nations. It has, for example, adopted various conventions aimed at the regulation of international conduct. One of these is the convention to outlaw genocide, torture, aggression, terrorism. It declares all these actions to be crimes under international law and provides that all who are found guilty of them must be punished.

4. International disaster relief, special problems of children, refugees, the elderly, youth, the disabled, and families are all subjects for which member states have directed the UN to provide international leadership and expert guidance. The global nature of trade in illicit narcotic drugs and the internationalization of criminal activities were social ills that became so destabilizing at the end of the twentieth century that member states requested their international organization to implement innovative global programs to maintain security and social justice.

5. In the Preamble to the Charter, "the peoples of the United Nations" express their determination "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small." Article 1 of the Charter states that one of the purposes of the UN is to promote and encourage "respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion."



6. Article 55 of the charter, on international economic and social cooperation, calls on the UN to promote higher standards of living, full employment, and conditions of economic and social progress and development. The fostering of economic and social development, however, was only one of several objectives specified in the charter, and no special emphasis was accorded to it.

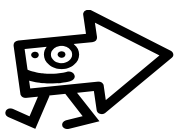
7. There are six principal bodies in the UN: the General Assembly, the Security Council, the International Trusteeship Council, the Economic and Social Council, the International Court of Justice, the Secretariat.

8. The Security Council (SC) has 15 members: five permanent members (China, France, the Russian Federation, the United Kingdom and the United States) and ten non-permanent members which are elected by the GA for a period of two years. A retiring non-permanent member is not eligible for immediate re-election. The SC is so organized as to be able to function continuously, and a representative of each of its members must be present at all times at United Nations Headquarters. Meetings of the SC are held at the call of the President at any time if there is any matter which in his opinion is likely to threaten the maintenance of international peace and security. The SC also holds periodic meetings twice a year at such times as it may decide.

9. The Economic and Social Council (ECOSOC) consists of 54 members elected for a three - year term. Annually the GA elects 18 members of the Council to replace those whose term of office expires. Retiring members of the Council are eligible for re-election.

10. The Secretariat is one of the principal UN organs composed of about 16000 international civil servants and headed by the Secretary-General, who is appointed by the GA on the recommendation of the SC. It services the other UN organs, administers the programmes adopted by them and carries out the day-to-day work of the UN both at Headquarters in New York and in offices and centers around the world.

11. The International Court of Justice (ICJ) consists of fifteen members, no two of whom may be nationals of the same state. The members of the Court are elected for nine years and may be re-elected.



### 10.3. LEXIS

Charter of the United Nations - Устав ООН  
with a view to - с намерением; с целью  
dignity – достоинство

equality - равенство; равноправие

maintenance - поддержание; сохранение

to this end - с этой целью, для этой цели  
take measures - принимать меры  
prevention - предотвращение, предупреждение  
removal - устранение, удаление  
threat - опасность, угроза  
conduct talks - вести переговоры  
contribution - вклад  
law of nations - международное право  
outlaw - объявлять незаконным; запрещать  
genocide - геноцид, истребление населения  
torture - пытка  
find guilty - признавать виновным  
punish - наказывать; карать  
disaster - беда, бедствие, несчастье  
relief - помощь  
refugee - беженец  
disabled - инвалид  
illicit narcotic drug - наркотик, запрещённый (к изготовлению, ввозу, сбыту) законом  
ills - неприятности, проблемы  
implement - выполнять, осуществлять; обеспечивать выполнение, приводить в исполнение  
social justice - социальная справедливость  
preamble - преамбула; вводная часть  
determination - решимость  
reaffirm - вновь подтверждать  
worth - цена, ценность ; достоинства  
promote - способствовать, помогать, содействовать  
standard of living - жизненный уровень, уровень жизни  
full employment - полная занятость, работа полный рабочий день/на полную ставку  
foster - поощрять, побуждать, стимулировать; одобрять  
emphasis - особое значение ; акцент, ударение  
General Assembly - Генеральная Ассамблея  
Security Council - Совет Безопасности  
Trusteeship Council - Совет по опеке  
Economic and Social Council - Экономический и Социальный Совет  
International Court of Justice - Международный суд ООН  
secretariat(e) - секретариат  
retiring - покидающий свой пост, уходящий в отставку  
United Nations Headquarters - Центральные учреждения Организации Объединенных Наций, Штаб-квартира ООН  
civil servant - сотрудник какой-л. международной организации

Secretary General - генеральный секретарь (должность руководителя в международной организации )  
national - подданный, гражданин (какого-л. государства)



#### **10.4. FORMATION**

A. Translate the given word forms into Russian. Explain the rule according to which they were derived. Find examples in the text.

B. Consult a dictionary. Find examples of your own to illustrate the rule.

1. cooperation, coordination, copartnership, copayment;
2. outlaw, outbreak, outdoor, outside, outdo, outclass, outadvertise;
3. headquarters, head-master, headline, head-to-head, headwork.



#### **10.5. QUESTIONS**

1. When and why was the UNO formed?
2. What are the principles of the UN activity?
3. What are the principal bodies of the UN?
4. What is the term of non-permanent members of the SC and how they are elected?
5. Are retiring members of the ECOSOC eligible for re-election?
6. What does Secretariat service?
7. Why are there so many organs within the UN?



#### **10.6. AGREE OR DISAGREE**

1. The organization consists of about 500 states.
2. The first purpose of the UN is solving international conflicts.
3. The Security Council has 15 members: nine permanent members and six non-permanent members
4. The President may call the meetings of the SC at any time.
5. The SC holds periodic meetings two times a year.
6. Annually the GA elects 8 members of the SC to replace those whose term of office expires.
7. The ICJ consists of fifteen members, two of whom must be nationals of the same state.
8. The members of the Court are elected for nine years and may be re-elected.



#### **10.7. DEBATES**

1. Over the past decade, an increasing number of voices have questioned the overall direction that the UN has taken. Many now see it as ineffective, overly bureaucratic, prone to corruption, and acting outside the intended limits of its

original charter and, on the converse, not acting sufficiently within its charter or that the charter is too weak for present-day needs.

Some respond that much of the blame can only lie with the member states that support it, including their perceived failure to make needed systemic changes to the institution.

Does the organization have any “weak points” in your opinion?

2. In recent years there have been many calls for "reform" of the United Nations. But there is little clarity, let alone consensus, about what reform might mean in practice. Both those who want the UN to play a greater role in world affairs and those who want its role confined to humanitarian work or otherwise reduced use the term "UN reform" to refer to their ideas. The range of opinion extends from as far as those who want to eliminate the UN entirely, to those that want to make it into a full-fledged world government.

Popular demands include changing the permanent membership of the Security Council; making the bureaucracy more transparent, accountable and efficient; making the UN more democratic; and imposing an international tariff on arms manufacturers worldwide.

Could you offer any changes to the organization?



#### 10.8. SAY WHAT YOU KNOW about:

- possible merits and demerits of an international organization;
- the most important achievements which have been made by the UNO;
- international organizations other than the UNO? What is their structure? What objectives do they have?
- international problems and challenges that have to be solved by international organizations today.



#### 10.9. BEFORE READING

Think of the structure of the UNO. What do you know about its principal bodies?



#### 10.10. SCANNING

### **The General Assembly**

1. The GA is the main deliberative UN organ, composed of representatives of all Member States, each of which has one vote. The GA holds annually regular sessions and may also meet in special and emergency special sessions. It discusses and takes decisions on any question within the scope of the Charter. While the de-

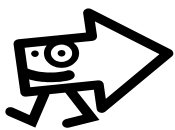
cisions of the GA have no legally binding force for Governments, they carry the weight of world opinion, as well as the moral authority of the world community.

2. The GA elects the non-permanent members of the SC, the members of the ECOSOC and jointly with the SC the Judges of the ICJ. On the recommendation of the SC it appoints the Secretary - General. The GA also approves the regular budget and decides on the apportionment of the UN expenses.

3. The Secretary-General as the chief administrative officer of the UN is appointed by the GA upon the recommendation of the SC. When the Council has submitted its recommendation, the GA considers the recommendation and votes upon it by secret ballot in private meeting. The Secretary-General is appointed for a term of five years and is eligible for re-election.

4. Under the Charter the official languages of the UN are Chinese, English, French, Russian and Spanish. Arabic has been added as an official language of the GA, the SC and the ECOSOC. Speeches made in any of the six languages of the GA are interpreted into the other five languages. Likewise all resolutions, verbatim or summary records and other documents are published in the languages of the Assembly. The official languages of the Secretariat and the ICJ are English and French.

5. Decisions of the GA on important questions are made by a two thirds majority of the members present and voting. These questions include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the SC, the election of the members of the ECOSOC, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.



### 10.11. LEXIS

deliberative organ - совещательный орган

special session - внеочередная сессия

emergency special session - экстренное заседание

weight of world opinion - значение всеобщей оценки, роль общественного мнения

non-permanent member - непостоянный член (какого-л. органа)

apportionment - пропорциональное распределение

expenses - расходы, издержки, траты, затраты

chief administrative officer - руководитель, глава административного органа

private meeting - закрытое заседание

likewise - подобно, так же

verbatim - стенограмма, стенографический отчет

summary records - отчеты

admission - допущение, принятие; прием

suspension - приостановка; временное прекращение



### **10.12. FORMATION**

A. Translate the given word forms into Russian. Explain the rule according to which they were derived. Find examples in the text.

B. Consult a dictionary. Find examples of your own to illustrate the rule.

1. budgetary, monetary, unitary, hereditary;
2. deliberative, consultative, appointive, figurative.



### **10.13. QUESTIONS**

1. What are the functions of the GA?
2. Who is the chief administrative officer of the UN? How is he/she usually appointed?
3. What are the official languages of the GA? Are they the same as those of the UN?
4. On which condition is a decision of the GA considered to be made?
5. What questions does the GA usually deal with?



### **10.14. AGREE OR DISAGREE**

1. The GA is composed of representatives of all Member States, each of which has up to five votes.
2. The GA meets only in special and emergency special sessions.
3. The decisions of the GA have no legally binding force for Governments.
4. The Secretary-General is appointed for a term of five years and cannot be re-elected.
5. All speeches, resolutions, verbatim or summary records and other documents in the GA are interpreted into five languages.



### **10.15. DEBATES**

1. Supporters of the UN and other multi-lateral NGOs (Non-Government Organisations) believe that we each have a responsibility for the well-being of all the people and creatures of this world. There is no inconsistency between strong local

autonomy, community, and self-sufficient economies on the one hand, and global responsibility on the other.

So countries must, in this world where national boundaries no longer have any logistic meaning, set aside national interest and embrace, once and for all, global interest, impartially. That does not mean cultural unification, but imposes a responsibility for the reduction of inequality, both of economic resources and personal rights and freedoms.

Critics say this view is inconsistent. Which point is closer to yours?

2. Is environmental responsibility important in this respect?

3. There is an opinion that economic globalization somehow benefits both rich and poor countries.

Some people believe a substantial reform of the WTO (World Trade Organization) and the GATT (General Agreement on Tariffs & Trade) could actually lead to more equitable distribution of wealth and more efficient production of economic goods, while safeguarding human rights, labour and the environment.

On the other hand, the multi-national corporations and corporatists would never tolerate such a reform, since it would entirely divert the benefits of economic globalization from their pockets to those of the world's poor.

What do you think about the outcomes of globalization?



**10.16. SAY WHAT YOU KNOW** about:

- the background and history of the UN;
- its efforts in the sphere of arms control and disarmament, peace-keeping, human rights, etc.;
- successes and achievements of the UN.



**10.17. BEFORE READING**

1. What kinds of courts do you know?
2. What types of disputes does the ICJ deal with?



**10.18. SCANNING**

**The International Court of Justice**

1. The International Court of Justice is the principal judicial organ of the United Nations. Its seat is at the Peace Palace in the Hague (the Netherlands).

It began its work in 1946, when it replaced the Permanent Court of International Justice which had functioned in the Peace

Palace since 1922. It operates under a Statute largely similar to that of its predecessor, which is an integral part of the Charter of the United Nations.

2. The Court has a dual role: to settle in accordance with international law the legal disputes submitted to it by States, and to give advisory opinions on legal questions referred to it by duly authorized international organs and agencies.

3. The Court is composed of 15 judges elected to nine-year terms of office by the United Nations General Assembly and Security Council sitting independently of each other. It may not include more than one judge of any nationality. Elections are held every three years for one-third of the seats, and retiring judges may be re-elected. The Members of the Court do not represent their governments but are independent magistrates.

4. The judges must possess the qualifications required in their respective countries for appointment to the highest judicial offices, or be jurists of recognized competence in international law. The composition of the Court has also to reflect the main forms of civilization and the principal legal systems of the world.

5. Only States may apply to and appear before the Court. The States Members of the United Nations (at present numbering 189), and one State which is not a Member of the United Nations but which has become party to the Court's Statute (Switzerland), are so entitled.

6. The Court decides in accordance with international treaties and conventions in force, international custom, the general principles of law and, as subsidiary means, judicial decisions and the teachings of the most highly qualified lawyers.

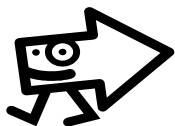
7. The procedure followed by the Court in contention cases is defined in its Statute, and in the Rules of Court adopted by it under the Statute. The proceedings include a written phase, in which the parties file and exchange pleadings, and an oral phase consisting of public hearings at which agents and counsel address the Court. As the Court has two official languages (English and French) everything written or said in one is translated into the other.

8. After the oral proceedings the Court deliberates in camera and then delivers its judgment at a public sitting. The judgment is final and without appeal. If one of the involved States fails to comply with it, the other party may have recourse to the Security Council of the United Nations.

9. The Court discharges its duties as a full court but, at the request of the parties, it may also establish a special chamber. Since 1946 the Court has delivered 74 Judgments on disputes concerning inter alia land frontiers and maritime boundaries, territorial sove-



reignty, the non-use of force, non-interference in the internal affairs of States, diplomatic relations, hostage-taking, the right of asylum, nationality, rights of passage and economic rights.



### 10.19. LEXIS

seat - место, местоположение, местонахождение, локализация

the Hague - Гаага (город в Нидерландах)

predecessor - предшественник, правопреемник

dual - двойственный; двойной; состоящий из двух частей

advisory opinion - консультативное заключение

duly authorized - должным образом уполномоченный, снабжённый надлежащими полномочиями

magistrate - судья

judicial office - судебная должность

jurist of recognized competence - правовед, чья компетентность общепризнанна

apply - обращаться с просьбой, заявлением

appear before the court - представлять перед судом

Statute of the International Court of Justice - Статут (Устав) Международного суда

teaching - доктрина, учение

contention - спор, раздор, разногласие

rules of court - правила судопроизводства

file - обращаться (с заявлением, прошением), подавать какой-л. документ

pleading - заявления, подаваемые в суд (которыми неоднократно обмениваются стороны в ходе процесса)

public hearing - открытое слушание дела

agent - агент, представитель, посредник, доверенное лицо

counsel - адвокат; юрисконсульт; советник

oral proceedings - устное производство

deliberate - совещаться; консультироваться, совместно рассматривать

in camera - в кабинете судьи (не в открытом судебном заседании); без посторонних

deliver a judgment - выносить приговор

public sitting - открытое заседание

comply with - выполнять, осуществлять, исполнять (решение, и т.д.)

have recourse - получать возмещение ущерба, получать право регресса

discharge duties - выполнять, осуществлять (обязанности)

full court - суд в полном составе, пленарное заседание суда

special chamber - специальная коллегия судей, специальный состав суда

inter alia - помимо прочего, среди прочего

land frontier - сухопутная граница

maritime boundary - морская граница

non-interference - невмешательство

internal affairs - внутренние дела (страны)

diplomatic relations - дипломатические отношения

hostage taking - захват заложников

right of asylum - право убежища, право на убежище

nationality – 1) гражданство, подданство; 2) принадлежность какому-л. государству (самолета, судна, фирмы и т. п.) 3) национальная независимость, государственность

right of passage - право проезда, прохода



### 10.20. FORMATION

A. Translate the given word forms into Russian. Explain the rule according to which they were derived. Find examples in the text and make your own examples to illustrate the rule.

non-use, non-interference, non-ability, non-observance;  
passage, breakage, coverage, leakage.



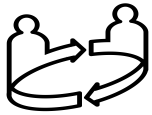
### 10.21. QUESTIONS

1. What is the International Court of Justice?
2. Where is the seat of the International Court of Justice?
3. How do you understand the dual role of the court?
4. How many judges make up the court?
5. What qualifications must a judge have to enter the ICJ?
6. Who can apply to and appear before the Court?
7. What makes the legal basis for the procedure and decisions of the ICJ?
8. What phases does the court procedure include?
9. Which are the official languages of the court?
10. What disputes does the court usually deal with?



### 10.22. AGREE OR DISAGREE

1. The International Court of Justice is the federal judicial organ of the USA.
2. The ICJ judges are elected to eleven-year terms.
3. The ICJ judgments are final and without appeal.
4. The court discharges its duties as a full court.



### 10.23. DEBATES

1. Is it possible to make a state follow an unfavorable court decision, if its government does not want to?
2. What is the difference between national and international courts?



10.24. SAY WHAT YOU KNOW about any legal disputes considered by the ICJ and advisory opinions given on legal questions?



### 10.25. BEFORE READING

What do you know about the European Union? Share the facts with your group.



### 10.26. SCANNING

## **European Community**

1. The European Union (EU) is a sui generis supranational and intergovernmental union of 27 states. It was established in 1992 by the Treaty on European Union (The Maastricht Treaty), and is the de facto successor to the six-member European Economic Community founded in 1957. Since then new accessions have raised its number of member states, and competences have expanded. The EU is the current stage of a continuing open-ended process of European integration.

2. The EU is one of the largest economic and political entities in the world, with about 500 million people and a combined nominal GDP of \$15.4 trillion in 2006. Important EU institutions and bodies include the European Commission, the Council of the European Union, the European Court of Justice, and the European Parliament. Citizens of EU member states are also EU citizens: they directly elect the European Parliament, once every five years. They can live, travel, work, and invest in other member states (with some restrictions on new member states). Passport control and customs checks at most internal borders were abolished by the Schengen Agreement.

3. The European Union is governed by a number of institutions, these primarily being the Commission, Council and Parliament.

4. The European Commission acts as an executive or Civil Service. It is currently composed of one member from each state and is responsible for drafting all proposed law, a duty on which it maintains a monopoly in order to co-ordinate European Law. It also controls some agencies and the day-to-day running of the Union. Its

president is nominated by the European Council then elected by the Parliament.

5. The Council of the European Union (also known as the Council of Ministers) forms one half of the Union's legislative branch (the other being the Parliament). It is composed of the respective national ministers. The body's presidency rotates between the member-states every 6 months, though the current president member-state co-operates with the previous and future president member-state, to provide continuity.

6. The European Parliament is the only Union body composed of officials directly elected on European issues. Every 5 years citizens in all member-states vote across a few days for 785 "MEPs" who form the second half of the Union's legislative branch. Seats are distributed among the European Union member states based on their respective populations. Its members sit according to political groups rather than nationality and its president is elected by its members.

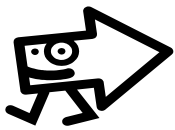
7. The judicial branch of the Union consists primarily of the European Court of Justice composed of one judge nominated by each member-state with the president elected from among those nominees. Below the Court of Justice there is a lower court called the Court of First Instance created to lift some of the work load of the Court of Justice. There is also the European Court of Auditors which monitors the Union's accounts.

8. There is no official European capital, with institutions spread across a number of cities. However, Brussels is often considered the *de facto* capital as it hosts most of the primary institutions, including the Commission and the Council. The Parliament also has its second seat in the city. Strasbourg is the official seat of the European Parliament, meeting there for twelve week-long plenary sessions each year. Luxembourg City plays host to the Secretariat of the European Parliament as well as the European Court of Justice, the Court of First Instance and the European Court of Auditors.

9. EU law covers only member states themselves. Where a conflict arises between EU law and the law of a member state, EU law takes precedence, so that the law of a member state must be disapplied. Both the provisions of the Treaties, and EU regulations are said to have "direct effect" horizontally.

10. The other main legal instrument of the EU, "directives", have direct effect, but only "vertically". Private citizens may not sue one another on the basis of EU directives, since these are meant to be addressed to the member state. Directives allow some choice for member states in the way they translate a directive into national law. Once this has happened citizens may rely on the law that has

been implemented. They may only sue the government "vertically" for failing to implement a directive correctly.



### 10.27. LEXIS

sui generis - редкий, редкостный, уникальный

supranational - наднациональный

Maastricht treaty - Маастрихтский договор ( договор об образовании Европейского Союза, подписанный 7 февраля 1992 г.; вступил в силу в 1993 г.; представляет собой развитие и углубление положений Римского договора 1957 г. )

de facto - на деле, фактически

successor - преемник, наследник; правопреемник

open-ended - 1) не ограниченный временем 2) неокончательный; допускающий изменения, поправки и т. п.

nominal GDP (nominal gross domestic product) - номинальный валовой внутренний продукт ( стоимость конечных товаров и услуг, произведенных в стране за год, выраженная в текущих ценах )

European Court of Justice (ECJ) - Европейский суд

customs check - таможенный досмотр

Schengen Agreement (= The Schengen Agreement) - Шенгенский договор, 1985 (Соглашение "О постепенной отмене проверок на общих границах"; подписано 14 июня 1985 года в городке Шенген (Люксембург))

Civil Service - аппарат международных организаций

presidency — а) президентство, обязанности президента; б) председательство; обязанности председателя

rotate - чередовать(ся); сменять(ся) по очереди

nominee - 1) кандидат, предложенный на какую-л. должность; 2) номинант, претендент, соискатель

accounts 1) бюджет; 2) счета; расходы

host - принимать гостей, выступать в роли принимающей стороны

plenary session - пленум; пленарное заседание

take precedence - иметь преимущественное значение, превосходить по важности

sue - преследовать судом; подавать в суд, возбуждать иск

directive - директива, предписание, руководящие разъяснения



### 10.28. FORMATION

A. Translate the given word forms into Russian. Explain the rule according to which they were derived. Find examples in the text.

B. Consult a dictionary. Find examples of your own to illustrate the rule.

1. supranational, supraluminal, supraorganism, supersonic;
2. intergovernmental, international, inter-regional, interoffice.



### **10.29. QUESTIONS**

1. How many states are the members of the EU?
2. What important EU institutions and bodies do you know?
3. What bodies form the legislative branch of the EU?
4. Which is the only body, members of which are elected?
5. What is the capital of the EU?
6. What is meant by “a directive” in the text?



### **10.30. AGREE OR DISAGREE**

1. The EU is a sui generis supranational and intergovernmental union.
2. The EU is one of the largest economic and political entities in the world.
3. Citizens of only five states can elect the European parliament.
4. The court of First Instance is the main court in the EU.
5. Strasbourg is the official seat of the European parliament.
6. Private citizens may sue one another on the basis of an EU directive.



### **10.31. DEBATES**

1. What do you think about the role and authority of Russia in Europe today?
2. Think of the most important problems that the EU faces today? Suggest some ways to resolve them.



### **10.32. SAY WHAT YOU KNOW** about:

- the history of European integration: efforts and projects of creating the “United Europe”, main factors influencing the character, speed and depth of European integration, as well as achievements, successes and also problems and shortcomings;
- the membership of the EU;
- the requirements to non-member states willing to join the EU;
- the role of the EU in the world today.

## KEY WORDS

Charter  
ECOSOC  
General Assembly  
global problem  
headquarters  
human rights  
ICJ  
international peace and security  
emergency special sessions  
fundamental freedoms  
EU institutions and bodies  
EU law  
European Community  
European integration  
Eurozone  
Member State  
non-permanent member  
official language  
peaceful cooperation  
permanent member  
principal body  
regular sessions  
SC  
Schengen Agreement  
Secretary-General  
UNO

## ГРАММАТИЧЕСКИЙ КОММЕНТАРИЙ

Для выражения времени совершения действия – настоящего, прошедшего, будущего – английский глагол имеет своеобразную систему глагольных времен (Tenses). Глагольные времена делятся на четыре группы:

- **группа «неопределенных» времен (Indefinite)** употребляется для констатации факта совершения действия в настоящем, прошедшем и будущем без указания на его длительность, законченность и безотносительно к какому-либо другому действию или моменту;

- **группа «длительных» времен (Continuous)** употребляется для выражения длительного действия, которое всё ещё совершается, совершалось или будет совершаться в описываемый момент; она описывает действие в процессе его совершения, выражая, таким образом, незаконченное действие в момент его исполнения; на русский язык этот оттенок передается глаголом несовершенного вида;

- **группа «совершенных» времен (Perfect)** выражает действие, совершенное к определенному моменту в настоящем, прошлом или будущем; на русский язык эти глаголы чаще всего переводятся глаголами совершенного вида;

Таблица. Временные формы глагола в действительном и страдательном залоге.

### 1. Действительный залог (Active Voice)

	<b>Indefinite</b>	<b>Continuous</b>	<b>Perfect</b>
характеристика времени	действие как факт (обычное, постоянное, повторяющееся)	действие как процесс (незаконченный, длящийся)	действие, предшествующее какому-то моменту
<b>Present</b>	<b>ask</b> спрашиваю, задаю вопросы (вообще, обычно, всегда)	<b>am asking</b> <b>are asking</b> <b>is asking</b> спрашиваю (сейчас)	<b>have asked</b> уже спросил
<b>Past</b>	<b>asked</b> спросил, спрашивал (когда-то)	<b>was asking</b> <b>were asking</b> спрашивал, задавал вопрос (в тот момент)	<b>had asked</b> уже спросил (к тому моменту)
<b>Future</b>	<b>will ask</b> спрошу, задам вопрос	<b>will be asking</b> буду спрашивать (в тот момент)	<b>will have asked</b> уже спрошу (к тому моменту)



## 2. Страдательный залог (Passive Voice)

	<b>Indefinite</b>	<b>Continuous</b>	<b>Perfect</b>
<b>Present</b>	<b>am asked</b> <b>are asked</b> <b>is asked</b> (кого-то) спрашивают (вообще, всегда, обычно)	<b>am being asked</b> <b>are being asked</b> <b>is being asked</b> (кого-то) спрашивают (сейчас)	<b>have been asked</b> (кого-то) уже спросили
<b>Past</b>	<b>was asked</b> <b>were asked</b> (кого-то) спросили (вчера)	<b>was being asked</b> <b>were being asked</b> (кого-то) спрашивали (в тот момент)	<b>had been asked</b> (кого-то) уже спросили (к тому моменту)
<b>Future</b>	<b>will be asked</b> (кого-то) спросят	---	<b>will have been asked</b> (кого-то) уже спросят (к тому моменту)

### УПРАЖНЕНИЯ

**ЗАДАНИЕ 1.** Спишите предложения и подчеркните сказуемое, укажите его время и залог. Переведите предложения на русский язык.

Модель:

This crime is being investigated now. (Present Continuous Passive) - Сейчас расследуется это преступление.

1. At the beginning of the seminar one of our students will be making a report on the rights of the defendant according to the Criminal law. 2. The case was being prepared for the trial when the investigator was given some new important evidence. 3. The investigator has collected evidence on the case. 4. The trade delegation will have finished its work by the end of the week. 5. He became a good investigator after many serious crimes had been examined by him. 6. The court will be hearing the case for three days. 7. The police were being assisted by many citizens while the crime was being investigated. 8. He was brought to trial last week. 9. The window had been broken and thieves entered the room. 10. A lot of money was stolen from the shop.

**ЗАДАНИЕ 2.** Раскройте скобки, употребляя глаголы в Past Indefinite или Past Continuous. Переведите предложения.

Модель:

My friend (come) to see me yesterday. - My friend came to see me yesterday. (Past Indefinite) – Мой друг вчера заходил навестить меня.

1. There (be) two men in the room. One of them (write) something while the other (read) a newspaper. 2. The Scots (defeat) the English at Bannockburn in 1314. 3. As he (die) he asked for a priest. 4. They (visit) Orenburg just after World War II. 5. He (stop) when the policeman told him to. 6. I (talk) about him when he suddenly came in. 7. The airplane (crashed) and then (explode). 8. I noticed her as she (come) in. 9. At 6 p.m. yesterday I (wait) for my father at the station. 9. He (enter) the room, (take) something from the desk and (go) out. 10. I (find) the old man in the garden. He (talk) to some children who (stand) around listening to him. 11. When my friend (come) to see me, I (do) my homework. 12. He (come) back to St.Petersburg on the 15<sup>th</sup> of January. 13. When the police (take) the thief to the car, I (go) to the cinema to see the new Tom Cruise film. 14. When I (look) out of the window, it (rain) heavily and people (hurry) along the streets. 15. While she (shop), she (lose) her money. She (not know) how.

**ЗАДАНИЕ 3.** *Раскройте скобки, употребляя глаголы в Past Indefinite или Present Perfect. Переведите предложения.*

*Модель:*

She (go) home an hour ago. - She went home an hour ago. (Past Indefinite) – Она ушла домой час тому назад.

1. I (meet) two of my friends today. 2. I never (hear) this story from my children. 3. John (be) ill last week. 4. My mother-in-law not (come) home yet. 5. My sister just (go) out. 6. Where is he I wonder. Anybody (see) him? 7. I (lose) my textbook and cannot remember when I last (see) it. 8. Your client (come). He is waiting for you in the next room. 9. Helen speaks French so well because she (live) in France. 10. She (live) there last year. 11. The rain (stop) and the sun is shining in the sky again. 12. The rain (stop) half an hour ago. 13. The wind (blow) off the man's hat, and he cannot catch it. 14. The weather (change), and we can go for a walk. 15. I (not see) you for a long time. I (see) you in town two or three days ago, but you (not see) me. I (be) on a bus.

**ЗАДАНИЕ 4.** *Переделайте предложения из действительного залога в страдательный залог. Переведите предложения.*

*Модель:*

Our students usually make the reports at the conference. -

The reports at the conference are usually made by our students.  
- Доклады на конференцию обычно готовятся нашими студентами.

1. They found the stolen car near the river last week. 2. The police are inspecting the house now. 3. They shall notify the police about the incident. 4. They questioned children who were shoplifters. 5. The police have arrested the juvenile on a charge of a murder. 6. They have made a number of important experiments in this laboratory. 7. We were looking at the man with great surprise. 8. I don't think we shall finish all the preparations today. 9. An expert is restoring the antique car. 10. A nightmare woke Mary up. 11. The judge has fined him 300 pounds. 12. The police are searching for the owner of the box because they have found a bomb in it.

**ЗАДАНИЕ 5.** *Раскройте скобки, поставив глагол в нужную форму. Переведите предложения.*

Last week police (arrest) Paul Dawson. They (suspect) him of being the leader of a gang of robbers who (steal) art treasures from museums and homes since last January. Prior to his arrest, Dawson (spend) two years in prison for theft. They (release) him only 16 months ago. The police (try) to find the gang's hideout for months. They feel sure they (arrest) the rest of the gang by the end of the month. This (be) the biggest art theft operation to be uncovered since 1974 when police (catch) a gang which (steal) over a million pounds worth of paintings from galleries all over the country.

### **Грамматический комментарий**

**Модальные глаголы (Modal Verbs)** в отличие от других глаголов не обозначают действия или состояния, а лишь передают отношение говорящего к действию, выраженному инфинитивом. В сочетании с инфинитивом смыслового глагола модальный глагол образует сложное сказуемое.

Модальные глаголы могут показывать, что говорящий рассматривает действие как возможное, желательное, необходимое, сомнительное, допустимое, требуемое, запрещенное, принудительное и т.п.

Помимо особого значения, модальные глаголы отличаются от других глаголов ещё рядом особенностей:

- они не изменяются по лицам и не присоединяют окончания **-s** в 3-м лице единственного числа; модальные глаголы имеют только форму настоящего времени (за исключением глаголов **can (could), may (might)**);

- у них нет неличных форм – инфинитива, причастия, герундия, а, следовательно, нет и аналитических видовременных форм;

- инфинитив смыслового глагола, следующего за модальным глаголом, употребляется без частички “to” (правило не распространяется на эквиваленты модальных глаголов);

- в вопросительном и отрицательном предложениях они употребляются без вспомогательного глагола, так как сами изменяют порядок слов. В вопросительном предложении перед подлежащим ставится сам модальный глагол, в отрицательном предложении «not» присоединяется к модальному глаголу; например:

**Can you speak English?** - Можете говорить по-английски?

**It can't be true.** - Не может быть, чтобы это была правда.

**You mustn't do it.** - Не смей это делать.

**Must they go?** - Они должны уйти?

Таблица. Модальные глаголы и их эквиваленты.

глагол	эквиваленты	перевод	оттенки значения
<b>can</b> <b>could</b>	<b>be able to</b>	мочь, уметь	*умственная или физическая возможность совершения действия
<b>must</b>	<b>have to</b>	*вынужден, приходится	*долженствование в силу обстоятельств
	<b>be obliged to</b>	*обязан, призван	*долженствование как моральная обязанность
	<b>be to</b>	*нужно	*по плану, договоренности
	<b>ought to</b>	*следует	*долженствование по логике событий
	<b>shall</b>	*должен (на русский язык может не переводиться)	*долженствование как гарантия, закон, приказ
	<b>should</b>	*следует	*долженствование как совет, рекомендация
<b>may</b> <b>might</b>	<b>be allowed to</b>	мочь	разрешение совершить действие

**Глаголы “to be”, “to have”**, как уже отмечено в материале за первый семестр, являются наиболее распространенными глаголами английского языка. В отличие от других глаголов они не только имеют несколько форм настоящего и прошедшего времени в зависимости от числа и лица подлежащего, но и могут выступать в предложении не только в функции смыслового глагола, но и вспомогательного и модального глаголов. Кроме того, “to be” употребляется как глагол-связка. Особенности проявления данных глаголов в этих функциях отражены в таблицах.

Таблица. Функции глагола “to be”.

№	конструкция	пример	функция	перевод
1.	+ существительное с предлогом, наречием	He <b>is</b> at home.	смысловый глагол	быть, находиться
2.	+ существительное без предлога, прилагательное, инфинитив, числительное	They <b>are</b> judges. To live <b>is</b> to learn.	глагол-связка	быть (есть), являться, состоит в том, значит
3.	+ participle 1	I <b>am</b> reading now.	вспомогательный глагол (Continuous)	----
4.	+ participle 2	He <b>was</b> sent to London.	вспомогательный глагол (Passive)	----
5.	+ инфинитив	We <b>are</b> to meet at 5 o'clock..	модальный глагол	должен (по плану)

Таблица. Функции глагола “to have”

№	конструкция	пример	функция	перевод
1.	+ существительное	I <b>have</b> a son.	смысловый глагол	иметь, обладать
2.	+ participle 2	He <b>has finished</b> his work.	вспомогательный глагол (Perfect)	----
3.	+ инфинитив	He <b>has to pass</b> his exam.	модальный глагол (эквивалент <b>must</b> )	должен

**Бессоюзное подчинение.** Два типа придаточных предложений, дополнительные и определительные, могут присоединяться к главному предложению без союза.

Придаточные дополнительные предложения употребляются после сказуемого главного, поэтому при переводе на границе между сказуемым главного предложения и подлежащим придаточного дополнительного предложения необходимо вводить союз «что». Например:

*We know **he will come tomorrow**.* - Мы знаем, **что** он придет завтра.

Придаточные определительные предложения употребляются после определяемого существительного. При переводе на русский язык на границе между главным и придаточным предложением вводится союзное слово «который». Эта граница проходит между определяемым существительным и подлежащим придаточного определительного предложения. Например:

*The lecture **we heard yesterday** was very interesting.* - Лекция, **которую** мы прослушали вчера, была очень интересная.

## УПРАЖНЕНИЯ

**ЗАДАНИЕ 5.** Спишите предложения, подчеркните глаголы с модальным значением. Переведите предложения на русский язык, учитывая оттенки значений модальных глаголов и их эквивалентов.

1. All citizens are obliged to observe laws. 2. According to the Constitution of the Russian Federation the election of the president is to take place every four years. 3. As our meeting was to be held at 5 p.m. we had to finish our work earlier than usually. 4. You should ask your friends to help you with your English. 5. He can speak English. 6. You may smoke here. 7. We shall be able to discuss this problem at the seminar. 8. You will have to do this work now. 9. The judges ought to act according to the law. 10. The investigator should be able to use all the evidence to prove his case. 11. Both parents are obliged to support their children. In case of divorce one of the parents is to pay alimony through the court.

**ЗАДАНИЕ 6.** Спишите предложения, выпишите после каждого из них модальный глагол или его эквивалент, укажите оттенок его значения. Переведите предложения, отразив в переводе оттенки значений модальных глаголов и их эквивалентов.

1. Under the Constitution the President shall be elected for a four-year term. 2. All citizens are obliged to keep law and order. 3. There are too many accidents. Everyone should be much more careful. 4. The accused had to plead guilty. 5. The interrogation is to take place in the investigator's office. 6. Could you find the papers you lost? 7. You can rely on that lawyer. He is very experienced. 8. Will you be able to get to the court at 10 a.m.? 9. The detective finished his interviewing of the witness and said: "You may go now. I have no more questions." 10. For most minor crimes people ought to be made to do community work or something useful.

**ЗАДАНИЕ 7.** Спишите предложения, подчеркните сказуемое, укажите функцию глагола **to be**. Переведите предложения.  
Модель:

He was at the conference yesterday. (смысловый глагол) - Вчера он был на конференции.

1. The investigator is interviewing a witness. 2. The court is to examine all cases coming before it objectively. 3. All laws are to pro-

tect the life and the rights of citizens. 4. I am very busy tonight. 5. The criminal was sentenced to imprisonment. 6. The task of the police was to find the thief and recover the stolen property. 7. The train is to arrive at 5 a.m. 8. Although people are now angry about what he did, but I am sure that his behaviour will soon have been forgotten. 9. 'Is Ella staying for lunch?' 'Yes, I think she will be.' 10. He has now recovered from his injury and is able to drive again.

**ЗАДАНИЕ 8.** *Спишите предложения, подчеркните сказуемое, укажите функцию глагола **to have**. Переведите предложения на русский язык.*

*Модель:*

Under the law every citizen has the right to elect and be elected. (смысловой глагол) - По закону каждый гражданин имеет право избирать и быть избранным.

1. This work will have been done by the end of the week. 2. I have brought you some books on Criminology. 3. I think you have good news. 4. The police officer had to release the suspected person. 5. Have you taken any books at the library? 6. I haven't much money with me. 7. You will have to make a speech at the meeting. 8. Bill's not here. He had to leave early. 9. We had delivered the car to the airport. 10. She had a racing bike when she was a teenager.

**ЗАДАНИЕ 9.** *Спишите, подчеркните бессоюзное придаточное предложение. Укажите его тип. Переведите на русский язык.*

1. The lecture we attended yesterday was very important. 2. You know there is no evil intent in his acts. 3. The evidence the investigator had collected at the scene of the crime was necessary to apprehend the offender. 4. All constitutional authorities in England admit it is the Cabinet and not Parliament that controls and runs the nation's affairs.

### **Грамматический комментарий**

**Заменители существительных.** В английском языке во избежание повторения предшествующего существительного употребляются слова-заменители: **"one"** и **"that"**, которые заменяют существительные в единственном числе; **"ones"** и **"those"** заменяют существительные во множественном числе.

Слово **"one"** как заменитель существительного имеет при себе артикль или определение, выраженное прилагательным, при-

частиями 1 и 2, определительным придаточным предложением, которое стоит после слова “**one**”. Причастия могут стоять до и после слова “**one**”.

Со словом “**that (those)**” употребляются предлоги (как до него, так и после него).

Заменители существительных переводятся на русский язык теми же существительными, которые они заменяют. Понять, какое существительное заменено, помогает логика всего предложения. Пример:

*This article is difficult, take another **one**.* - Эта статья трудная, возьми другую (статью).

*These books are mine, **those** are yours.* - Эти книги мои, а те (книги) – ваши.

Таблица. Функции слова “**that**”.

№	пример	функция	перевод	признаки
1.	<i>Give me <b>that</b> book. – Дай мне ту книгу.</i>	указательное местоимение	та, тот, те	that (those) + существительное
2.	<i>He knows <b>that</b> she will come. – Он знает, что она придет.</i>	союз	что, чтобы, который	после идет придаточное предложение
3.	<i>The forces of peace are greater <b>that those</b> of war. – Сторонников мира больше, чем сторонников войны.</i>	словозаменитель	словом, которое заменяется	наличие предлогов

**Неопределенное местоимение “one” в функции формального подлежащего.** “**One**” в функции формального подлежащего употребляется для обозначения неопределенного лица. Предложения с формальным подлежащим “**one**” переводятся на русский язык как неопределенно-личные предложения. Слово “**one**” не переводится. Пример:

***One** never knows what his answer may be.* - Никогда не знаешь, что он ответит.

“**One**” в функции формального подлежащего часто употребляется с модальными глаголами **must, should, ought, can, may**. На русский язык такие сочетания переводятся словами «надо, нужно, следует, можно». Пример:

***One** should be careful when crossing the street.* - Следует быть осторожным при переходе через улицу.



Неопределенное местоимение “**one’s**” в форме притяжательного падежа переводится местоимением «свой».

Пример:

*One must always keep **one’s** word.* - Нужно всегда держать свое слово.

Таблица. Функции слова “**one**”.

№	пример	функция	перевод	признаки
1.	<i>I have only <b>one</b> book on law.</i> – У меня лишь одна книга по праву.	числительное	один	one + существительное в единственном числе
2.	<i>One never knows what the weather may be.</i> – Никогда не знаешь, какая может быть погода.	неопределенно-личное местоимение	-----	формальное подлежащее (стоит перед сказуемым)
3.	<i>There are two parties, the Democratic <b>one</b> and the Republican <b>one</b>.</i> – Есть две партии: демократическая (партия) и республиканская (партия).	слово заменитель	словом, которое заменяется или не переводится	наличие определения

**Выражение отрицания.** Предложения могут быть утвердительными и отрицательными. **В английском предложении в отличие от русского может быть только одно отрицание.** Оно может быть выражено:

1. Отрицательной формой глагола-сказуемого, когда частичка **not** ставится непосредственно после вспомогательного или модального глагола, входящего в состав сказуемого.

Пример:

*I do **not** see him every day.* - Я вижу его не каждый день.

Отрицание **not** имеет две формы: полную и сокращенную (например: **isn’t, can’t, wasn’t, won’t, haven’t, don’t, didn’t и т.п.**).

2. Отрицательным местоимением “**no**” и производными от него: **nobody** (никто), **nothing** (ничто), **nowhere** (нигде), **no one** (ничто), **none of** (ни одного из) и т.д. Пример:

***None of** the books is mine.* – Ни одна из книг не моя.

3. Любым словом, имеющим отрицательное значение: **never** (никогда), **neither** (ни один, никто), союзом **neither... nor** (ни...

ни), глаголом **fail** или существительным **failure** (не удаваться, не), предлогом **without** с герундием (не + деепричастие), союзами **until** (до тех пор, пока не), **unless** (если не), **lest** (чтобы не, как бы не) и т.д.. Пример:

***Neither** of the two offenders could explain the reasons for the crime committed by them. - Ни один из двух преступников не мог объяснить причины совершенного ими преступления.*

Отрицание в английском языке может выражаться и через словообразование, при этом префиксы и суффиксы изменяют значение слова на противоположное, но не меняют принадлежности этого слова к той или иной части речи. Примеры префиксов:

- **с прилагательными:** *happy (счастливый) – **un**happy (несчастный), legal (законный) – **il**legal (незаконный), possible (возможный) – **im**possible (невозможный), honest (честная) – **dis**honest (нечестный), essential (существенный) – **non**-essential (несущественный);*

- **с существительными:** *order (порядок) – **dis**order (беспорядок), ability (способность) – **in**ability (неспособность), cyclone (циклон) – **anti**-cyclone (антициклон);*

- **с глаголами:** *like (любить) – **dis**like (не любить), understand (понимать) – **mis**understand (неправильно понимать), do (делать) – **un**do (уничтожать), value (оценивать) – **und**ervalue (недооценивать).*

## УПРАЖНЕНИЯ

**ЗАДАНИЕ 10.** Спишите предложения, подчеркните местоимения **that, those**, заменяющие существительные. Переведите предложения на русский язык.

Модель:

Each state has its own system of courts similar to that of the Federal courts. - Каждый штат имеет свою систему судов, схожую с системой федеральных судов.

1. Judgements and sentences excluding those passed by the Supreme Court may be appealed against in a court of higher instance. 2. Among other duties of the Procurator's Office are those concerned with investigating criminal cases. 3. English words are shorter than those of the Russian language. 4. One of the hardest tasks successfully accomplished by the Russian people after the war was that of reviving agriculture in the liberated areas.

**ЗАДАНИЕ 11.** *Переведите предложения и укажите функцию слов **that, those**.*

*Модель:*

That law was adopted in 1969. - Тот закон был принят в 1969 году. (*указательное местоимение*)

1. The problem that was discussed lately is of great international significance. 2. The bodies of government in the United Kingdom are: those of legislature, those of the executive and those of the judiciary. 3. Investigation in England is somewhat different from that in Russia. 4. That is the man who told me about it. 5. The area of the USA is smaller than that of Russia. 6. The house that I live in was built ten years ago.

**ЗАДАНИЕ 12.** *Переведите предложения. Укажите функции слова **one**.*

*Модель:*

Read one of these articles. - Прочтите одну из этих статей. (*числительное*)

The legislative function of a government consists of making new laws and alteration of the old ones. - Законодательная функция правительства состоит в создании новых и изменении прежних законов (*словозаменитель*).

One must observe traffic rules. - Нужно соблюдать правила дорожного движения (*формальное подлежащее*).

1. One should be careful when crossing the street. 2. All organs of state power in our country are elected ones. 3. One should work regularly if one wants to master English. 4. British Parliament can make new laws and repeal old ones. 5. One mustn't do it. 6. The new law radically differs from the old one. 7. One may say that the function of criminal law is punitive and corrective. 8. The more interested the lawyer is in one's case, the more time he spends on it. 9. One should begin investigating case with the thought that everything will have to be proved. 10. One must know Russian laws. 11. There are many branches of law and labour law is one of them. 12. In legal sense an eye-witness is one who heard or saw the commission of the crime. 13. One must know one's duties.

**ЗАДАНИЕ 13.** *Спишите предложения, подчеркните в них отрицательные слова. Переведите предложения на русский язык.*

1. The defendant said that he had never been arrested for any offence. 2. Our law declares that no person may be tried for the

same offence more than once. 3. No person may be deprived of his life or personal liberty except according to the procedure established by law. 4. A criminal investigation is not ended until it has found suspects. 5. If one of the parties has failed to perform its obligations, the other party in the case may call upon the Security Council. 6. No one can be deprived of the freedom unless sentenced by a court. 7. As neither the procurator nor the defendant made any appeals to a higher court, the sentence acquired legal force. 8. The criminal investigator has never solved such a complicated case. 9. Wait here until I call you. 10. I had seen the view many times before, but it never failed to impress me.

**ЗАДАНИЕ 14.** *Замените, если можно, подчеркнутые слова или фразы на **one** или **ones**. Если нельзя заменить, напишите “no” после предложения. Переведите предложения на русский язык.*

1. Their marriage was a long and happy marriage. 2. We have got most of the equipment we need, but there are still some small pieces of equipment we have to buy. 3. Traffic is light in most of the city, but there is heavy traffic near the football stadium. 4. ‘Are these your shoes?’ ‘No, the blue shoes are mine.’ 5. All the cakes look good, but I think I’ll have that cake on the left. 6. I was hoping to borrow a suit from Chris, but his suit doesn’t fit me. 7. If you’re making a cup of coffee, could you make a cup of coffee for me? 8. If you’re buying a newspaper from the shop, could you get a newspaper for me? 9. At present, the music industry is in a better financial state than the film industry. 10. Nowadays, many people have a mobile phone, but I’ve never used a mobile phone. 11. Have you seen that the clothes shop on the corner has re-opened as a shoe shop? 12. ‘Which oranges would you like?’ ‘Can I have those oranges, please.’ 13. ‘We haven’t got any oranges.’ ‘I’ll buy some oranges when I go to the shop.’ 14. The damage to the car was a problem, of course, but an easily solved problem.

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