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Тюменский институт повышения квалификации сотрудников МВД России

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# АНГЛИЙСКИЙ ЯЗЫК ДЛЯ АДЪЮНКТОВ

*Учебное пособие*

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Учебное пособие предназначено для организации аудиторной и внеаудиторной самостоятельной работы адъюнктов. Пособие призвано оказать помощь адъюнктам в процессе изучения учебной дисциплины «Иностранный язык» и подготовке к сдаче кандидатского экзамена по английскому языку.

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## СОДЕРЖАНИЕ

Предисловие……4

Unit 1. Postgraduate education
*(Подготовка научно-педагогических кадров)*……...6

Unit 2. Scientific achievements and research findings presentation
*(Практика устной речи)*……...11

Unit 3. Summarizing practice
*(Практика реферирования)*……..20

Unit 4. Translation practice
*(Практика перевода)*…….49

Список рекомендуемой литературы……81

# ПРЕДИСЛОВИЕ

Знание иностранного языка позволяет специалисту работать с оригинальными источниками научной информации, принимать участие в научной деятельности в иноязычной профессиональной среде, участвовать в различных форумах с докладами или сообщениями на иностранном языке. Иноязычная коммуникативная компетенция является важным компонентом профессиональной компетенции сотрудников органов внутренних дел, необходимым для осуществления научно-исследовательской и преподавательской деятельности в области юриспруденции. Основной целью изучения иностранного языка адъюнктами является развитие и совершенствование иноязычной коммуникативной компетенции, позволяющей использовать иностранный язык в научно-исследовательской и профессиональной деятельности.

Иноязычная подготовка адъюнктов в рамках реализации программы подготовки научных и научно-педагогических кадров предполагает проведение практических занятий, позволяющих сформировать у обучающихся базовые навыки устной и письменной иноязычной научной коммуникации, а также организацию самостоятельной работы адъюнктов. Следует отметить, что изучение иностранного языка в адъюнктуре образовательной организации системы МВД России подразумевает систематическую внеаудиторную самостоятельную работу обучающихся.

Формами самостоятельной работы адъюнктов являются: повторение материала, пройденного на практических занятиях; ведение двуязычного глоссария; чтение и письменный и/или устный перевод текстов по направлению подготовки с иностранного языка на русский; чтение и письменный и/или устный перевод оригинальной монографической и периодической литературы (иноязычной научной литературы) по проблематике научного исследования и/или направлению подготовки и научной специальности адъюнкта; подготовка письменной работы (реферата); реферирование текстов по направлению подготовки на иностранном языке; подготовка монологического/диалогического высказывания по аспектам, связанным с научно-исследовательской деятельностью адъюнкта.

Кандидатский экзамен по иностранному языку проводится в два этапа. На первом этапе осуществляется проверка и оценка реферата, выполненного адъюнктом. Второй этап кандидатского экзамена состоит из трех вопросов: изучающее чтение и письменный перевод оригинального текста по направлению подготовки на русский язык; просмотровое чтение оригинального текста по направлению подготовки и передача его содержания на иностранном языке (реферирование); монологическое высказывание и беседа с экзаменаторами на иностранном языке по вопросам, связанным с научно-исследовательской деятельностью адъюнкта.

Учебное пособие призвано оказать помощь адъюнктам в процессе изучения учебной дисциплины «Иностранный язык» и подготовке к сдаче кандидатского экзамена по английскому языку. Целью представления тео-

ретического материала и выполнения практических заданий, содержащихся в пособии, является развитие и совершенствование умений различных видов чтения, перевода, реферирования и аннотирования научных текстов юридического характера, а также формирование умения аргументированного высказывания. Кроме того, обучающимся предложены коммуникативные модели самопрезентации, основанные на умении охарактеризовать свои научные интересы, а также традиционные способы и модели представления полученных результатов научной деятельности.

Пособие состоит из четырех глав, включающих краткое описание и выявление специфики видов речевой деятельности, владение которыми оценивается на кандидатском экзамене, предложены алгоритмы подготовки к каждому этапу экзамена и необходимые речевые клише на английском языке, а также система упражнений и заданий, направленная на формирование и развитие соответствующих навыков. В первой главе “Postgraduate education” представлен лексический и текстовый материал, направленный на формирование базовых представлений о специфике послевузовского образования в странах изучаемого языка. Вторая глава “Scientific achievements and research findings presentation” содержит систему упражнений, направленную на развитие навыков монологической речи, связанной с направлением подготовки и научно-исследовательской деятельностью адъюнктов. Третья глава “Summarizing practice” включает систему упражнений, направленных на формирование и развитие навыков реферирования и аннотирования научных юридических текстов. В четвертой главе “Translation practice” предложена система упражнений, направленная на формирование и развитие навыков перевода научных текстов юридического характера.

Структура и содержание учебного пособия основаны на принципе коммуникативного подхода, последовательности в представлении языковых явлений, научно-обоснованном отборе языкового материала, системности подачи учебного материала, цикличности работы. Содержание и объем учебного материала, представленного в учебном пособии, позволяют преподавателю варьировать количество выполняемых заданий в зависимости от уровня сформированности иноязычной коммуникативной компетенции конкретного адъюнкта.

Учебное пособие можно использовать как на аудиторных занятиях, так и для организации внеаудиторной самостоятельной работы адъюнктов.

## Unit 1
## Postgraduate education

*(Подготовка научно-педагогических кадров)*

***1. Read the text "What is Postgraduate Education" and summarize the information on the following points concerning postgraduate education in the USA and other countries.***

1. Postgraduate education.
2. Master's degree.
3. Licentiate degree.
4. Doctorate (PhD).
5. The way the postgraduate courses are taught and assessed.
6. Postgraduate education application process.

***2. Speak about postgraduate education using the information analyzed above.***

### What is Postgraduate Education?

Students sometimes express difficulty in understanding what postgraduate education is. And whether or not Master's education, PhD, and postgraduate diploma are in the category of postgraduate certificate under postgraduate study.

The structure and organization of postgraduate education varies between countries. Basically, postgraduate education is any higher education that is completed after an undergraduate degree or diploma. This is usually a prerequisite for participating in a graduate course. It is an upgrade compared to what a student would have studied, and it is an opportunity to focus on a particular area.

In an increasingly competitive environment for college graduates, a postgraduate degree can set a person apart from other applicants who are in the quest for the same jobs. In the United States, postgraduate education is said to be a "graduate education" and would be taken by a graduate student. Alternatively, students can attend the medical school, law school or business school to study these particular areas, after which a postgraduate certificate will be awarded in diploma or Master's as the case may be.

Postgraduate certificate and diploma are types of postgraduate education that are more professional and tailored to a specific professional area. They are also shorter and less intense than a degree. Students can expect to earn a final certificate for 15 weeks and a final diploma for 6 to 12 months (both if they study full-time).

Master's degree is a very common qualification in postgraduate education and is generally referred to as a graduate degree in the United States. It can be based on research, a course based on teaching, or a combination of both. Generally, Master of Science (MS) and Master of Arts (MA) courses are taught, while Masters based on research include Philosophy (MPhil). But MS can also be a research course. "MBA" is a term used to qualify a master's degree in Business. A master's degree usually lasts 1 to 2 years full-time. If it is a taught

course, it is similar to an undergraduate degree offered through seminars, tutorials, and lectures. At the end of the course, a master's thesis is assessed.

Licentiate degree is one of the types of postgraduates study, that is not talked about all the time. In countries, like Sweden and Finland, there is a licentiate degree in postgraduate education that is more advanced than a master's degree, but less than a doctorate. The required credits correspond to approximately half of the credits required for a doctorate. The requirements for coursework are the same as for a doctorate, but the scope of the initial research required is not as high as for the doctorate. Doctors in the medical field, for example, are licentiates rather than doctors.

In postgraduate education, a Doctorate or PhD (Doctor of Philosophy) is a research degree that is studied after completing a master's degree. A doctorate lasts 3-4 years full-time and is based on a much more thorough original research by the student. In contrast to the previous study, where there is more differentiation between professors and the students, doctoral students work with their research director on research, which is related to what the department of this institution is already focusing on. PhD students are also allowed to work as teaching assistants, where they are allowed to teach undergraduate courses and marking works done by undergraduate students.

Many universities award honorary degrees, mostly at postgraduate level. These awards are given to a wide range of people such as artists, writers, musicians, politicians, entrepreneurs, etc. to recognize their accomplishments in their various fields. Recipients of these degrees typically don't use related titles or letters such as "Dr."

Postgraduate education is structured differently than undergraduate education. There are a few similarities between the undergraduate education and courses and the postgraduate courses. However, the focus is on students being serious and working on their own original research. This idea is further reinforced by the fact that they work as teaching assistants, also attend and speak in conferences and are more likely to get in touch with their research supervisors.

The taught postgraduate courses can be assessed in addition to oral presentations through exams and thesis. However, the final qualification and grade for PhD students is mainly about a much longer thesis.

In almost all cases, one will require to have at least a Bachelor's degree in a related subject (from an accredited university) to start postgraduate courses, and master's education and earn a postgraduate degree. One can take a pre-master course if he or she does not have the necessary skills and knowledge.

Compared to applications for bachelor's programs, the deadlines for applications for postgraduate, ranging from master's to PhD can be considerably less strict in many countries. Fewer students apply for postgraduate education. Some deadlines are only a few months before the course starts. However, processing times for applications for graduates can sometimes take longer than for students at the undergraduate level, so one may have to wait longer to find out whether the offer has been accepted. An applicant should always confirm

these important deadlines with the institution itself. It is always advised to submit the application as early as possible so that the course you are applying for does not get filled up and your application arrives in good time before the deadline.

Types of postgraduate study and education can include the study of qualifications such as postgraduate diplomas, master's and postgraduate certificates. They are in some cases used as steps towards a normal degree, as part of training for a particular career, or a qualification in a field of study that is too narrow to justify a full degree course in the postgraduate level.

***3. Read the text "Postgraduate study" and summarize the information on the following points concerning postgraduate studies in the United Kingdom.***

1. Academic courses and vocational courses.
2. Taught courses.
3. Research degrees.
4. The cost of training.

***4. Speak about postgraduate studies in the United Kingdom using the information analyzed above.***

**Postgraduate study**

*The United Kingdom offers a wide range of postgraduate courses and research which may not be available to the same standard in every country.*

The UK has a long tradition of educating students from all over the world and its academic institutions have a worldwide reputation.

*Academic or vocational degree?*

Postgraduate courses are available in all academic disciplines and many areas of vocational training. Some academic courses, especially in science and engineering, are relevant to specific careers; however, many postgraduate courses in the arts aim purely to deepen students' academic knowledge, rather than prepare them for any particular career. Vocational courses aim to train individuals for specific areas of work, such as journalism, librarianship or music.

International students from outside the European Union (EU) considering vocational courses should ensure their chosen course will be of benefit to their careers when they return to their own country.

*Taught or research degree?*

Postgraduate courses are generally divided into taught courses and research degrees. Entry requirements usually include at least a good honours first degree, although some departments require students to complete a taught master's degree before starting a research degree.

Degrees by instruction (or taught courses) are the most common type of master's degree, whether Master of Arts (MA) or Master of Science (MS). They normally last 12 months, starting in October. The usual format is lectures,

seminars and coursework until examinations in May, then a small research project including a dissertation.

Postgraduate diplomas often follow the same taught syllabus but without the research project, therefore ending in May. Entrance requirements for diplomas are often lower than for master's degree. Good diploma students may be able to transfer to the equivalent master's course. Vocational diplomas and certificates often include an assessment of students' practical performance.

Degrees by research generally lead to the qualifications of MPhil (Master of Philosophy) or PhD (Doctor of Philosophy). The mention of philosophy is by historical tradition; these qualifications are available in all academic disciplines. Research students must complete individual and original research resulting in a written thesis. They will be supervised by an academic, but there are rarely any formal lectures or seminars. An MPhil lasts two years and, if progress is good, often continues into a PhD. A PhD takes a minimum of three years of research, although many take longer. Prospective research students should choose their future academic supervisor with care – the ideal supervisor has both a good research record and a supportive attitude towards his or her students.

*Fees.*

There is no set rate for postgraduate fees – they can vary widely according to the institution and the course. Science, medical and business courses are more expensive than arts courses, and "home" fees are substantially cheaper than "overseas" fees. EU citizens are eligible for "home" fees, provided they fulfill the residency requirements.

***5. Read the text "Choosing a research supervisor" and summarize the information on the following points concerning postgraduate studies and characteristics of a good research supervisor.***

1. The most popular courses with international students.
2. Popular subjects for international students.
3. The completion of a research degree.
4. Requirements for a scientific supervisor.
5. Tips for choosing a research supervisor.

***6. Speak about postgraduate studies and tips for choosing a research supervisor using the information analyzed above.***

**Choosing a research supervisor**

Many UK universities are forming graduate schools – these may be interdisciplinary, or within a particular faculty. This may indicate a serious commitment to meeting the particular needs of the postgraduate student or it may simply be a relabelling of existing facilities. The title of graduate school itself is no guarantee of quality of service. However, departments are now required to produce a code of practice for dealing with postgraduate students which is itself further raising standards.

The most popular courses with international students are those with a vocational element as they mainly undertake further study to improve their career prospects. In addition, Government sponsorship tends to support students on courses which are seen as economically or social useful. Popular subjects include computing, law, business studies, engineering and finance. There is, however, regional variation. While students from the Pacific target vocational courses, students from the European Union and North America apply to courses of more academic and cultural interest, such as art history and social sciences.

The completion of a research degree is very different from a taught course. Instead of frequent participation in classes and assessment by written examination, the research degree is the isolated creation of a personal project. A PhD will involve at least three years of study and the production of original research, documented in a substantial thesis. Before embarking on a research degree it is important to assess whether you have the motivation and stamina to complete it. It is also essential to establish a good relationship with your supervisor.

Your supervisor should be an academic who understands the subject of your proposed research. They should help you formulate ideas about the scope and approach of your research, ask for progress reports and give you feedback. This last point can be particularly useful when you have reached a dead end. They should also encourage your participation in appropriate seminars and conferences. Where your research is closely connected with their own research, as may often happen in scientific projects, a good supervisor will promote the interests of their research students by giving them credit.

Inevitably even the perfect supervisor will not always be available, but good supervisors give their students notice of their forthcoming absences.

The department should be able to supply you with details of their research record and publications. If possible read as many of their research and conference papers as possible. Consider whether your academic interests match and whether you like their approach to the subject. Ask for opinion of other academics about your proposed supervisor’s research record and their reputation as a supervisor. It is harder to evaluate a supervisor’s personal qualities, particularly if you do not have the opportunity to meet them. However, you may be able to gather a general impression. How friendly and efficient is their response to any correspondence? How many other research students are they supervising? What is the research and publishing record of previous postgraduates? Have any of them published a paper as a sole author? Discussion with a previous research student can be invaluable.

Although the quality of the individual supervisor is of primary importance, it is also worth considering how strong the department as a whole is in your area of interest, so that continuity of supervision could be maintained should your supervisor no longer be available.

## Unit 2
## Scientific achievements and research findings presentation

*(Практика устной речи)*

***1. Read carefully the following information necessary for preparing your monologue presenting your scientific interests, the results of your scientific research, your opinion concerning the postgraduate studies. For more detailed information you can view the guidelines for preparing for the exam.***

Монологическое/диалогическое высказывание адъюнкта на кандидатском экзамене включает в себя следующие аспекты:
1. Профессиональная деятельность.
2. Обучение в адъюнктуре.
3. Научное исследование (цель, объект, предмет, актуальность и новизна исследования, методы исследования, структура диссертации).
4. Работа с научным руководителем.
5. Научные публикации.

Наряду с этапом подготовки содержательной части монологического высказывания важен этап подготовки его презентации. На данном этапе подготовки целесообразно многократно прочитать текст монолога, обращая внимание на правильность произношения и темп речи. Речь должна быть естественной, не слишком быстрой, но и не медленной (без лишних неестественных пауз). Необходимо помнить, что на экзамене во время монологического/диалогического высказывания не рекомендуется пользоваться записями, конспектами, планом своего высказывания.

***2. Read carefully the list of phrases that can be used when speaking about your scientific achievements and presenting your research findings. Try to make at least one example for each phrase.***

*Scientific research (purpose, object, subject, relevance and novelty of scientific research, methodological basis, the structure of the dissertation)*
– I'm conducting scientific research in the field of … – я провожу научное исследование в области …
– my research is devoted to … – мое исследование посвящено …
– my paper is concerned with … – моя работа посвящена …
– the theme of my research (scientific research, thesis, dissertation) is … – тема моего исследования (научного исследования, диссертации) …
– the purpose of my research (scientific research, thesis, dissertation) is … – цель моего исследования (научного исследования, диссертации) …
– the object of my research (scientific research, thesis, dissertation) is … – объект моего исследования (научного исследования, диссертации) …
– the novelty of my research lies in the fact that … – научная новизна моего исследования заключается в …

– the key points of my research are … – основные положения моего исследования заключаются в …
– the thesis contains (consists of) – диссертация содержит (состоит из)
– the paper contains a survey (a review) of … – работа содержит обзор …
– the paper contains a detailed consideration of … – работа содержит подробное рассмотрение …
– the first chapter outlines – в первой главе описывается (излагается)
– the second chapter describes – во второй главе описывается (излагается)
– the third chapter represents – третья глава представляет
– the last section covers – последний раздел охватывает (затрагивает)
– the conclusion is made – сделан вывод
– a brief introduction – краткое введение
– discussion of the materials and methods used in the research – обсуждение материалов и методов, использованных в исследовании
– consideration of the experimental results – рассмотрение результатов эксперимента
– a brief account is given – приводится краткий обзор
– the statement of the problem – постановка проблемы
– I deal with the problems of … – я занимаюсь проблемами …
– the problems of … are studied (investigated, examined, considered, analyzed) – изучаются (исследуются, рассматриваются, анализируются) проблемы …
– an attempt is made – предпринята попытка
– some examples are given – приводятся примеры
– the issues discussed – обсуждаемые вопросы
– conclusions are substantiated – выводы обоснованы
– to come to the conclusion – прийти к выводу
– some relevant works are quoted – цитируются некоторые работы по теме исследования
– in my thesis I will consider the theoretical aspects of … – в своей диссертации я рассмотрю теоретические аспекты …
– in my research the problems of … are discussed – в моей диссертации обсуждаются проблемы …
– I will try to show – я постараюсь показать (продемонстрировать)
– the data concerning the … is presented – представлены данные, касающиеся …
– the evidence for … are provided – предоставлены доказательства …
– a discussion of recent developments in this area of law – обсуждение последних разработок в этой области права
– an analysis of the existing theories – анализ существующих теорий
– a thorough analysis and detailed consideration – тщательный анализ и детальное рассмотрение

*Collaboration with a scientific supervisor*
– my research supervisor is … – мой научный руководитель …
– I'm conducting my research under the supervision of … – я провожу свое исследование под руководством …
– he/she is a Doctor of Law, professor – он/она доктор юридических наук, профессор
– my scientific supervisor works at … – мой научный руководитель работает в …
– a highly qualified specialist – высоко квалифицированный специалист
– a distinguished scientist in the field of Administrative Law (Criminal Law, Civil Law, Constitutional Law, Criminal Procedure, Criminology, Criminalistics) – выдающийся ученый в области административного права (уголовного права, гражданского права, конституционного права, уголовного процесса, криминологии, криминалистики)
– he/she is famous for his/her scientific achievements – он/она известен/известна своими научными достижениями
– a talented scientist – талантливый ученый
– an experienced research supervisor – опытный научный руководитель
– thorough knowledge of the subject – доскональное знание предмета
– profound intelligence – высокий интеллект
– deep thinker – глубокий мыслитель
– creative person – творческий человек
– our collaboration is interesting and fruitful – наше сотрудничество интересно и плодотворно

*Scientific publications, taking part in scientific conferences*
– I have got some scientific publications devoted to … – у меня есть несколько научных публикаций, посвященных …
– my articles are published in … – мои статьи опубликованы в …
– I took part in various international and all-Russian scientific conferences – я принимал участие в различных международных и всероссийских научных конференциях
– the conferences were held at (in) … – конференции проводились в …
– the conference was organized by … – конференция была организована …

*Some linking words and phrases*
– I'd like to present (introduce you) … – я хотел бы представить вам …
– the purpose of my … is … – цель моего … это …
– firstly – во-первых
– let me start with – позвольте мне начать с …
– let me comment on – позвольте мне прокомментировать
– firstly, I'd like to speak about … (tell you about …) – сначала я хотел бы поговорить о … (рассказать вам о …)
– secondly (after that) – во-вторых (после этого, вслед за этим)
– my next point is … – следующее, о чем я хочу сказать …

– finally (in conclusion) – в заключение
– for example – например
– for instance – например
– such as – такой как
– to pass to … – чтобы перейти к …
– to sum up – подводя итоги
– summing up what's been said – подводя итог сказанному (обобщая выше сказанное)
– as it was mentioned before – как уже упоминалось ранее
– it's important – это важно
– it's essential – это существенно

***3. Answer the following questions on aspects related to your research activities.***

1. What institute (university) did you graduate from? / What is your educational background?
2. What's your specialty? / What university degree do you have?
3. What is your occupation / profession at present?
4. What was the area of your particular interest when being a student?
5. When did you get interested in scientific research?
6. What area of law is of particular interest for you at present?
7. What problems are you particularly interested in?
8. What do you specialize in?
9. What is the topic / subject matter of your research / thesis?
10. Why did you choose this particular topic?
11. What problem do you investigate / deal with?
12. Does your research cover a wide range of subjects?
13. Do you carry on an individual research or do you work in a team?
14. Who is your scientific supervisor?
15. How long have you been working at your thesis?
16. Have you collected much material for your thesis?
17. Have you completed any part of your work?
18. When do you plan to finish your research?
19. Is your research of theoretical or practical value?
20. What problems are you especially interested in?
21. Is the problem you have chosen important?
22. Does the problem you deal with require further investigation?
23. Have you got any scientific publications?
24. What journals are your articles published in?
25. Did you take part in scientific conferences?
26. What facilities are you provided with for your work at the thesis?
27. How long have you been learning English?
28. What do you think of the practical application of it?

29. Have you found any interesting information concerning your research while reading the scientific literature?
30. What information do you find important for your research?
31. Do you find this literature useful in analyzing and solving the problems of your research?
32. Do you consider reading scientific literature in English helpful for your research?
33. Give review of the most interesting problems and other details you have come across while reading scientific literature in English.
34. What problems is your pre-examination essay devoted to?

***4. Translate the text (the example of a postgraduate student's monologue) into English, adding the necessary information about yourself.***

Добрый день, уважаемые члены экзаменационной комиссии! Я хотел бы рассказать вам о своей профессиональной деятельности, обучении в адъюнктуре института, своей научно-исследовательской работе.

В настоящее время я работаю… Моя профессиональная деятельность связана с…

В … году я поступил в адъюнктуру Тюменского института повышения квалификации сотрудников МВД России. Обучение в адъюнктуре занимает много времени и достаточно трудное. На первом курсе мы изучали историю и философию науки, различные учебные дисциплины по направлению подготовки. В прошлом году я успешно сдал кандидатский экзамен по истории и философии науки. Чтобы сдать экзамен по английскому языку, помимо посещения практических занятий, необходимо много времени уделять самостоятельной работе. Я повторял грамматические правила, изучал методические рекомендации по подготовке к экзамену, читал, переводил и реферировал оригинальные научные юридические тексты на английском языке. Я перевел … страниц оригинальной научной литературы по теме «…». Затем на основе прочитанного материала я подготовил реферат на русском языке, необходимый для сдачи кандидатского экзамена.

Я хотел бы сказать несколько слов о моем научном руководителе. Его (ее) зовут … Он (она) – доктор юридических наук, профессор, выдающийся ученый в области … Он (она) – автор многих монографий, учебников, учебных пособий и научных публикаций. Со своим научным руководителем мы обсуждаем наиболее важные вопросы, связанные с моей исследовательской деятельностью и обучением в адъюнктуре.

Тема моего диссертационного исследования – «…». В настоящее время эта проблема особенно актуальна, так как … Актуальность и новизна моего исследования заключаются в … Основные проблемы, которые я исследую – …

Цель исследования – описать (проанализировать, провести сравнительный анализ, провести исторический анализ, разработать предложения о внесении изменений в законодательство) … Объект исследования – …

Предмет исследования – … Исследование носит теоретический (практический) характер. Что касается методов исследования, в основном я использую… Диссертация состоит из … частей. Первая глава содержит вводное описание теоретических вопросов. Вторая глава посвящена … Третья глава посвящена ... В своем исследовании мы приходим к выводу, что …. Я считаю, что проблематика, которой я занимаюсь, еще недостаточно изучена. Этой проблемой занимались некоторые известные ученые, например: … Я надеюсь, что результаты моего исследования также будут полезны и внесут свой вклад в решение анализируемых проблем.

Важным условием обучения в адъюнктуре является участие в научных форумах и публикация результатов научных исследований. Во время обучения в адъюнктуре я подготовил несколько публикаций, связанных с темой моего диссертационного исследования. Мои статьи опубликованы в научных изданиях Тюменского института повышения квалификации сотрудников МВД России и других образовательных организаций. Они отражают определенные результаты исследования и соответствуют содержанию диссертации.

Благодарю вас за внимание!

***5. Read carefully the monologue prepared by one of the postgraduate students. Analyze it. Compare the text in Russian with its translation. Think about what would you add to this monologue, how would you change it.***

*Professional activities, educational background*

1. Good morning, dear members of the examination committee! First of all, let me introduce myself, my name is Pavel Petrov.
2. In two thousand twelve I graduated from the Omsk Academy of the Ministry of Internal Affairs of the Russian Federation.
3. I have got a higher education. My specialty is lawyer.
4. At present I work at the Department of the Ministry of Internal Affairs of the Russian Federation in Nadym, at the drug control department.
5. I am sure that the profession of a law enforcement officer is a very important profession in our society.
6. When I was a student, I was especially interested in creativity and science, especially in the field of administrative law. I have participated in various scientific conferences, including the conferences devoted to English language. I was also very interested in problems concerning the international law and the interaction of special services.

*Postgraduate studies*

7. Since 2020, I am a postgraduate student of the Tyumen Advanced Training Institute of the Ministry of Internal Affairs of Russia. I am conducting scientific research.
8. The topic of my thesis is “Administrative responsibility for violating the rules of stay (residence) in the Russian Federation by a refugee or internally displaced person”.

9. I chose this topic because migration in the modern world is one of the most important factors influencing the formation of the well-being of any state. In my opinion, population migration has a huge impact on the development of the modern world. In many ways, it was the migration processes that contributed to the creation of the very world and society in which we live today.

*Scientific research (purpose, object, subject, relevance and novelty of scientific research, methodological basis, the structure of the dissertation)*

10. The subject of the research is administrative and legal norms that ensure the legal implementation of the rules of stay (residence) of refugees or internally displaced persons in the Russian Federation, as well as scientific works devoted to the problems of legislative regulation of administrative responsibility and the practice of using this form of responsibility in the field of countering illegal migration in general.
11. The purpose of my thesis is to develop theoretical provisions and practical recommendations that provide a new understanding of the characteristics of the analyzed problem, as well as to develop scientifically substantiated ways to solve them.
12. The object of my thesis is the social relations that arise during the process of implementing administrative responsibility for the violation of the rules of stay (residence) in the Russian Federation by a refugee or internally displaced person.
13. The methodological basis of my thesis is the dialectical method of scientific knowledge. The conducted research will be based on the method of system analysis and synthesis. The main conclusions of the dissertation research are planned to be obtained through the analysis of documents and expert evaluation.
14. The scientific novelty of the work lies in the fact that it proposes to improve the system of administrative responsibility for violating the rules of stay (residence) in the Russian Federation by a migrant from the point of view of the system of means of countering illegal migration.
15. The thesis consists of the introduction, three chapters combining six paragraphs, the conclusion and a list of references.

*Collaboration with a scientific supervisor*

16. My scientific supervisor is Professor, Doctor of Law Novikov Maxim Mikhailovich. I'm conducting my scientific research under his supervision.
17. I have been working at my dissertation for two years and have collected enough material for the research.

*Scientific publications, taking part in scientific conferences*

18. During my studies at the postgraduate courses, I have written three scientific articles devoted to the problems of migration, which were published in scientific journals in Moscow, Irkutsk and Chelyabinsk.
19. I took part in four international scientific and practical conferences held in Tyumen and Moscow.

*English*

20. As for English, I started learning it in school from the second grade.
21. During the pre-examination period, I have read and translated into Russian the monograph which is devoted to the analysis of the phenomenon of migration, its manifestation in various countries, as well as the impact of migration on the economy of these regions.
22. I think that reading scientific literature in English is very useful and helpful for my research.

***Russian version***

1. Здравствуйте, уважаемые члены экзаменационной комиссии! Прежде всего позвольте представиться, меня зовут Павел Петров.
2. В две тысячи двенадцатом году я закончил Омскую академию МВД России.
3. У меня есть высшее образование, по специальности я юрист.
4. Сейчас я работаю оперативным сотрудником в МВД России по городу Надым, в отделе наркоконтроля.
5. Я уверен, что профессия сотрудника правоохранительных органов – это очень важная профессия в нашем обществе.
6. Когда я был студентом, я проявлял особый интерес к творчеству и науке, особенно в сфере административного права. Я принимал участие в различных научных конференциях, в том числе по английскому языку. Мне также была очень интересна тема международного права и взаимодействия специальных служб.
7. С 2020 года я являюсь адъюнктом Тюменского института повышения квалификации сотрудников МВД России и занимаюсь написанием научной работы.
8. Тема моей диссертации «Административная ответственность за нарушение беженцем или вынужденным переселенцем правил пребывания (проживания) в Российской Федерации».
9. Я выбрал эту тему потому, что современная миграция на сегодняшний день является одним из важнейших факторов формирования благосостояния любого государства. По моему мнению, миграция населения оказывает колоссальное влияние на развитие современного мира. Во многом собственно миграционные процессы способствовали созданию именно того мира и общества, в которых мы сегодня живем.
10. Предмет исследования составляют административно-правовые нормы, обеспечивающие законное осуществление правил пребывания (проживания) беженцев или вынужденных переселенцев в Российской Федерации, а также научные работы, посвященные проблемам законодательного регулирования административной ответственности и практика использования данной формы ответственности в области противодействия незаконной миграции в целом.
11. Цель исследования состоит в разработке совокупности теоретических положений и практических рекомендаций, обеспечивающих новое пред-

ставление об особенностях административной ответственности за нарушение беженцем или вынужденным переселенцем правил пребывания (проживания) в Российской Федерации, а также в разработке научно обоснованных путей их решения.
12. Объектом исследования выступают общественные отношения, возникающие в процессе реализации административной ответственности за нарушение беженцем или вынужденным переселенцем правил пребывания (проживания) в Российской Федерации.
13. Методологическую основу работы составил диалектический метод научного познания. Проведенное исследование будет базироваться на методе системного анализа и синтеза. Основные выводы диссертационного исследования планируется получить с помощью анализа документов и экспертной оценки.
14. Научная новизна работы заключается в том, что в ней предлагается усовершенствовать систему административной ответственности за нарушение беженцем или вынужденным переселенцем правил пребывания (проживания) в Российской Федерации с точки зрения системы средств противодействия незаконной миграции.
15. Исследование включает в себя введение, три главы, объединяющие шесть параграфов, заключение и список использованной литературы.
16. Я провожу индивидуальное исследование под руководством моего научного руководителя, профессора, доктора юридических наук Новикова Максима Михайловича.
17. Совместно с научным руководителем мы работаем над диссертацией уже два года и собрали достаточно материала для исследования.
18. За время обучения в адъюнктуре мной было написано три научные статьи на тему миграции, которые опубликованы в научных журналах Москвы, Иркутска и Челябинска.
19. Я принимал участие в четырех международных научно-практических конференциях, проводившихся в городах Тюмень и Москва.
20. Что касается английского языка, я начал изучать его в школе со второго класса.
21. В предэкзаменационный период я прочитал и перевел на русский язык монографию, которая посвящена анализу феномена миграции, ее проявлению в различных странах, а также влиянию миграции на экономику этих регионов.
22. Я считаю чтение специальной литературы на английском языке полезным для своего исследования.

***6. Prepare the essay presenting the main issues related to your postgraduate studies and your scientific research.***

## Unit 3
## Summarizing practice
*(Практика реферирования)*

***1. Read carefully the following information about summarizing. For more detailed information you can view the guidelines for preparing for the exam.***

Реферирование текста заключается в просмотровом чтении аутентичного текста и передаче его основного содержания на иностранном языке. Читая текст, предназначенный для реферирования, необходимо, стараясь не обращаться к словарю, понять основной смысл прочитанного. Понимание всех деталей текста не является обязательным.

Следует помнить примерную последовательность действий при просмотровом чтении:

1. Внимательно прочитайте и постарайтесь понять заголовок текста, выделите в нем ключевое слово, постарайтесь понять смысл текста, определить его главную мысль, подумайте, о чем может идти речь в тексте.
2. Внимательно прочитайте первое предложение текста, соотнесите его с названием текста.
3. Внимательно прочитайте первый абзац текста, соотнесите его содержание со своим предположением о главной мысли текста.
4. Внимательно просмотрите остальные абзацы текста, соотнося их содержание с основной мыслью текста, обращая особое внимание на первые предложения каждого абзаца. Постарайтесь понять содержание всего текста, полагаясь на знакомые слова, контекст, структуру контекста, сопутствующие графики, рисунки, таблицы, фоновые общие и специальные знания.
5. Скажите, о чем повествуется в тексте.
6. Скажите, какие вопросы рассматриваются в тексте.

Просмотровое чтение предполагает достаточно быстрое чтение без обращения к словарю или справочным материалам. В связи с этим необходимо учиться преодолевать барьер, вызываемый боязнью чтения текста большого объема в ограниченный период времени, игнорировать незнакомые слова и грамматические конструкции. Семьдесят процентов понимания текста считается достаточным для достижения цели данного вида чтения.

Итак, основными задачами просмотрового чтения являются:

– выделение в тексте особо важной, новой, актуальной информации;
– изложение в краткой форме содержания прочитанного на иностранном языке с использованием клишированных выражений;
– общая оценка прочитанного.

При передаче содержания текста рекомендуется использовать специальные речевые клише, представленные ниже.

### *Речевые клише для реферирования текста на английском языке*

1. The text (passage, article) is headlined … *Текст (отрывок, статья) озаглавлен …*
2. The title of the text (passage, article) is … *Название текста (отрывка, статьи) – …*
3. The author of the text (passage, article) is … *Автор текста (отрывка, статьи) – …*
4. The text (passage, article) is written by … *Текст (отрывок, статья) написан (кем-то) …*
5. The text (passage, article) is published in … *Текст (отрывок, статья) опубликован в …*
6. The book is published in … *Книга опубликована в …*
7. The text (passage, article) is about … *Текст (отрывок, статья) о …*
8. The text (passage, article) is devoted to … *Текст (отрывок, статья) посвящен …*
9. The text (passage, article) deals with … *В тексте (отрывке, статье) освещается …, рассматривается …, идет речь о …, текст (отрывок, статья) о …*
10. The text (passage, article) touches upon … *В тексте (отрывке, статье) освещается …, рассматривается …, идет речь о …, текст (отрывок, статья) о …, текст (отрывок, статья) касается …*
11. The text (passage, article) reveals … *Текст (отрывок, статья) раскрывает …*
12. The aim of the text (passage, article) is to inform the reader about … *Целью текста (отрывка, статьи) является информировать читателя о …*
13. The aim of the text (passage, article) is … *Целью текста (отрывка, статьи) является …*
14. The key-note of the text (passage, article) is … *Основная мысль текста (отрывка, статьи) заключается в том, что …*
15. The main idea of the text (passage, article) is … (the main idea concerns …) *Главная мысль текста (отрывка, статьи) заключается в том, что …*
16. The author starts (begins) by telling the readers about … *В начале автор говорит о том, что …*
17. The author writes (states, stresses, thinks, points out) that … *Автор пишет (констатирует, акцентирует, думает, подчеркивает), что …*
18. The author describes (analyzes) … *Автор описывает (анализирует)…*
19. The author pays special attention to … *Автор обращает особое внимание на …*
20. The author refers to … *Автор ссылается на …*
21. The author comments on … *Автор комментирует …*
22. The author gives some details on … *Автор приводит некоторые подробности о …*
23. It is substantiated (proved) that … *Обосновано (доказано), что …*
24. It is noted (emphasized) that … *Отмечается (подчеркивается), что …*

25. According to the text (passage, article) … *Согласно тексту (отрывку, статье)* …
26. In conclusion … *В заключение* …
27. The author comes to the conclusion that … *Автор приходит к выводу о том, что …*
28. To conclude with, I'd like to say that … *В заключение я бы хотел сказать, что …*
29. I found the text (passage, article) interesting (important). *Я считаю, что текст (отрывок, статья) интересный (важный).*
30. I think that … *Я думаю, что* …
31. In my opinion … *По моему мнению* …
32. To my mind … *На мой взгляд (по моему мнению) …*
33. I guess that … *Я полагаю, что (мне кажется) …*
34. I suppose … *Я полагаю* …
35. I'd like to … *Я бы хотел …*
36. For example … *Например* …
37. If I'm not mistaken … *Если я не ошибаюсь* …
38. As far as I know … *Насколько я знаю …*
39. Thus … *Таким образом …*
40. I absolutely agree … *Я полностью согласен …*
41. I'm not sure, but … *Я не уверен, но …*
42. That's why … *Поэтому …*
43. To sum up, I can say that … *Итак, подводя итог, я могу сказать, что …*

## Text 1. The separation of powers

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

Like any good constitution, the British constitution allocates power to various distinct state institutions. It is very important (especially for administrative law) that the point of the separation of powers is not merely to spread power around among various bodies, but to create two particular branches of government – the courts and the legislature – that are distinct from the executive branch. And the separation of powers gives the executive, the courts, and the legislature particular functions.

In every constitution, the executive is the primary branch of government. The functions of the executive are open– ended, while the core judicial function (passing judgment on legal claims), and the core legislative functions (passing judgment on legislative proposals and, in our constitution, scrutinizing and endorsing or removing the government) are more specific and limited functions of government. The courts and the legislature can close down for the vacation, but the executive cannot. The executive manages the police and the military; neither the courts nor the legislature handle guns. It is the executive that gives effect to the decisions of the courts and the legislature. So it is the executive that

is chiefly responsible for the rule of law. In Britain, Parliament can change the constitution, and the courts can determine the law of the constitution, but it is the government that must uphold the constitution. And all of the powers of the separate branches of the state are inherited from the unified executive power of the Crown. At the time of the Norman Conquest in 1066, the Crown was a symbol for the person of the monarch, who really did exercise the executive, judicial, and legislative power of the state. Today, the Crown is a symbol for a symbol. It is a symbol for the Queen, who is herself a symbol for the power of the state. That power is exercised by the government. The judges are called the Queen's judges, and legislation is said to be passed by the Queen in Parliament. But even in countries like the United States and South Africa, the executive is the primary branch of government. While these countries adopted constitutions approved through deliberation in assemblies, it took executive acts to set up the processes and to convene the assemblies.

The phrase "the government" can be used very widely to include all the agencies engaged in government, but it is usually used for the political leadership of the executive in an independent state. So, in Britain, "the government" usually means the Prime Minister and the other ministers of the Crown who are appointed on the advice of the Prime Minister.

Why are powers separated into these three particular functions (judicial, legislative, and executive)? In any process of constitution formation, the executive has reasons to allocate powers to special institutions that are more or less independent of the executive, and to which the executive will be accountable. Each branch needs to be well organized for its own tasks. That means, incidentally, that all three branches must carry out executive, legislative, and judicial tasks.

*(Timothy Endicott. Administrative Law. Oxford University Press)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***

1. What is the point of the separation of powers in Great Britain and other countries?
2. What are the main functions of the executive power in Great Britain?
3. What is the meaning of the concept "Government" in Great Britain?
4. Is it possible to allocate some powers between all three branches sometimes?

***4. Summarize the information on the following points.***

1. The separation of powers in Great Britain.
2. The executive power in Great Britain.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Text 2. The principle of relativity

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

There is no single way in which the law should control administrative decisions, because of the vast and complex variety of those decisions. Good rules of administrative law are related to the nature of the decision in question. The way in which the law ought to control a decision depends on: the type of power being exercised; the nature of the body (the expertise of its members and the degree to which they are independent of government, etc.); the processes by which it acts; the sorts of considerations that need to be taken into account if the power is to be exercised with integrity; and the way the decision affects particular people.

The variety of these features of decisions has two important consequences. First, it has led to the development of a complex assortment of institutions and legal processes for controlling the exercise of public powers. Second, it means that any particular legal process for the control of government must operate with attention to the diversity of forms of public power that may be under control. As a result, it is very hard to generalize about the rules that ought to govern the courts' general jurisdiction, first, to control various types of government decision, and second, to supervise the other institutions (such as tribunals and ombudsmen) that control the exercise of government power.

The requirements of administrative law, and the processes that it provides, must not depend on the whims of the government, or on the likes and dislikes of the judges. But they must depend on the context – on the nature of the body that makes an administrative decision, and on the type of decision, and on the nature of the impact it has on people who want to complain about it, and on the circumstances in which it is made. The law should not impose the same forms of control on a power to conduct relations with other countries, that it imposes on a power to detain people.

The basic reasons for the rules of administrative law are, for the most part, very general constitutional principles that are just as sound in other countries and in the European Union. And for the most part, those principles have been recognized for centuries. Administrative law has undergone significant transformations not only in the past century, but also in each of the past seven decades. Even the abstract principles of the constitution have changed since the Middle Ages. But the common strands are remarkable.

Relativity (that is, the way in which administrative law varies with the context) is very important, but don't let that make you think that there are no constitutional principles; the principles are fundamentally important. Their application by various institutions, through various processes, depends on the contexts in which official power is exercised.

*(Timothy Endicott. Administrative Law. Oxford University Press)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***

1. What does the way in which the law has to control the administrative decisions depend on?
2. What are the two important consequences of the variety of the administrative decisions' characteristics?
3. What must the requirements of administrative law depend on?
4. What are the basic reasons for the rules of administrative law?

***4. Summarize the information on the following points.***

1. Controlling the exercise of public powers by law.
2. Relativity in administrative law.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Text 3. The principles of the Constitution

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

Principles are abstract, basic rules – starting points for reasoning about what is to be done. A principle is a *constitutional* principle if it regulates what constitutions regulate (that is, the framework of government) and it does so in the way that constitutions regulate things (that is, by putting issues off the agenda of day-to-day politics).

Freedom of expression is a principle of the British constitution. What makes it so? First of all, the principle regulates the framework of government, since it protects the ability to criticize the government, and promotes accountability. But what takes political censorship off the agenda in day-to-day politics? Not just the fact that Britain has signed the European Convention on Human Rights, or that the Human Rights Act 1998 gives certain forms of legal effect to the Convention, or that it would be a tort for the government to close down a printing press by force for criticizing the government. In fact, an international convention, a statute, and a rule of the common law cannot by themselves make it into a constitutional principle, because Parliament can repeal its statutes, and change the common law, and the British constitution does not require the government to abide by its international conventions. A constitutional principle cannot be repealed by a statute, and it must bind the government. Our unwritten constitution has no principles at all, unless the institutions of government adhere to them to some extent. But then, a country with a written constitution is the same – the institutions of government must adhere to the principles set out in the document to some extent, or they are only a sham.

Freedom of expression is a principle of the British constitution because the authorities that have power under the constitution regulate themselves and each other, to some extent, in a way that is guided by the principle. To identify a principle of a country's constitution, you must find support for it in the constitutional institutions' conduct. You must be able to say that it is their principle. Yet a country can have a constitutional principle even if there is a great deal of conduct that is contrary to the principle. So, for example, the separation of powers was already a British constitutional principle, even when the Home Secretary had the legal power to decide how long prisoners on life sentences would stay in prison.

Parliamentary sovereignty (a law-making power that is not limited by law) is a principle of the British constitution. Does that mean that the constitution has no other principles, because nothing is put off the ordinary political agenda? No: it only means that Parliament has lawful power to decide to what extent English law adheres to the principles of the constitution. Parliament has the power to infringe freedom of speech, or to empower others to do so. If it were to do so, it would act against a constitutional principle. If Parliament infringes freedom of speech so extravagantly that the framework of the government is no longer generally committed to freedom of speech, then freedom of speech will no longer be a principle of the constitution at all.

*(Timothy Endicott. Administrative Law. Oxford University Press)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***

1. What is the difference between a principle and a constitutional principle?
2. What does the principle of freedom of expression regulate?
3. What should you do to identify a principle of a country's constitution?
4. What can you say about the parliamentary sovereignty in Great Britain?

***4. Summarize the information on the following points.***

1. The essence of the constitutional principle.
2. Freedom of expression as a principle of the British constitution.
3. Parliamentary sovereignty as a principle of the British constitution.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Text 4. Classifying crimes

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

There are various ways to classify crimes, most of them with ancient roots. One classifies crimes into *crimes of moral turpitude* and those that are not. The moral turpitude crimes consist of criminal behavior that needs no law to tell us it's criminal because it's inherently wrong or evil, like murder and rape. Crimes without moral turpitude consist of behavior that's criminal only because a statute says it is, such as parking in a no parking zone and most other traffic violations. Why classify crimes into moral turpitude and non-moral turpitude? Some examples are: excluding or deporting aliens; disbarring attorneys; revoking doctor's licenses; and impeaching witnesses.

The most widely used scheme for classifying crimes is according to the kind and quantity of punishment. *Felonies* are crimes punishable by death or confinement in the state's prison for one year to life without parole; *misdemeanors* are punishable by fine and/or confinement in the local jail for up to one year. Notice the word "punishable"; the classification depends on the possible punishment, not the actual punishment. For example, Viki Rhodes pled guilty to "Driving under the Influence of Intoxicants, fourth offense", a felony. The trial court sentenced her to 120 days of home confinement. When she later argued she was a misdemeanant because of the home confinement sentence, the appeals court ruled that "a person whose felony sentence is reduced does not become a misdemeanant by virtue of the reduction but remains a felon" (*Commonwealth v. Rhodes* 1996).

Why should the label "felony" or "misdemeanor" matter? One reason is the difference between procedure for felonies and misdemeanors. For example, felony defendants have to be in court for their trials; misdemeanor defendants don't. Also, prior felony convictions make offenders eligible for longer sentences. Another reason is that the legal consequences of felony convictions last after punishment. In many states, former felons can't vote, can't serve in public office, can't be attorneys, and felony conviction can be a ground for divorce.

Criminal law consists of two parts: a general part and a special part. The *general part of criminal law* consists of principles that apply to more than one crime. Most state criminal codes today include a general part. The *special part of criminal law* defines specific crimes and arranges them into groups according to subject matter. All states include the definitions of at least some specific crimes, and most group them according to subject matter. The special part of criminal law is not just a classification scheme; it's also part of the larger organizational structure of the whole criminal law.

*(Joel Samaha. Criminal Law. Wadsworth, Cengage Learning)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***

1. What is the classification into crimes of moral turpitude and those that are not?
2. What is most widely used scheme for classifying crimes?
3. What is the difference between felonies and misdemeanors?
4. What is the structure of criminal law?

***4. Summarize the information on the following points.***

1. Different ways to classify crimes.
2. The general and special parts of criminal law.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Text 5. State and federal common law crimes

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

Most US states have shed the common law crimes, but several states still recognize common law of crimes. The codes of the states frequently use the names of the common law crimes without defining them. So to decide cases, the courts have to go to the common law definitions and interpretations of the crimes against persons, property, and public order and morals; the common law of parties to crime and attempt, conspiracy, and solicitation; and the common law defenses, such as self-defense and insanity.

For example, California, a code jurisdiction, includes all of the common law felonies in its criminal code (West's California Penal Code 1988). The California Supreme Court relied on the common law to determine the meaning of its murder statute in *Keeler v. Superior Court* (1970). Robert Keeler's wife Teresa was pregnant with another man's child. Robert kicked the pregnant Teresa in the stomach, causing her to abort the fetus. The California court had to decide whether fetuses were included in the murder statute. To do this, the court turned to the sixteenth-century common law, which defined a human being as "born alive". This excluded Teresa's fetus from the reach of the murder statute.

In *U.S. v. Hudson and Goodwin* (1812), the U.S. Supreme Court said there are no federal common law crimes. During the War of 1812, Hudson and Goodwin published the lie that President Madison and Congress had secretly voted to give $2 million to Napoleon. They were indicted for criminal libel. But there was a catch; there was no federal criminal libel statute. The Court ruled that without a statute, libel can't be a federal crime. Why? According to the Court: the courts of the U.S. are not vested with jurisdiction over any

particular act done by an individual in supposed violation of the peace and dignity of the sovereign power. The legislative authority of the Union must first make an act a crime, affix a punishment to it, and declare the Court that shall have jurisdiction of the offence. Certain implied powers must necessarily result to our courts of justice from the nature of their institution. But jurisdiction of crimes against the state is not among those powers. The rule of *U.S. v. Hudson and Goodwin* seems perfectly clear: there's no federal criminal common law. But the reality is more complicated.

Here's what Associate U.S. Supreme Court Justice Stevens said about federal criminal common law making: statutes like the Sherman Act, the civil rights legislation, and the mail fraud statute were written in broad general language on the understanding that the courts would have wide latitude in construing them to achieve the remedial purposes that Congress had identified. The wide open spaces in statutes such as these are most appropriately interpreted as implicit delegations of authority to the courts to fill in the gaps in the common law tradition of case-by-case adjudication (*McNally v. U.S. 1987*).

According to Professor Dan Kahan (1994), Congress has accepted the prominent role Justice Stevens ascribed to the federal courts in developing a "federal common law" in noncriminal subjects.

*(Joel Samaha. Criminal Law. Wadsworth, Cengage Learning)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***

1. Do all the states of the United States recognize common law crimes?
2. Does California include all of the common law felonies in its criminal code?
3. What is *U.S. v. Hudson and Goodwin* case famous for?
4. What are the famous federal common law statutes?

***4. Summarize the information on the following points.***

1. State common law crimes.
2. Federal common law crimes.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Text 6. The distinction between criminal law and criminal procedure

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

In all areas of legal study, a distinction is made between substance and procedure. Substantive law defines rights and obligations. Procedural law establishes the methods used to enforce legal rights and obligations.

The substance of tort law tells you what a tort is and what damages an injured party is entitled to recover from a lawsuit. Substantive contract law defines what a contract is, tells us whether it must be in writing to be enforceable, who must sign it, what the penalty for breach is, and other such information. The field of civil procedure sets rules for how to bring the substance of the law before a court for resolution of a claim. To decide that a client has an injury that can be compensated under the law is a substantive decision. The question then becomes how this injured client gets the compensation to which he or she is entitled. This is the procedural question. Procedural law tells you how to file a lawsuit, where to file, when to file, and how to prosecute the claim. Such is the case for criminal law and procedure.

Criminal law, as a field of law, defines what constitutes a crime. It establishes what conduct is prohibited and what punishment can be imposed for violating its mandates. Criminal law establishes what degree of intent is required for criminal liability. In addition, criminal law sets out the defenses to criminal charges that may be asserted. Alibi, insanity, and the like are defenses and fall under the umbrella of criminal law.

Criminal procedure puts substantive criminal law into action. It is concerned with the procedures used to bring criminals to justice, beginning with police investigation and continuing throughout the process of administering justice. When and under what conditions may a person be arrested? How and where must the criminal charge be filed? When can the police conduct a search? How does the accused assert a defense? How long can a person be held in custody by the police without charges being filed? How long after charges are filed does the accused have to wait before a trial is held? These are all examples of questions that criminal procedure deals with. Many of the rules of criminal procedure have their roots in both the United States and state Constitutions. Of course, statutory law is also important in this context. It is not always possible to distinguish between a procedural question and a substantive one. There is considerable overlap between the two concepts.

*(Daniel E. Hall. Criminal Law and Procedure.*
*Delmar, Cengage Learning)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***

1. What is the difference between substantive law and procedural law? Give examples.
2. What are the functions of criminal law?
3. What issues does the criminal procedure deal with?

***4. Summarize the information on the following points.***

1. Distinction between substance and procedure.
2. Distinction between criminal law and criminal procedure.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Text 7. Comparing civil law and criminal law

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

The difference between civil law and criminal law appears obvious, and great differences do exist. The source of most of the dissimilarities between criminal law and civil law is the differing objectives of the two. There are many purposes of criminal law. First, it is intended to deter behavior that society has determined to be undesirable. A second purpose of criminal law is to punish those who take the acts deemed undesirable by society, specifically, to give victims and the community at large a sense of retribution. A third purpose is to incapacitate, through imprisonment, electronic monitoring, death, and other methods, offenders. Fourth, the rehabilitation of offenders is also an objective in many cases. Arguably, there is only one purpose, to prevent antisocial behavior. Under this theory, punishment is used only as a tool to achieve the primary goal of preventing antisocial behavior.

In contrast, civil law has as its primary purpose the compensation of those injured by someone else's behavior. It is argued that the real purpose of civil law is the same as that of criminal law. By allowing lawsuits against individuals who have behaved in a manner inconsistent with society's rules, civil law actually acts to prevent undesirable behavior. However, prevention of bad behavior may be more the consequence of civil law than the purpose.

Many areas of law fall under the umbrella of civil law. Two of the largest categories of civil law are contract law and tort law.

Contract law is a branch of civil law that deals with agreements between two or more parties. You probably have already entered into a contract. Apartment leases, credit card agreements, and book-of-the-month club agreements are all contracts. To have a contract, two or more people must agree to behave in a specific manner. Generally, there must be mutuality of consideration for an agreement to be enforceable. That is, all the parties must both acquire a benefit and suffer a detriment.

Tort law is a branch of civil law that is concerned with civil wrongs, but not contract actions. A civil wrong, other than a breach of contract, is known as a tort. Torts are different from contracts in that the duty owed another party in contract law is created by the parties through their agreement. In tort law, the duty is imposed by the law. The law requires that we all act reasonably when conducting our lives.

When a person fails to act reasonably and unintentionally injures another, that person is responsible for a negligent tort. Automobile accidents and medical

malpractice are examples of negligent torts. When a person injures another intentionally, an intentional tort has occurred. Many intentional torts are also crimes, and this is one zone where criminal and common law coexist. If at that fraternity party you make a partier angry, and as a result he intentionally strikes you with the bottle, then he has committed both a crime and an intentional tort. Extreme negligence, such as driving when drunk, that results in death or injuries can lead to both civil and criminal liabilities.

*(Daniel E. Hall. Criminal Law and Procedure. Delmar, Cengage Learning)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***

1. What are the purposes of criminal law?
2. What is the purpose of civil law?
3. What can you say about contract law and tort law as the branches of civil law?
4. Can you give the examples of negligent torts and intentional torts?

***4. Summarize the information on the following points.***

1. The difference between civil law and criminal law.
2. Two largest categories of civil law.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Text 8. Imposition of sentence

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

*Sentencing* is the formal pronouncement of judgment by the court or judge on the defendant after conviction in a criminal prosecution, imposing the punishment to be inflicted. Sentences may be in the form of a fine, community-based sanctions, probation, jail time (usually for misdemeanors), prison time (usually for felonies), and the ultimate punishment – death. Except for death, these sentences are not mutually exclusive. For example, an offender can be given jail or prison time and then later released on probation. Or community-based sanctions can be included in a probation sentence. The sentence to be imposed is set by law, but judges or juries are given discretion to impose minimum or maximum terms.

In states where juries may impose the sentence at the option of the accused, juries usually determine guilt or innocence and, for a verdict of guilty, decide on the sentence at the same time. Some states, however, have a bifurcated

procedure, in which the guilt-innocence stage and the sentencing stage are separate. In those states, after a defendant is found guilty, the jury receives evidence from the prosecution and the defense concerning the penalty to be imposed. The rules of evidence are relaxed at this stage, so evidence not heard during the trial (such as the previous record of the accused and his or her inclination to violence) may be brought out. The jury deliberates a second time to determine the penalty.

Most states give the sentencing power to the judge, even when the case is tried before a jury. After receiving a guilty verdict from the jury, the judge usually postpones sentencing for a couple of weeks. The delay enables him or her to hear post-trial motions (such as a motion for a new trial or a directed verdict) and to order a probation officer to conduct a presentence investigation. The judge has the option to use the PSIR (presentence investigation report) in any manner, including accepting or disregarding it completely. Despite controversy, most states now allow the defense lawyer or the accused to see the PSIR, thus affording an opportunity to rebut any false or unfair information it may contain.

After the sentence is imposed, there is usually a period of time (such as 30 days) during which the defendant may appeal the conviction and sentence to a higher court. There is no constitutional right to appeal, but all states grant defendants that right by law or court procedure. In some states, death penalty appeals go straight from the trial court to the state supreme court, bypassing state courts of appeals. In other states, appeals in death penalty cases are automatic and need not be filed by the defendant.

Theoretically, any criminal case may go as high as the U.S. Supreme Court on appeal, as long as either federal law or constitutional issues are involved. In reality, however, the right is generally limited by the rule of four – the Court's practice of deciding an appealed case on its merits only if four out of the nine Court members favor doing so. Out of the thousands of cases brought to the Court each year, few are actually heard on their merits. The appeals court may affirm, reverse, or reverse and remand the decision of the lower court.

*(Ronaldo V. del Carmen. Criminal procedure: Law and Practice. Wadsworth, Cengage Learning)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***

1. What are the common forms of punishment?
2. Are there any peculiarities concerning the imposition of sentence in different states?
3. What happens after the sentence is imposed?
4. What are the powers of the courts of appeal?

***4. Summarize the information on the following points.***

1. The process of sentencing.
2. The right to appeal.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Text 9. The grand jury proceedings

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

The grand jury proceedings start when a *bill of indictment*, defined as a written accusation of a crime, is submitted to the grand jury by the prosecutor. Hearings are then held before the grand jury, and the prosecutor presents evidence to prove the accusation. Traditionally, the hearings are secret, because the charges may not be proved, and hence it would be unfair to allow their publication. For the same reason, unauthorized persons are excluded, and disclosure of the proceedings is generally prohibited. The accused has no right to present evidence in a grand jury proceeding; however, the accused may be given an opportunity to do so at the discretion of the grand jury. A person appearing before the grand jury does not have a right to counsel, even if he or she is also the suspect. The reason is that the grand jury proceeding is merely an investigation, not a trial. Clearly, the rights of a suspect are minimal during a grand jury proceeding, despite the fact that he or she has a lot at stake. In the words of one former prosecutor, an indictment is a written accusation, a piece of paper stating that the grand jury has accused a person of certain crimes. But on a more immediate level, the filing of an indictment in court informs a defendant and the rest of the world that the state thinks it has enough evidence to convict the person at trial. It is an act that ruins careers and reputations.

If the required number of grand jurors (usually 12) believes that the evidence warrants conviction for the crime charged, the bill of indictment is endorsed as a “true bill” and filed with the court having jurisdiction. The bill itself constitutes the formal accusation. If the jury does not find probable cause, the bill of indictment is ignored and a “no bill” results. In some states, witnesses (as opposed to the prospective defendant) who testify before the grand jury receive complete immunity from criminal charges arising out of the case. In federal court, however, a witness receives grand jury immunity only if immunity is given beforehand by the government.

An *information* is a written accusation of a crime prepared by the prosecuting attorney in the name of the state. The information is not presented to a grand jury. In most states, prosecutors have the option to use an information in all cases instead of a grand jury indictment. Five states require an indictment only in death penalty or life imprisonment cases. To safeguard against possible abuse, most states provide that a prosecution by information may be commenced only after a preliminary examination and commitment by a magistrate or after

a waiver thereof by the accused. The "probable cause" needed in every grand jury indictment is thus assured by the reviewing magistrate.

The information filed by the prosecutor must reasonably inform the accused of the charges against him or her, giving the accused an opportunity to prepare and present a defense. The essential nature of the offense must be stated, although the charges may follow the language of the penal code that defines the offense.

*(Ronaldo V. del Carmen. Criminal Procedure: Law and Practice. Wadsworth, Cengage Learning)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***

1. When does the grand jury proceedings start?
2. How are the hearings held?
3. What is the required number of grand jurors?
4. What is the function of grand jurors?
5. What can you say about the *information* during the proceedings?

***4. Summarize the information on the following points.***

1. The main stages of the grand jury proceedings.
2. The information prepared by the prosecuting attorney.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Text 10. Forced detention and arrest

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

An arrest is defined as the taking of a person into custody against his or her will for the purpose of criminal prosecution or interrogation. It occurs only when there is governmental termination of freedom of movement through means intentionally applied. An arrest deprives a person of liberty by legal authority. Mere words alone do not normally constitute an arrest; there must be some kind of restraint. A person's liberty must be restricted by law enforcement officers to the extent that the person is not free to leave on his or her own volition. It does not matter whether the act is termed an "arrest" or a mere "stop" or "detention" under state law. The "totality of circumstances" (judged by the standard of a reasonable person) determines whether an arrest has taken place or not.

When a person is taken into custody against his or her will for purposes of criminal prosecution or interrogation, it is an arrest under the Fourth

Amendment, regardless of what state law says. For example, suppose state law provides that a police officer may “detain” a suspect for four hours in the police station for questioning without having “arrested” that person. If the suspect is, in fact, detained in the police station against his or her will, that person has been “arrested” under the Constitution and is therefore entitled to any rights given to suspects who have been arrested.

Conversely, no arrest or seizure occurs when an officer simply approaches a person in a public place and asks if he or she is willing to answer questions – as long as the person is not involuntarily detained. A voluntary encounter between the police and a member of the public is not an arrest or a seizure. For example, there is no seizure if an officer approaches a person who is not suspected of anything and, without show of force or intimidation, asks questions of the person – who may or may not respond voluntarily.

An important question is, how long can the suspect be detained, and how intrusive must the investigation be before the stop becomes an arrest requiring probable cause? The answer depends on the reasonableness of the detention and the intrusion. The detention must not be longer than that required by the circumstances, and it must take place by the “least intrusive means,” meaning that it must not be more than that needed to verify or dispel the officer’s suspicions. Detention for a longer period of time than is necessary converts a stop into an arrest.

In sum, a person has been seized if, under the totality of circumstances, a reasonable person would not have felt free to leave. This rule applies to seizures of persons in general, such as in stop and frisk, not just in arrest cases.

*(Ronaldo V. del Carmen. Criminal Procedure: Law and Practice. Wadsworth, Cengage Learning)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***

1. What is the definition of an arrest?
2. What is an arrest under the Fourth Amendment?
3. What is an integral characteristic of an arrest or seizure?
4. How long can the suspect be detained?

***4. Summarize the information on the following points.***

1. The actions that constitute the arrest.
2. The term of an arrest.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Text 11. Contemporary criminology

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

These various schools of criminology, developed over 200 years, have been constantly evolving.

Classical theory has evolved into modern *rational choice theory*, which argues that criminals are rational decision makers: before choosing to commit crime, criminals evaluate the benefits and costs of the contemplated criminal act; their choice is structured by the fear of punishment.

Lombrosian biological positivism has evolved into contemporary biosocial and psychological *trait theory* views. Criminologists no longer believe that a single trait or inherited characteristic can explain crime, but some are convinced that biological and psychological traits interact with environmental factors to influence all human behavior, including criminality. Biological and psychological theorists study the association between criminal behavior and such factors as diet, hormonal makeup, personality, and intelligence.

The original Chicago School sociological vision has transformed into a *social structure theory*, which maintains that the social environment directly controls criminal behavior. According to this view, people at the bottom of the social hierarchy, who cannot achieve success through conventional means, experience anomie, strain, failure, and frustration; they are the most likely to turn to criminal solutions to their problems.

Some sociologists have adopted a social psychological orientation and now focus on upbringing socialization. These *social process theorists* believe that children learn to commit crime by interacting with, and modeling their behavior after, others whom they admire. Some criminal offenders are people whose life experiences have shattered their social bonds to society.

Many criminologists still view social and political conflict as the root cause of crime. These *critical criminologists* believe that crime is related to the inherently unfair economic structure of the United States and other advanced capitalist countries.

The Gluecks' pioneering research has influenced a new generation of developmental theorists. Their focus today is on the creation and maintenance of criminal careers over the life course.

Criminologists view deviant behavior as any action that departs from the social norms of society. *Deviance* thus includes a broad spectrum of behaviors, ranging from the most socially harmful, such as rape and murder, to the relatively inoffensive, such as joining a religious cult or cross-dressing. A deviant act becomes a *crime* when it is deemed socially harmful or dangerous; it then will be specifically defined, prohibited, and punished under the criminal law.

*(Larry J. Siegel. Criminology: The Core. Wadsworth, Cengage Learning)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***
1. What is the basic premise of rational choice theory?
2. What is the main idea of biosocial and psychological trait theory?
3. What is the basic premise of social structure theory?
4. What is social process theorists and critical criminologists' point of view?
5. How do criminologists view deviant behavior?

***4. Summarize the information on the following points.***
1. Various schools of criminology.
2. Deviant behavior from the point of view of criminologists.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Text 12. What is the criminal justice system?

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

The criminal justice system consists of the agencies of government charged with enforcing law, adjudicating crime, and correcting criminal conduct. It is essentially an instrument of social control: society considers some behaviors so dangerous and destructive that it either strictly controls their occurrence or outlaws them outright. The agencies of justice are designed to prevent social harm by apprehending, trying, convicting, and punishing those who have already violated the law, as well as deterring those who may be contemplating future wrongdoing. Society maintains other types of informal social control, such as parental and school discipline, but these are designed to deal with moral, not legal, misbehavior. Only the criminal justice system maintains the power to control crime and punish those who violate the law.

Because of its varied and complex mission, the contemporary criminal justice system in the United States is monumental in size. The cost of law enforcement, courts, and correctional agencies has increased significantly during the past 25 years. The system is massive because it must process, treat, and care for millions of people.

Considering the massive proportions of this system, it does not seem surprising that more than 7.3 million people are under some form of correctional supervision, including 2.3 million men and women in the nation's jails and prisons and an additional 5 million adult men and women being supervised in the community while on probation or parole. Even though the crime rate has been in decline for most of the past decade, the correctional population

continues to grow, and the number of people in the correctional system has trended upward. Although crime rates have been in decline for the past decade, people are more likely to be convicted than in the past and, if sent to prison or jail, are likely to serve more of their sentence.

The major components of this immense system are the police, courts, and correctional agencies. Police are the most visible agents of the justice process. Most police departments are municipal, general-purpose police forces, numbering about 12,000 in all. In addition, local jurisdictions maintain more than 1,000 special police units, including park rangers, harbor police, transit police, and campus security agencies at local universities. At the county level, there are approximately 3,000 sheriff's departments, which, depending on the jurisdiction, provide police protection in unincorporated areas of a county, perform judicial functions such as serving subpoenas, and maintain the county jail and detention facilities. Every state except Hawaii maintains a state police force. The federal government has its own law enforcement agencies, including the FBI and Secret Service.

*(Larry J. Siegel. Criminology: The Core. Wadsworth, Cengage Learning)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***

1. What components does the criminal justice system consist of?
2. What are the purposes of the criminal justice system?
3. Why is the system massive?
4. Why does the correctional population continue to grow?
5. What are the major components of the system?
6. What can you say about the police in the US?

***4. Summarize the information on the following points.***

1. The structure of the criminal justice system.
2. Main functions of the criminal justice system.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Text 13. Road traffic enforcement contributes to casualty reduction

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

There is a considerable body of research linking enforcement and casualty rates. A recent study review of 66 studies on enforcement for the London Road Safety Unit concluded that the majority of studies in the literature have found

that increased levels of traffic policing have reduced road accidents and traffic violations.

Research on enforcement and casualty reduction establishes three points. First, violations of traffic laws are connected to greater incidence of collisions. A recent summary of European research concluded that traffic violation history is associated with increased likelihood of getting involved in serious accidents. Deliberate violators are both more likely to have been crash-involved in the past and to be crash-involved again in the future, and persistent violators can be characterized as "crash magnets". Similarly, specific violations such as speeding are associated with a higher risk of collision.

Second, enforcement increases compliance with traffic law. This is particularly apparent in relation to speed enforcement: for example, Holland and Conner (1996) found a 56 % to 64 % reduction in the proportion of drivers breaking the speed limit on a 40mph urban UK road during an enforcement campaign; in the Netherlands De Waard and Rooijers (1994) found that when every sixth speeding offender is stopped, mean speeds fell by between 2.7 and 5.2 km/h. Automated enforcement is also effective in promoting compliance with speed limits.

Third, enforcement activity leads to a reduction in casualties. For example, meta-analyses by Elvik (1997) found that stationary speed enforcement (involving a physical police presence) can cut fatal accidents by 14 % and drink drive enforcement can reduce fatal accidents by 9 %.

However, despite the well-established links between enforcement and safety, the exact relationship between specific policing inputs and casualty reduction outputs is less direct than one might expect. It is difficult in practice to establish the relationship between levels of policing and violation, accident or casualty rates. This is due in part to the limited information on levels of policing given by much of the literature and to the diverse range of methods that police employ. It is not therefore possible to match a specific level of policing input with an expected output or to establish a direct link between roads policing numbers and level of offending or casualties. Indeed, the long term fall in road casualties coupled with the long-term fall in roads police numbers have led some police to question the efficacy of policing in reducing casualties.

In the mid-60s, there were half the amount of vehicles on the road, 13 million vehicle compared to about 26 or 27 million now. But there were nine and a half thousand people being killed, whereas now there's three and a half thousand people killed. Then, police enforcement was far greater and traffic divisions made up fifteen to twenty percent of the police establishment, but seemed to have no effect on reducing casualties. Because so much else has come into play.

*(Policing Road Risk: Enforcement, Technologies and Road Safety. Parliamentary Advisory Council for Transport Safety)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***

1. What are the results of the researches devoted to linking road traffic enforcement and casualty rates?
2. What are the main three results of the research on enforcement and casualty reduction?

***4. Summarize the information on the following points.***

1. Linking between law enforcement and casualty reduction.
2. The difficulties connected with establishing the direct relationship between levels of policing and violation, accident or casualty rates.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Text 14. Roads policing is an integral element of road safety

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

Roads policing is an integral element of efforts to reduce road casualties. In 2003, there were 3,508 fatalities and 37,215 serious injuries on UK roads. The vast majority of these casualties are preventable. Researches indicate that up to 95 % of road collisions are attributable to human error. A considerable element of this human error involves illegal or irresponsible driving behaviour. For example, nearly a third of fatal collisions involve excessive or inappropriate speed as a contributory factor; around 16 % of fatal collisions involve a driver over the legal blood alcohol limit; and over 8 % of car occupant KSIs (Killed or Seriously Injured) could be prevented through better seatbelt wearing rates by drivers.

Road traffic enforcement concentrates on combating and preventing illegal or irresponsible driving behaviour and therefore has a major potential to reduce these types of casualties. The European Commission has estimated that cutting back on speeding, drink driving and seatbelt violations could prevent 10,000 road deaths per year in Europe (European Commission, 2003); and the European Transport Safety Council (ETSC) estimates that more effective police enforcement could prevent up to 50 % of injury collisions in Europe (ETSC, 1999).

The human and financial cost of these casualties is immense. The Department for Transport estimates that the total economic value of preventing road casualties in the UK would be £18 billion per year. This indicates that taking action to reduce casualties can be extremely cost-effective. A recent report for the European Commission estimated that the cost-benefit ratio of

increased enforcement measures (over 15 years) is 1:5.3 across the EU for speeding; 1:6.9 in the EU for drink driving (including 1:9.4 in the UK); and 1:10.2 for seatbelt use (including 1:3.6 in the UK).

Roads policing is one element within a broader approach to road casualty reduction, and is traditionally conceptualised as one of the "three Es" in the road safety triumvirate of "engineering, education and enforcement" (evaluation, engagement and encouragement are also occasionally incorporated into this categorisation). This schematic approach is useful in illustrating the key role that road traffic enforcement plays within road safety. However, roads policing also reinforces other aspects of the "three Es": enforcement both reinforces education messages and ensures compliance with engineering measures.

This combined approach recognizing the importance of road traffic enforcement is incorporated within Tomorrow's Roads: Safer for Everyone – The Government's Road Safety Strategy. Enforcement is envisaged as playing a key part in this: enforcing the law is an essential part of reducing road casualties, and the police have a central role in improving road safety.

*(Policing Road Risk: Enforcement, Technologies and Road Safety. Parliamentary Advisory Council for Transport Safety)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***

1. What is an integral element of efforts to reduce road casualties?
2. What is the role of human error in road collisions?
3. What does the road traffic enforcement concentrate on?
4. What can you say about the human and financial cost of road casualties?
5. What are the "three Es" in the road safety triumvirate?

***4. Summarize the information on the following points.***

1. The main causes of road traffic crashes, injuries and fatalities.
2. The key role that road traffic enforcement plays within road safety.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Text 15. All road users involved in a collision with injuries should be tested for drink driving

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

There is a widespread consensus that the real number of drink driving road deaths in many countries is higher than the officially-reported figures.

Based on official EU25 data, the proportion of drink driving deaths is around 13 % of all road deaths, but the European Commission estimates that the real number of alcohol related deaths in the EU is up to 25 % of all road deaths.

A majority of countries still base the official drink driving death data upon a single data source, most often police records. But these figures alone do not give the full picture. Some countries are trying to address the issue of underreporting of alcohol-related road collisions by linking police data with hospital data or/and forensic reports. In a number of countries a deceased person cannot be checked for drink driving due to legal constraints. In some countries, such as Belgium and the Netherlands, drivers who are killed on the spot might not be tested for alcohol. Not all countries include systematic testing of all active road users who are involved in a collision.

The issue is further complicated by the different national definitions of deaths attributed to drink driving. Researchers in the European project SafetyNet recommend using the definition of "any death occurring as a result of a road accident in which any active participant was found with a blood alcohol level above the legal limit". While some EU countries have adopted the SafetyNet recommended definition, there are indications that not all active road users involved in a road collision that resulted in road death or serious injury are systematically tested for alcohol.

Therefore, official data on the number of drink driving deaths must be viewed with caution. Due to data underreporting and differing definitions, international comparisons are not possible. Such comparisons would be negatively affected by the shortcomings in data collection. However, the rate of progress in reducing drink driving deaths can be compared between countries if drink driving reporting procedures have remained consistent in the countries concerned during the reporting period.

For example, a reduction in the number of drink driving deaths has been at the core of Ireland's road safety policy for years. However, a high level of drink driving is still evident. A report published by the Irish Road Safety Authority (RSA) revealed that 38 % of all fatal collisions that occurred over the period 2008-2012 involved a driver, motorcyclist, cyclist or pedestrian who had consumed alcohol. Moreover, 86 % of drivers and 51 % of passengers who had consumed alcohol and were killed did not wear a seatbelt. The RSA used data from forensic reports to estimate the actual scope of the drink driving problem.

*(Theodora Calinescu, Dovile Adminaite. Progress in reducing drink driving in Europe. European Transport Safety Council)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***

1. What is a widespread consensus concerning the real number of drink driving road deaths in many EU countries?
2. What is the reason for the discrepancy between the official drink driving death data and real figures?

3. What further complicates the analyzed issue?

***4. Summarize the information on the following points.***

1. The reasons that complicate the estimation of the actual scope of the drink driving problem.
2. The conclusion that can be made.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Text 16. Police and law enforcement

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

Law enforcement agencies are charged with peacekeeping, deterring potential criminals, and apprehending law violators. Whereas the traditional police role involved maintaining order through patrolling public streets and highways, responding to calls for assistance, investigating crimes, and identifying criminal suspects, it has gradually expanded to include a variety of human service functions, from preventing youth crime and diverting juvenile offenders from the criminal justice system, to resolving family conflicts. It is not unusual to see the contemporary patrol officer routinely facilitating the movement of people and vehicles, preserving civil order during emergencies, providing emergency medical care, and striving to improve police-community relations.

Police are the most visible agents of the justice process. They are continually scrutinized and routinely criticized for being too harsh or too lenient, too violent or too passive. Police response to minority groups, youths, political protesters, and union workers is closely watched by the media. Widely publicized cases of police brutality (such as the Rodney King beating in Los Angeles) and police corruption have prompted calls for the investigation and prosecution of police officers. Police departments have made noteworthy efforts to control both corruption and brutality, and the evidence suggests that significant progress has been made.

The police officer’s job is dangerous and can involve both force and violence. Despite efforts to improve police-community relations, many citizens still report having negative attitudes toward police. To remedy this situation while improving the quality of their services, police departments have experimented with new forms of law enforcement, which are collectively referred to as *community policing* (COP) and *problem-oriented policing*. These models are proactive rather than reactive: rather than just responding to crime after it occurs, police departments are now shaping their forces into community change agents in order to prevent crimes before they occur.

Community programs involve police in such activities as citizen crime patrols and councils that identify crime problems. Community policing often involves decentralized units that operate on the neighborhood level in order to be more sensitive to the particular concerns of the public; community policing creates a sense of security in a neighborhood and improves residents' opinions of the police. In neighborhoods that maintain collective efficacy, police work closely with existing neighborhood groups to implement crime reduction programs; programs in these areas seem quite successful. In more disorganized areas, police use aggressive tactics to reduce crime and "take back the streets" before building relationships with community leaders.

Community policing efforts have produced numerous benefits, such as reducing disorder and lowering neighborhood crime rates. The most successful programs give officers time to meet with local residents, to talk about crime in the neighborhood, and to use personal initiative to solve problems.

*(Larry J. Siegel. Criminology: The Core. Wadsworth, Cengage Learning)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***

1. What are the main functions of law enforcement agencies?
2. What are the consequences of the fact that police are the most visible agents of the justice process?
3. What are the new forms of law enforcement and what are they aimed at?
4. What does community policing involve?
5. What is the result of community policing efforts?

***4. Summarize the information on the following points.***

1. Primary responsibilities of law enforcement agencies.
2. Community policing and problem-oriented policing.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Text 17. The Fourth Amendment

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

Searches, seizures, and arrests are vital aspects of law enforcement. Because they involve significant invasions of individual liberties, limits on their use can be found in the constitutions, statutes, and other laws of the states and federal government.

The most important limitation is the Fourth Amendment of the United States Constitution. All searches and seizures must satisfy the Fourth Amendment's reasonableness requirement. Some searches and seizures must be supported by probable cause, but can be warrantless; other searches and seizures can occur only if supported by probable cause and upon a warrant. In other instances, of lesser intrusions, the Fourth Amendment applies, but reasonable suspicion will support an intrusion.

Two remedies are available to the defendant whose Fourth Amendment rights have been violated by the government. First, in a criminal prosecution he or she may invoke the exclusionary rule. Second, he or she may have a civil action against the offending officer under a civil rights statute, under constitutional tort theory, or under traditional tort theory.

The protections in the Bill of Rights apply only against the government. Evidence obtained by a private citizen, acting on his or her own, is not subject to the exclusionary rule. So, if Ira's neighbor illegally enters and searches her house, discovers evidence of a crime, and turns that evidence over to law enforcement, it may be used at trial. Of course, the result would be different if the neighbor was working under the direction of a government official.

The concepts of "reasonable expectation of privacy" and "probable cause" are important throughout the law of searches, seizures, and arrests. Until 1967 the Fourth Amendment had been interpreted to protect "areas". For a violation of the Fourth Amendment to occur, law enforcement officers had to physically trespass upon the property of the defendant. This standard was changed in *Katz v. United States*.

In *Katz*, the Supreme Court held that the Fourth Amendment protects people, not places. The Court established a two-part test to determine if the Fourth Amendment is implicated. First, an individual must have a subjective expectation to privacy. Second, that expectation must be objectively reasonable. The *Katz* "reasonable expectation of privacy" test continues to be the method of determining whether a search or seizure has occurred.

If there is no invasion of a reasonable expectation of privacy, there is no search. For example, a police officer's observations made from a public place, such as a sidewalk, are not searches, even if they are of the inside of a house through a window. Observing the exterior of an automobile, including a license plate, is not a search, nor is a dog sniff of an item or person.

*(Daniel E. Hall. Criminal Law and Procedure. Delmar, Cengage Learning)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***

1. What are the vital aspects of law enforcement?
2. Where can you find the limits on the use of searches, seizures, and arrests?
3. What is the most important limitation on their use?

4. What remedies are available for those whose Fourth Amendment rights have been violated by the government?
5. What can you say about *Katz v. United States* case?

***4. Summarize the information on the following points.***
1. The Fourth Amendment of the United States Constitution.
2. The concepts of “reasonable expectation of privacy” and “probable cause”.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Text 18. Albanian migration-facts and figures

***1. Translate the title of the text, predict what will be discussed in this text. Read the text.***

In the last decade Albania experienced massive internal and external migration of its population. During the period from 1989 to 2001, approximately 710,000 people, or 20 per cent of the total population, were living outside the country. Of these, 600,000 are thought to have emigrated and a further 110,000 are children born in migration. However, it is difficult to obtain accurate figures, when the large number of irregular migrants cannot easily be counted. The largest settlements of Albanian migrants abroad are to be found in Greece and Italy, due to geographical proximity, cultural affinity, and knowledge of the language.

Albanian emigration is characterized as recent, intense, largely economically driven, and essentially a form of “survival migration”. As a result, there is a high level of undocumented migrants, substantial flows of migrants moving in and out of the country, especially to Greece, and finally, the movement of people is both dynamic and rapidly evolving, especially towards new destinations and along new routes of migration. However, although these characteristics were relevant for the period up to 2000, the situation has since evolved, after the introduction of reforms in the country. Over time, the ratio of regular to irregular migration has improved, thanks to regularization programs in host countries.

Overall, three migration flows can be identified, the first flow taking place in the period of 1991-1992, the second flow in the period of 1997-1998, and third flow in the period of 1998-1999.

Whereas outflows of unauthorized migrants in 1991 and 1992 were the result of extraordinary individual or collective initiatives, the following years saw the establishment of “professional” organizations offering transport services for clandestine migration. Smuggling and trafficking flourished in Albania and was later to take on serious and worrying dimensions. During 1997-1998

Albanian politicians optimistically assumed that the initial migration flow would slow down once democratic reforms had been introduced. However, the country then experienced a severe socioeconomic crisis and civil unrest in 1997, sparking a second outflow of migrants. This crisis was caused by the collapse of the pyramid schemes, which led to a breakdown in institutional structures. At least one-third of the Albanian population had deposited their savings in the pyramid schemes. Losses were estimated at USD 1.2 billion, the equivalent of 50 per cent of the country's GDP in 1996, and much of the money lost was capital accumulated by Albanian emigrants. This resulted in a serious setback for the ongoing reforms and provoked a substantial flow of migrants to the EU countries. Between December 1996 and April 1997, some 30,000 migrants landed in Italy and 40,000 more in Greece, though the majority were subsequently repatriated.

(*Migration – a Challenge to the 21st Century. Edited by Maciej St. Zieba. Publishing House of Catholic University of Lublin)*

***2. What is the main idea of each paragraph of the text?***

***3. Answer the following questions.***

1. Where can the largest settlements of Albanian migrants abroad be found?
2. How can Albanian migration be characterized?
3. How many migration flows can be identified?
4. What are the reasons of Albanian population migration?

***4. Summarize the information on the following points.***

1. Massive internal and external migration of Albanian population, its time frame at the end of the 20th century.
2. The impact of the socioeconomic crisis on migration rates.

***5. Share your opinion concerning the text.***

***6. Write a summary of the text using the information analyzed above as well as the phrases and linking words for summarizing.***

## Unit 4
## Translation practice
*(Практика перевода)*

***1. Read carefully the following information concerning translation practice. For more detailed information you can view the guidelines for preparing for the exam.***

При работе над переводом текста важно обладать навыками и умениями использовать различные типы словарей, читать словарные статьи, ориентироваться в системе примечаний в словаре, понимать контекст, искать эквиваленты в русском языке. Важно знать о таких понятиях, как переводческие трансформации, полисемия, интернациональная лексика, «ложные друзья переводчика».

Осуществление перевода невозможно без использования источников информации. К ним можно отнести общие источники (с которыми работают все переводчики) и специальные. К общим источникам информации относятся словари общего назначения и общие энциклопедии. Словари общего назначения делятся на двуязычные, одноязычные и вспомогательные. Двуязычными словарями являются англо-русские, немецко-русские, французско-русские, русско-английские, русско-немецкие, русско-французские и другие неспециальные словари, а также фразеологические словари. Одноязычные словари представлены русскими, английскими, немецкими, французскими и другими толковыми словарями и словарями иностранных слов. К вспомогательным словарям относятся словари синонимов, словари антонимов, орфографические словари, словари произношения, грамматические словари и другие.

Словарь является одним из основных источников информации. Из словаря мы можем узнать правописание слов, их произношение, значение, происхождение, некоторые грамматические формы слов, их стилевую окраску, случаи употребления в различных ситуациях. Большинство современных англо-русских, немецко-русских и других словарей наряду с общеупотребительной нейтральной лексикой содержат наиболее часто используемые термины, относящиеся к естественнонаучной, юридической, экономической, технической и другим областям знаний. Характерными признаками терминов являются однозначность, отсутствие эмоциональной окраски, независимость от контекста, наличие точной дефиниции. Термины (простые, сложные и термины-словосочетания) содержатся в терминологических и специальных словарях, например, юридических.

Каждый словарь имеет свою структуру и определенную систему условных обозначений, которые объясняются в предисловии. Во всех словарях слова расположены строго в алфавитном порядке. При поиске слова следует обращать внимание не только на начальную букву, но и на последующие. В верхнем углу каждого столбца в словаре обозначены три индексные буквы, по которым легко найти нужное слово.

Адъюнктам рекомендуется использовать двуязычные словари общего пользования и двуязычные юридические словари. Умение работать со словарем является неотъемлемым компонентом культуры познавательной деятельности. Работая над переводом текста, необходимо убедиться в том, что выбраны именно те значения, которые соответствуют содержанию текста. Овладение культурой пользования словарем обеспечивает быстроту и безошибочность нахождения нужного значения слова, что способствует более полному пониманию иноязычной речи, а значит, и доступу к информации на иностранном языке.

В качестве вспомогательного средства возможно использование систем машинного перевода, однако следует помнить о том, что это всего лишь и прежде всего дополнительное средство в процессе перевода.

Следует обратить внимание на то, что научный текст имеет особенности, которые создают определенные трудности при переводе. Поэтому в работе над письменным переводом следует учитывать некоторые рекомендации:

1. Прежде чем приступить к переводу, повторите грамматические правила. Некоторые грамматические явления требуют особого внимания в связи с тем, что они:

– представлены в иностранном, но отсутствуют в русском языке, поэтому суть их может быть не знакома;

– более типичны для иностранного, чем для русского языка, поэтому существуют различия в способах их перевода;

– способны выполнять разнообразные функции в предложении, что затрудняет их перевод;

– характерны именно для научных юридических текстов.

2. Внимательно изучите заголовок текста, прочтите текст без словаря и постарайтесь понять общий смысл, опираясь только на знакомые слова и специальные знания.

3. При работе со словарем помните, что все слова в нем даны в исходной форме. Соответственно, необходимо знать правила образования этих форм и найти в словаре перевод начальной формы определенной части речи.

4. Если переводимое слово отсутствует в словаре, следует догадаться о его значении по контексту, подобрав адекватный эквивалент в русском языке.

Насыщенность специальной литературы терминами является ее особенностью. В связи с этим следует пользоваться отраслевыми словарями. Следует помнить о том, что значение термина также может зависеть от контекста.

5. В процессе подготовки к кандидатскому экзамену рекомендуется вести собственный словарь (двуязычный глоссарий), куда можно записывать термины именно в том значении, в котором они употребляются в текстах. Целесообразно постепенно заучивать данные термины. Их знание позволит ускорить процесс перевода на экзамене.

6. Избегайте тавтологии, если только эти слова не являются терминами.

7. Будьте внимательны при попытке передачи иностранных слов и выражений их буквальными русскими соответствиями. Буквальный перевод не всегда адекватный. Переводить предложение (абзац) можно, поняв его смысл в целом. При выборе словарного значения отдельного слова необходимо ориентироваться на контекст, смысл всего предложения или абзаца. Часто данные в словаре значения являются общепринятыми, стандартными и могут не соответствовать контекстуальному значению слова. В таком случае его следует домыслить.

8. Завершив перевод, прочтите его и сравните с оригинальным текстом. Соблюдайте при переводе нормы литературного русского языка (особенности лексической сочетаемости, употребления синонимов, омонимов, паронимов, многозначных слов; логичность, точность и понятность речи).

## Text 1. Administrative law in Great Britain

***1. Try to remember English words and phrases related to administrative law.***

***2. Read the international words and guess their meaning.***

Administrative, operation, department, programme, agency, central, Parliament, administration, bill, control, local, function, tribunal, ombudsman, tradition, statute, jurisdiction, contrast, skeleton, technique, monopolize, special, revolution, public, process, prerogative, minister, constitutional, decade, action, terrorism.

***3. Translate the following derivative words.***

administer, administration, administrative;
operate; operation;
govern, government;
prosecute, prosecution;
specify, specification;
develop, development;
constitution, constitutional;
law, lawyer, lawfulness.

***4. Translate the title of the text, predict what will be discussed in this text. Read the text.***

"Administrative" is used in a very broad sense in administrative law. Administration is more than just the operation of government departments and the carrying out of government programmes. *The executive* includes all agencies of central government, but does not include *the courts* or *Parliament*. Administration includes all of the conduct of the executive except conduct

in Parliament, such as presenting Bills to the House of Commons or the House of Lords, or answering questions in the House of Commons.

Administrative law also controls local authorities, which have executive and legislative functions assigned to them by Parliament. It also controls decision makers that are more or less independent from the government, such as the Crown Prosecution Service, and decision makers that are almost as independent from the government as judges, such as tribunals and ombudsmen.

What's more, "administrative law" includes the legal control of much decision making that is not administrative at all, and that is not done by the executive. It controls the operation of the courts that are traditionally called "inferior courts" – courts that have been created by statutes that specify their jurisdiction. The High Court, by contrast, has a general inherent jurisdiction over the administration of justice.

The sturdy skeleton of the 21st century administrative law was created between the 12th and the 17th centuries, as the judges in the court of King's Bench developed techniques for monopolizing the administration of justice. After the King's special courts disappeared in the Glorious Revolution of 1688, the King's Bench exercised supervisory jurisdiction over all other public authorities except Parliament and the courts of equity, in a process that has come to be called "judicial review". For centuries more, it was still thought that the prerogatives of *the Crown* could not be controlled by the judges. After the 17th century, prerogatives were always exercised on the advice of the ministers of the Crown. "On the advice of" the ministers means, in effect, by the ministers, and it was long thought that the ministers' responsibility to Parliament was the only constitutional control on prerogative. But in a line of cases running from the 1980s into the first decade of this century, the judges have asserted jurisdiction to decide the lawfulness of any exercise of government power, including an exercise of the prerogative of the Crown, where the issues at stake are suitable for a court to determine.

So the "administrative" in "administrative law" refers, roughly, to all public action that is not taken in the High Court or in Parliament. And in the 21st century, the judges use techniques that they developed in the Middle Ages to control almost all such action, including the government's responses to terrorism.

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

1) административное право;
2) правительственные ведомства (правительственные учреждения, департаменты);
3) реализация государственных программ;
4) исполнительная власть;
5) суды;
6) представление законопроектов в Палату общин или Палату лордов;
7) контролировать местные органы власти;
8) функции исполнительной и судебной власти;

9) работа судов;
10) суды низшей инстанции;
11) суды, созданные в соответствии со статутами;
12) отправление правосудия;
13) суды справедливости;
14) судебный пересмотр;
15) королевская прерогатива;
16) контролироваться судьями;
17) министры правительства Великобритании;
18) осуществление государственной власти;
19) использовать методы, разработанные в Средние века;
20) меры по борьбе с терроризмом.

***6. Match each term with its definition.***

| | |
|---|---|
| 1) Parliament | a) the upper house of the British Parliament composed of the lords temporal and spiritual |
| 2) House of Commons | b) a law court in England and Wales for trials of civil rather than criminal cases and where decisions made in local courts can be considered again |
| 3) House of Lords | c) a former superior court presided over by the sovereign of England and following his or her person and now forming the King's Bench or Queen's Bench Division of the High Court of Justice entertaining as a superior court of record criminal cases on its crown side and civil cases on its plea side and embracing the jurisdiction of the former Court of Common Pleas and Court of Exchequer |
| 4) Crown Prosecution Service | d) the government of a country that is officially ruled by a king or queen |
| 5) the High Court | e) the supreme legislative body |
| 6) Court of King's Bench | f) an organization created by the Prosecution of Offences Act 1985 to conduct the majority of criminal prosecutions |
| 7) the Crown | g) the lower house of the British Parliament |

***7. Explain the meaning of the words "the executive", "the courts", "Parliament", "the Crown" taking into account the context of the text.***

***8. Answer the following questions.***
1. What do the concepts “administrative” and “administration” mean in the British administrative law?
2. What kind of authorities does administrative law control?
3. What is the history of creating the structure of administrative law in Great Britain?
4. Can you compare administrative law in Russia and in Great Britain?

***9. Translate the text. Remember the importance of identifying context. Read carefully your translation and correct it if necessary.***

## Text 2. Fundamental freedoms: beyond the rule of law

***1. Try to remember English words and phrases related to human rights and freedoms.***

***2. Read the international words and guess their meaning.***
Fundamental, European, convention, human, political, religion, association, sort, guarantee, private, regulate, person, fact, ordinary, process, international, tribunal, administrative, act, legitimate, interest, central, official, public, proportion.

***3. Translate the following derivative words.***
protect, protection;
regulate, regulation;
treat, treatment;
legal, legitimate, legislature;
assess, assessment;
judge, judgement;
require, requirement;
decide, decision;
proportion, proportionate, proportionality.

***4. Translate the title of the text, predict what will be discussed in this text. Read the text.***

The European Convention on Human Rights does protect more than just the *rule of law*. The fundamental freedoms in the Convention include not only the freedom from arbitrary detention (Art 5), but also the “political freedoms” of thought and religion, expression, and association (Arts 9, 10, 11). Like the rule-of-law provisions, these three Articles promote a certain sort of *community*, rather than merely guarantee human *rights*. Similarly, the Articles protecting private and family life and marriage (Arts 8 and 12) regulate relations in a community, rather than merely protect persons from inhuman treatment or

protecting the rule of law. Article 8, in particular, regulates those relations in ways that are quite new to English law.

So the Convention protects certain human rights, and protects the rule of law, and protects fundamental freedoms. All that unifies the Convention rights is the fact that they represent the Council of Europe's judgment concerning rights that should not only be protected in law, but should be put outside the ordinary law-making processes, and should be interpreted and applied by an international tribunal.

This background is important for administrative law, because it explains the tensions that arise in Convention litigation both in the European Court of Human Rights and in English courts under the Human Rights Act. The Convention commits decisions as to how (for example) to protect privacy and freedom of expression to the Strasbourg Court. But crucial community interests are at stake in deciding when it is legitimate to interfere with people's privacy, or expression. The job of assessing those community interests is committed to a court, because they need to be assessed if the rights are to be applied. Yet the *assessment* involves the sort of reasoning that is a central task of government officials and legislatures. The court, then, needs to decide how, if at all, to defer to the judgment of other officials on those issues.

*Deference* in certain respects is essential. The need for deference, ironically, arises from the fact that the Convention requires the Strasbourg Court to assess whether the value of an administrative decision in the public interest is proportionate to its impact on the interests that the Convention protects (and not merely whether the decision was made through proportionate processes). The Human Rights Act requires English courts to make the same assessments of proportionality. So it requires the English courts to decide how, if at all, to defer to the judgment of other officials on the value of an administrative decision.

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

1) основные свободы;
2) верховенство закона;
3) произвольный арест или задержание;
4) свобода мысли и слова, религии и объединения;
5) положения о верховенстве права;
6) определенное сообщество;
7) гарантировать права человека;
8) личная и семейная жизнь;
9) регулировать общественные отношения;
10) защищать людей от бесчеловечного обращения;
11) защищать определенные права человека;
12) обычный законотворческий процесс;
13) толковаться и применяться международным судом;
14) судебный процесс, судебное разбирательство, тяжба;
15) принимать решения;

16) вмешиваться в частную жизнь людей;
17) основная задача;
18) полагаться на мнение других должностных лиц;
19) значение административного решения;
20) общественный интерес.

***6. Match each term with its definition.***

| | |
|---|---|
| 1) the European Convention on Human Rights | a) the Council of Europe's international court which interprets the European Convention on Human Rights, set up to protect human rights in conjunction with the European Commission for Human Rights (the court is called to give judgement in cases where the commission has failed to secure a settlement) |
| 2) the Council of Europe | b) UK Parliamentary Act by which the European Convention on Human Rights was incorporated into UK law |
| 3) the European Court of Human Rights | c) an international agreement designed to protect human rights and freedoms in Europe |
| 4) the Human Rights Act | d) an intergovernmental body established to promote European political, economic, social and cultural integration, and increase social and economic progress |

***7. Explain the meaning of the words and phrases "rule of law", "community", "rights", "assessment", "deference" taking into account the context of the text.***

***8. Answer the following questions.***
1. What does the European Convention on Human Rights protect?
2. What are the fundamental freedoms included in the Convention?
3. What unifies the Convention rights?
4. What can be the reason of tensions that arise in Convention litigation?
5. Can you share your opinion on the European Convention on Human Rights?

***9. Translate the text. Remember the importance of identifying context. Read carefully your translation and correct it if necessary.***

## Text 3. Mens rea

***1. Try to remember English words and phrases related to crime, elements of a crime, criminal law, general and special parts of criminal law.***

***2. Read the international words and guess their meaning.***
Element, mental, physical, act, person, situation, social, assist, criminal, natural, model, theory, basis, concept, statute, phrase, code, reason, uniform, principle, Latin, legal, system.

***3. Translate the following derivative words.***
crime, criminal, criminally;
intent, intentional, intentionally;
accident, accidental, accidentally;
state, statement;
assist, assistance;
punish, punishment;
fair, fairness;
define, definition;
guilt, guilty;
liable, liability;
consistent, inconsistency;
uniform, uniformity;
law, lawful, unlawful.

***4. Translate the title of the text, predict what will be discussed in this text. Read the text.***

Nearly every *crime* consists of two essential *elements*, the *mental* and the *physical*. It is common to distinguish between acts that are intentional and those that occur accidentally. Everyone has caused injury to another person or another person's property accidentally. That the injury was accidental (not intended) often leads to a statement such as, "I'm sorry, I didn't mean to hurt you". In these situations people often feel a social obligation to pay for any injuries they have caused, or to assist the injured party in other ways, but probably do not expect to be punished criminally. As the late Supreme Court Justice Holmes stated, "Even a dog distinguishes between being stumbled over and being kicked". As this statement implies, to make such a distinction between accidental and intentional acts that injure others appears to be natural and consistent with common notions of fairness. The criminal law often models this theory; that is, people are often held accountable for intentional behavior and not for accidental, even though the consequences may be the same. However, this is not always so. Under some circumstances accidental behavior (negligent or reckless) may be the basis of criminal liability.

*Mens rea* is the mental part, the state of mind required to be criminally liable. It is often defined as "a guilty mind" or possessing a criminal intent.

It is best defined as the state of mind required to be criminally liable for a certain act. It is sometimes the case that no intent whatsoever is required to be guilty of a crime, although most criminal laws require intent of some degree before criminal liability attaches to an act.

Mens rea is an important concept in criminal law. It is also a confusing one, largely because of the inconsistency and lack of uniformity between criminal statutes and judicial decisions. One author found 79 words and phrases in the United States Criminal Code used to describe mens rea. Often when courts or legislatures use the same term they do so assuming different meanings for the term. For this reason, the drafters of the Model Penal Code attempted to establish uniform terms and definitions for those terms.

One principle under the common law was that there should be no crime if there was no act accompanied by a guilty mind. The Latin phrase that states this principle is “actus non facit reum nisi mens sit rea”. Today, under some statutes, no intent is required to be guilty of a crime. Despite this, the principle that “only conscious wrongdoing constitutes crime is deeply rooted in our legal system and remains the rule, rather than the exception”.

Many terms have been used to describe a guilty mind. Malicious, mischievous, purposeful, unlawful, intentional, with specific intent, knowing, fraudulent, with an evil purpose, careless, willful, negligent, and reckless are examples of terms and phrases used to describe the mental state required to prove guilt.

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

1) виновная воля (вина, преступный умысел) *(лат.)*;
2) два основных элемента;
3) психический и физический (субъективная и объективная сторона преступления);
4) проводить различие между действиями, которые являются преднамеренными, и действиями, которые происходят случайно;
5) причинять вред;
6) чувствовать социальную обязанность оплатить (возместить) причиненный ущерб (вред, травму);
7) оказать помощь пострадавшей стороне другими способами;
8) быть наказанным в уголовном порядке;
9) проводить различие между непреднамеренными и преднамеренными действиями;
10) ответственен за умышленный характер действий;
11) последствия;
12) непреднамеренные действия (небрежное или безрассудное поведение);
13) основания уголовной ответственности;
14) вина, виновная воля *(англ.)*;
15) быть виновным в совершении преступления;
16) уголовная ответственность;
17) важное понятие в уголовном праве;

18) уголовный закон;
19) судебное решение;
20) Типовой Уголовный кодекс;
21) общее право;
22) доказать вину.

***6. Match each term with its definition.***

| | |
|---|---|
| 1) mens rea | a) an action or omission constituting an offense that may be prosecuted by the state and is punishable by law |
| 2) actus reus | b) the highest federal court in the USA |
| 3) crime | c) intention to commit a crime, criminal intent |
| 4) Supreme Court | d) a model act presenting a set of criminal law principles and guidelines issued by the American Law Institute |
| 5) Model Penal Court | e) action or conduct which is a constituent element of a crime, criminal act |

***7. Explain the meaning of the words and phrases "mens rea", "element of crime", "mental element of crime", "physical element of crime" taking into account the context of the text.***

***8. Answer the following questions.***
1. What are the two essential elements of any crime?
2. How can you distinguish human acts that can lead to injury?
3. What can you say about mens rea?
4. Can you compare the concept of mens rea in Russian and American criminal law?

***9. Translate the text. Remember the importance of identifying context. Read carefully your translation and correct it if necessary.***

## Text 4. Law and science

***1. Try to remember English words and phrases related to modern law and modern science.***

***2. Read the international words and guess their meaning.***
Modern, focus, result, biological, chemical, engineering, product, criminal, dispute, contract, action, regulatory, administration, organization, civil, procedure, code, expert, plus, list, role, routine, federal, center, practice, practice-oriented, method, decade, subject, attack, rhetorical, parameters, discussion, legal, context, methodology, type, information, process, concrete,

journal, publication, company, biochemist, infant, syndrome, determination, scene, patent, client, history, defect.

***3. Translate the following derivative words.***

decide, decision;
prosecute, prosecutor, prosecution;
safe, safety;
provide, provision;
increase, increasingly;
science, scientific;
method, methodology;
testify, testimony;
environment, environmental;
discuss, discussion;
inform, information;
question, questioner;
publicate, publication;
approve, approval;
determine, determination;
defend, defense, defendant;
violence, violent;
value, valuable.

***4. Translate the title of the text, predict what will be discussed in this text. Read the text.***

The key modern decisions addressing the *science question* have shifted focus as a result of the growth of biological, chemical, and engineering-based issues arising in modern product liability and criminal prosecutions. *Science-based disputes* also abound in contract actions and regulatory proceedings – those of the Food and Drug Administration (FDA), the Occupational Safety and Health Administration (OSHA), the Consumer Product Safety Administration (CPSA), and many other science based government organizations. Modern case law increasingly references a wide variety of science-based matters, which are becoming challenged in pretrial hearings in ever-greater numbers. Modern civil procedure codes require that each party, within a certain number of days after the filing of a complaint, file the names of its expert witnesses plus a summary of any such opinion and the bases upon which it was reached, as well as a list of authoritative books or articles that went into the process. These provisions play a key role in the now-routine pretrial challenge of expert witness testimony.

State and federal courts in both civil and criminal cases are increasingly occupied with cases centered on the need for an encompassing and practice-oriented definition of science and scientific method as an essential precursor to the *admissibility of opinions* of experts based upon that science. Indeed, in the past decade, the whole subject of the propriety and extent of expert testimony in

civil and criminal cases has been attacked from both sides in an ongoing battle over what is a legally acceptable scientific foundation for the proffering of *expert opinion* in a wide variety of environmental, product liability, and criminal cases.

Examining a set of rhetorical questions revolving around our core inquiry "what is science?" can help to set the parameters of the discussions to follow. In the *legal contexts* of tort or criminal law, the questions may be more precisely stated as: is this proffered expert opinion based upon a generally accepted and /or reliable scientific methodology? What is the context in which the question is asked? What types of information are routinely used by court and counsel in the process of answering such cases? Is any concrete scientific work actually engaged in to answer the question posed in the case at hand? Who wants to know? Is the questioner a peer-reviewed journal making a publication decision? Is it a company-employed biochemist struggling with government product approval processes? Is it a forensic pathologist fighting to support a finding of homicide in a hotly contested murder trial centered on an initial sudden infant death syndrome (SIDS) determination? Is it a prosecutor attempting to save his expert witness's opinion on hair, fiber, or glass particles that arguably link a defendant to the scene of a violent crime? Is it a patent lawyer trying to protect her client's valuable property? Is it a product liability plaintiff or defense lawyer trying to determine the time frame in a product's development history wherein an alleged "defect" issue is focused?

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

1) ключевые современные решения;
2) научный вопрос (вопрос науки);
3) сместить фокус, переключить внимание;
4) ответственность за продукт, ответственность производителя;
5) уголовное преследование;
6) научный спор;
7) условия контракта, действие контракта;
8) регулирующие процедуры;
9) государственные научные организации;
10) прецедентное право;
11) гражданский процессуальный кодекс;
12) подача жалобы;
13) свидетель-эксперт;
14) список авторитетных книг или статей;
15) играть ключевую роль;
16) суды штатов и федеральные суды;
17) гражданские и уголовные дела;
18) практико-ориентированное определение;
19) допустимость заключения эксперта;
20) юридически приемлемая научная основа;
21) экспертное заключение;
22) правовой контекст;

23) основано на общепринятой методологии научных исследований;
24) научная работа, научный труд;
25) рецензируемый журнал;
26) судмедэксперт, патологоанатом;
27) горячо обсуждаемый (оспариваемый) процесс по делу об убийстве;
28) волосы, волокна или частицы стекла;
29) место совершения насильственного преступления;
30) защитить ценное имущество своего клиента.

***6. Match each term with its definition.***

| | |
|---|---|
| 1) science | a) a legal case involving civil law or common law, which involves disputes between individuals or organizations in which some form of compensation may be awarded to the victim |
| 2) civil case | b) a type of court proceeding in which the defendant is tried for conduct that is considered to be illegal according to the state's legislature |
| 3) criminal case | c) a formal written or spoken statement given in a court of law |
| 4) testimony | d) knowledge attained through study or practice; knowledge covering general truths of the operation of general laws, obtained and tested through scientific method and concerned with the physical world |

***7. Explain the meaning of the words and phrases "science question", "science based dispute", "admissibility of opinion", "expert opinion", "legal context" taking into account the context of the text.***

***8. Answer the following questions.***
1. What is the role of science in modern branches of law and legal procedure? Give some examples.
2. What are state and federal courts in both civil and criminal cases are increasingly occupied with recently?
3. What are the examples of science based questions in legal context?
4. Can you share your opinion on the relationship between science and law?

***9. Translate the text. Remember the importance of identifying context. Read carefully your translation and correct it if necessary.***

## Text 5. Criminal procedure

***1. Try to remember English words and phrases related to criminal procedure.***

***2. Read the international words and guess their meaning.***
Criminal, procedure, process, police, public, arrest, conflict, constitutional, course, act, federal, substance, detail, terminology, jurisdiction, product, bill, constitution, incorporation, nationalize, result, variation, limit, action, stop, motor, conflict, guarantee, agency, regulation, arrest, magistrate.

***3. Translate the following derivative words.***
apprehend, apprehension;
punish, punishment, punishable;
guilt, guilty;
innocence, innocent;
amend, amendment;
constitution, constitutional;
incorporate, incorporation;
apply, applicable, application;
add, addition;
vary, variation;
reason, reasonable;
confess, confession;
admit, admissible, admissibility;
regulate, regulation.

***4. Translate the title of the text, predict what will be discussed in this text. Read the text.***

Criminal *procedure* is the process followed by the police and the courts in the apprehension and punishment of criminals – from the filing of a complaint by a member of the public or the arrest of a suspect by the police, up to the time the defendant is punished, if convicted. Criminal procedure highlights the sometimes difficult conflict between the constitutional rights of a suspect or defendant and the power of government to maintain peace and order and ensure public safety.

That conflict must be resolved through prescribed rules; criminal procedures are those rules. Although sometimes offered as one course in law schools, criminal procedure and criminal law differ in that criminal procedure prescribes the process whereby a suspect or defendant is eventually found guilty or innocent, whereas criminal law defines what acts are punishable by the federal government or the states. One is *process*; the other is *substance*.

Criminal laws differ in detail and terminology from one state to another, but criminal procedure is basically similar from one jurisdiction to another.

This is because criminal procedure is mostly a product of U.S. Supreme Court decisions. The main source of rights in criminal procedure is the Bill of Rights (the first 10 amendments to the Constitution). Through a process of incorporation, the rights enumerated in the Bill of Rights have been made applicable to criminal proceedings anywhere in the country; hence, basic criminal procedure has been made uniform nationwide in its application. In a word, it has been "nationalized".

In addition to the Bill of Rights, there are other sources of rights for the defendant, including state constitutions, federal and state laws, case law, and court rules. These other sources may result in variations from one jurisdiction to another, but they can give more rights to a suspect only by limiting the actions of the police or the courts. These sources cannot deprive a suspect of any right given by the Bill of Rights; they can only add to them. For example, the U.S. Supreme Court has held that it is constitutional for police to stop motor vehicles based on *reasonable suspicion*. State law, however, may prohibit such stops unless there is *probable cause*, thus expanding the rights of suspects. Another example: the Constitution does not require confessions by suspects to be in writing to be admissible in evidence. State law, however, may exclude oral confessions unless they are also in writing or supported by other evidence. If there is a conflict between other sources of rights and the Bill of Rights, the latter prevails because the Bill of Rights guarantees minimum rights that cannot be diminished by state law, police agency policy, or other rules or regulations.

The procedure is divided into three time frames: before trial, during trial, and after trial. In the great majority of cases, an arrest triggers criminal justice procedures against the accused. In some cases, however, the procedure is initiated through the filing of a complaint that leads to the issuance of a warrant by a judge or magistrate.

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

1) уголовный процесс, уголовное судопроизводство;
2) подача заявления о преступлении (происшествии);
3) арест подозреваемого полицией;
4) в случае признания подсудимого виновным;
5) охранять закон и порядок;
6) обеспечивать общественную безопасность;
7) быть признанным виновным или невиновным;
8) деяния, за которые государством предусмотрено наказание;
9) процесс;
10) сущность, содержание;
11) отличаться деталями и терминологией;
12) быть в основном похожим;
13) решения Верховного суда США;
14) основной источник;
15) Билль о правах;
16) единый по всей стране;

17) конституция штата;
18) федеральные законы и законы штатов;
19) ограничение действий полиции или судов;
20) лишить подозреваемого какого-либо права, предусмотренного Биллем о правах;
21) останавливать транспортные средства;
22) на основании обоснованных подозрений;
23) быть допустимым в качестве доказательства;
24) три временных интервала (три стадии);
25) выдача ордера судьей или магистратом.

***6. Match each term with its definition.***

| | |
|---|---|
| 1) the Bill of Rights | a) the set of rules governing the proceedings through which the government enforces substantive criminal law; process through which criminal laws are enforced |
| 2) criminal procedure | b) the first 10 amendments to the Constitution of the USA |
| 3) criminal law | c) the supreme law of the USA |
| 4) Constitution of the United States | d) system of law defining crimes and establishing punishments for committing them |

***7. Explain the meaning of the words and phrases "procedure", "process", "substance", "reasonable suspicion", "probable cause" taking into account the context of the text.***

***8. Answer the following questions.***
1. Can you define the criminal procedure?
2. What is the difference between criminal procedure and criminal law?
3. What are the sources of rights in criminal procedure of the USA?
4. What are the three time frames the criminal procedure is divided into?
5. Is there something common in criminal procedure of Russia and the USA?

***9. Translate the text. Remember the importance of identifying context. Read carefully your translation and correct it if necessary.***

## Text 6. The importance of the identity of the informant

***1. Try to remember English words and phrases related to crime detection, crime investigation, undercover operations, police powers, criminal proceedings.***

***2. Read the international words and guess their meaning.***
Constitution, officer, identity, informant, magistrate, police officer, arrest, heroin, person, information, valid, case, material, anonymity, alternative, camera, private, interview, ordinary, incident, individual, narcotics, affidavit, detective.

***3. Translate the following derivative words.***
inform, information, informant;
issue, issuance;
warrant, warrantless;
rely, reliable, reliability;
witness, eyewitness;
describe, description;
identify, identity;
defend, defendant;
guilt, guilty;
innocence, innocent.

***4. Translate the title of the text, predict what will be discussed in this text. Read the text.***

The Constitution does not require an officer to reveal the identity of an informant either to the magistrate when seeking the issuance of a warrant or during the trial. As long as the magistrate is convinced that the police officer is truthfully describing what the informant told him or her, the informant need not be produced nor his or her identity revealed. For example, based on an informant's tip, police arrested a suspect without a warrant and searched him in conjunction with the arrest. Heroin was found on his person. During the trial, the police officer refused to reveal the name of the informant, claiming that the informant was reliable because the information he had given in the past had led to arrests. After being convicted, the defendant appealed. The Court held that a *warrantless arrest*, search, and seizure may be valid even if the police officer does not reveal the identity of the informant, because other evidence at the trial proved that the officer did rely on credible information supplied by a *reliable informant*. The Court added that the issue in this case was whether probable cause existed, not the defendant's guilt or innocence *(McCray v. Illinois, U.S. [1967]).*

An exception to the preceding rule is that, when the informant's identity is material to the issue of guilt or innocence, identity must be revealed. If the state refuses to reveal the identity of the informant, the case must be dismissed. Under what circumstances the informant's identity is material to the issue of guilt or innocence is a matter to be determined by the judge. If the judge decides that the

informant's name should be disclosed because the information is "material" (although the Court has never defined what that really means) to the issue of guilt or innocence, then the police must either drop the case to preserve the *informant's anonymity* or disclose the name and thereby blow his or her cover. An alternative to disclosing the informant's name in court is to hold an in camera (private) hearing, producing the informant only before the judge so he or she can interview the informant in private.

The information can be given by an ordinary citizen. Most courts have ruled that the ordinary citizen who is either a victim of a crime or an eyewitness to a crime is a reliable informant, even though his or her reliability has not been established by previous incidents. For example, suppose a woman tells an officer that she has personally witnessed a particular individual selling narcotics in the adjoining apartment, gives a detailed description of the alleged seller, and describes the way sales are made. There is probable cause to obtain a warrant or, in exigent (meaning emergency) circumstances, to make a warrantless arrest.

The information can also be given by another police officer. Information given by a police officer is considered reliable by the courts. Sometimes the police officer *makes an affidavit* in response to statements made by other police officers, as in cases of inside information from a detective or orders from a superior. The Court has implied that under these circumstances the arrest or search is valid only if the officer who passed on the information acted with probable cause.

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

1) раскрыть личность информатора (осведомителя);
2) выдача ордера (на обыск, арест и т.д.);
3) во время судебного заседания (судебного разбирательства);
4) арестовать подозреваемого без ордера;
5) раскрыть имя информатора (осведомителя);
6) быть надежным;
7) арест, обыск, изъятие без ордера;
8) обоснованный, допустимый;
9) достоверная информация;
10) вероятная причина (правдоподобное основание, достаточное основание);
11) вопрос о виновности или невиновности;
12) сохранить анонимность информатора или раскрыть его имя;
13) закрытое слушание;
14) жертва преступления;
15) свидетель (очевидец) преступления;
16) получить ордер (на обыск, арест и т.д.);
17) чрезвычайные обстоятельства;
18) произвести арест без ордера;
19) дать письменное показание под присягой;
20) внутренняя информация;
21) в таких обстоятельствах.

***6. Match each term with its definition.***

| | |
|---|---|
| 1) informant | a) an official who acts as a judge in the lowest courts of law; a judge or justice of a local inferior court; a judge of the peace; a local judiciary official having limited original jurisdiction especially in criminal cases; a judge in a court having jurisdiction over the trial of misdemeanors and preliminary hearings involving felonies |
| 2) magistrate | b) a person or group against whom a criminal or civil action is brought; a person in a trial who is being sued or accused of committing a crime |
| 3) warrant | c) a written statement that you swear is true, and that can be used as evidence in court; a sworn statement in writing made especially under oath or on affirmation before an authorized magistrate or officer |
| 4) trial | d) a person who gives secret information about somebody/something to the police or the media |
| 5) defendant | e) a person who sees something happen and is able to describe it to other people; a person who is called on to testify before a court |
| 6) victim | f) a formal examination of evidence in court by a judge and often a jury, to decide if somebody accused of a crime is guilty or not; the formal examination before a competent tribunal of the matter in issue in a civil or criminal cause in order to determine such issue |
| 7) witness | g) a person who has been attacked, injured or killed as the result of a crime, a disease, an accident, etc. |
| 8) affidavit | h) a legal document that is signed by a judge and gives the police authority to do something; a precept or writ issued by a competent magistrate authorizing an officer to make an arrest, a seizure, or a search or to do other acts incident to the administration of justice |

***7. Explain the meaning of the words and phrases "warrantless arrest", "reliable informant", "informant's anonymity", "make an affidavit" taking into account the context of the text.***

***8. Answer the following questions.***

1. What is the general rule concerning the issue of revealing the identity of an informant either to the magistrate when seeking the issuance of a warrant or during the trial?

2. What is the exception to the preceding rule?
3. What is the alternative to disclosing the informant's name in court?
4. Can an ordinary citizen give the information that can be a probable cause to obtain a warrant or to make a warrantless arrest?
5. What can you say about the information given by the police officers?

***9. Translate the text. Remember the importance of identifying context. Read carefully your translation and correct it if necessary.***

***10. Translate the following texts provided for independent work. Remember the importance of identifying context. Read carefully your translation and correct it if necessary.***

## Text 7. The principle of legality

An obvious, central requirement of the rule of law is that public officials should be bound by the law. No administrative authority has discretion to violate the law, or to suspend it. One aspect of this principle was enacted in Art 1 of the Bill of Rights 1689: "the pretended power of suspending the laws or the execution of laws by regal authority without consent of Parliament is illegal". The rule applies even to national defence: the government has a very wide discretionary power under the royal prerogative to defend the United Kingdom, but it cannot do so by raising taxes, or using land, or conscripting people, unless Parliament authorizes it by statute.

This principle of legality has a much broader application that is of great importance in the law of judicial review. First, if a statute sets out to protect administrative action from judicial review, judges will bend over backwards to apply the legislation restrictively, so that they can still prevent abuse of power (or even so that they can simply quash a decision that is incompatible with their interpretation of legislation). Second, and more generally, the courts will read down general grants of administrative power so that the power must be used in a way that is compatible with certain basic legal values.

Which values do those basic principles protect? This is an aspect of the question of what must be ruled by law, and what can justly be left to executive decision. There is no authoritative catalogue of legally protected values, and the result is that judicial review is dynamic: it is up to the judges to decide which basic values should be protected against the general powers of public authorities. The foremost examples involve the value of access to the courts themselves: it is the sphere in which the judges feel most able to interfere with a general executive power. So the courts have quashed a decision to raise the fees for commencing litigation and to remove the exemption from fees for claimants on income support. And because prisoners may need access to their solicitors, and even to journalists, in order to pursue a campaign to right a miscarriage of justice, it has been held unlawful for the Home Secretary to use a general power to regulate prisons in a way that interferes disproportionately with a prisoner's

correspondence with a solicitor, or to impose a blanket ban on journalists using interviews with prisoners.

Even though there is no authoritative catalogue, the principle of legality protects other values besides access to the courts. English law has always had a special regard for property rights, and general powers to interfere with property have been controlled since the Commissioners of Sewers cases of the 1600s. We can add freedom of expression to the list of protected values, but with a proviso: the protection that the judges give to it varies widely depending on the other interests at stake in an administrative decision that controls the media. It is an instance of the principle of relativity: varying forms of protection are given to different legally protected interests in varying circumstances.

## Text 8. Constitutional principles and judicial review

The *system principles* of the constitution ought to govern judicial review: in particular, parliamentary sovereignty, the separation of powers, comity among public authorities, and the rule of law. What is the link between grounds of judicial review and constitutional principles? *Parliamentary sovereignty* requires that judges pass judgment on the lawfulness of administrative decisions if Parliament directs them to do so (and requires them not to do so if Parliament has directed them not to do so). The *separation of powers* requires judges not to take over powers of the administration, and judges can promote the separation of powers by holding it unlawful for administrative authorities to act contrary to statute or to the common law. Comity requires judges to support the ability of administrative authorities to do their job.

The most important principle behind judicial review is the *rule of law*, and its demands are related to the demands of all of the other system principles. The rule of law requires that public authorities adhere to consistent, open, prospective, non-arbitrary standards, and it also requires decision-making processes that distinguish government action from the mere arbitrary whim of the people in power. But why should courts interfere? Why not leave administrative agencies to construct and follow their own consistent, open, prospective, non-arbitrary standards, and to devise their own processes?

Here is an easy answer, which may seem plausible: law is for the judges, you may think, so that any question of the standards that administrative agencies ought to follow is a question for judges. It would be a mistake to think this. Judicial review can promote the rule of law. But we are not necessarily closer to the rule of law just because a question – even a question of law – is decided by a judge, rather than another public official.

Replacing the decision of one official with the decision of another does not necessarily promote the rule of law. But it can do so. We can find the best examples in the courts' claims to have imposed the rule of law on the imprisonment of murderers. Parliament gave the Home Secretary power to decide how long to imprison underage murderers (detained "at Her Majesty's pleasure": (Children and Young Persons Act 1933, s 53(1), and in the case of

adults the power to decide the “tariff”, or period to be served for the purposes of retribution and deterrence before consideration for parole (Crime (Sentences) Act 1997, s 29). In the 1990s, the judges, who openly opposed what amounted to a sentencing decision by a politician, imposed a variety of restrictions on its exercise. Each restriction promoted the rule of law.

## Text 9. The general and special parts of criminal law

Criminal law consists of two parts: a general part and a special part. The general part of criminal law consists of principles that apply to more than one crime. Most state criminal codes today include a general part. The special part of criminal law defines specific crimes and arranges them into groups according to subject matter. All states include the definitions of at least some specific crimes, and most group them according to subject matter. The special part of criminal law is not just a classification scheme; it’s also part of the larger organizational structure of the whole criminal law.

The general principles are broad propositions that apply to more than one crime. Some general principles apply to all crimes (for example, all crimes have to include a voluntary act); other principles (for example, criminal intent) apply to all felonies; still others apply only to some crimes (for example, the use of force is justified to prevent murder, manslaughter, assault, and battery).

In addition to the general principles of criminal law in the general part of criminal law, there are also two kinds of what we call “offenses of general applicability”. The first is complicity, crimes that make one person criminally liable for someone else’s conduct. There’s no general crime of complicity; instead, there are the specific crimes of accomplice to murder; accomplice to robbery; or accomplice to any other crime for that matter. Similarly, other crimes of general applicability are the crimes of attempt, conspiracy, and solicitation. Like complicity, there are no general crimes of attempt, conspiracy, and solicitation, but there are the specific crimes of attempting, conspiring, and soliciting to commit specific crimes – for example, attempted murder, conspiring to murder, and soliciting to murder.

Finally, the general part of criminal law includes the principles of justification (self-defense) and excuse (insanity), the principles that govern most defenses to criminal liability.

The special part of criminal law defines specific crimes, according to the principles set out in the general part. The definitions of crimes are divided into four groups: crimes against persons (such as murder and rape); crimes against property (stealing and trespass); crimes against public order and morals (aggressive panhandling and prostitution); and crimes against the state (domestic and foreign terror.

The definitions of specific crimes consist of the elements prosecutors have to prove beyond a reasonable doubt to convict defendants. From the standpoint of understanding how the general principles relate to specific crimes, every definition of a specific crime is an application of one or more general principles.

## Text 10. The sources of criminal law

Most criminal law is found in state criminal codes created by elected representatives in state legislatures and municipal codes created by city and town councils elected by the people. There's also a substantial body of criminal law in the U.S. criminal code created by Congress.

Sometimes, these elected bodies invite administrative agencies, whose members aren't elected by the people, to participate in creating criminal law. Legislatures weren't always the main source of criminal law making. Judges' court opinions were the original source of criminal law, and it remained that way for several centuries. By the 1600s, judges had created and defined the only crimes known to our law. Called *common law crimes*, they included everything from disturbing the peace to murder.

Criminal codes didn't spring full-grown from legislatures. They evolved from a long history of ancient offenses called "common law crimes". These crimes were created before legislatures existed and when social order depended on obedience to unwritten rules (*the lex non scripta*) based on community customs and traditions. These traditions were passed on from generation to generation and modified from time to time to meet changed conditions. Eventually, they were incorporated into court decisions.

The common law felonies still have familiar names and have maintained similar meanings (murder, manslaughter, burglary, arson, robbery, stealing, rape, and sodomy). The common law misdemeanors do, too (assault, battery, false imprisonment, libel, perjury, corrupting morals, and disturbing the peace).

Exactly how the common law began is a mystery, but like the traditions it incorporated, it grew and changed to meet new conditions. At first, its growth depended mainly on judicial decisions. As legislatures became more established, they added crimes to the common law. They did so for a number of reasons: to clarify existing common law; to fill in blanks left by the common law; and to adjust the common law to new conditions. Judicial decisions interpreting the statutes became part of the growing body of precedent making up the common law.

The English colonists brought this common law with them to the New World and incorporated the common law crimes into their legal systems. Following the American Revolution, the 13 original states adopted the common law. Almost every state created after that enacted "reception statutes" that adopted the English common law.

Most states have shed the common law crimes. But the common law is far from dead. Several states, including Florida, still recognize the common law of crimes. Even in code states (states that have abolished the common law), the codes frequently use the names of the common law crimes without defining them.

## Text 11. Sociology of law, law and society, socio-legal studies

Sociology of law / law and society / socio-legal studies is a subarea of criminology concerned with the role that social forces play in shaping criminal law and the role of criminal law in shaping society. Criminologists interested in socio-legal studies might investigate the history of legal thought in an effort to understand how criminal acts (such as theft, rape, and murder) evolved into their present form.

Criminologists may use their research skills to assess the effects of a proposed legal change. Take, for instance, the crime of obscenity. Typically, there is no uniform standard of what is considered obscene; material that to some people is lewd and offensive is, to others, a work of art. How far should the law go in curbing the production and distribution of "adult" films and literature? Criminologists might conduct research aimed at determining the effect the proposed law will have on curbing access to obscene material such as "kiddie porn". Other relevant research issues might include analysis of the harmful effects of viewing pornography: Are people who view pornography more likely than others to commit violent crime? The answers to such questions may one day shape the direction of legislation controlling sexual content on the Internet.

Criminologists also explore the cause of crime. Some who have a psychological orientation view crime as a function of personality, development, social learning, or cognition. Others investigate the biological correlates of antisocial behavior and study the biochemical, genetic, and neurological linkages to crime. Those with a sociological orientation look at the social forces producing criminal behavior, including neighborhood conditions, poverty, socialization, and group interaction.

Criminologists also evaluate the impact that new laws have had on society after they have been in effect for a while. Criminologists may use innovative methods to test theory. For example, some criminologists believe that the root cause of crime can be linked to an abnormal biological state or condition that predisposes people to react in an aggressive, antisocial manner to environmental stimuli that might have little effect on people without the biological irregularity.

Pinning down "one true cause" of crime remains a difficult problem. Criminologists are still unsure why, given similar conditions, some people choose criminal solutions to their problems, whereas others conform to accepted social rules of behavior.

Another subarea of criminology involves research on specific criminal types and patterns: violent crime, theft crime, public order crime, organized crime, and so on. Numerous attempts have been made to describe and understand particular crime types. Criminologists are constantly broadening the scope of their inquiry because new crimes and crime patterns are constantly emerging. Whereas 50 years ago they might have focused their attention on rape, murder, and burglary, they now may be looking at stalking, cyber crime, terrorism, and hate crimes.

## Text 12. Penology and victimology

The study of *penology* involves the correction and sentencing of known criminal offenders. Some criminologists are advocates of *rehabilitation*; they direct their efforts at identifying effective treatment strategies for individuals convicted of law violations. Others argue that crime can be prevented only through a strict policy of social control; they advocate such measures as *capital punishment* and *mandatory sentences.*

Criminologists interested in penology may help evaluate crime control programs in order to determine whether they are effective and how they will impact people's lives. When Samuel Gross and his colleagues sought to appraise the effect of the death penalty, they found that between 1989 and 2003, 340 people (327 men and 13 women) were exonerated after having served an average of more than 10 years each in prison. Almost half (144 people) were cleared by DNA evidence. Gross and his colleagues found that death row prisoners were more than 100 times more likely to be exonerated than the average imprisoned felon. The Gross research illustrates how important it is to evaluate penal measures such as capital punishment in order to determine their effectiveness and reliability.

Criminologists recognize that the victim plays a critical role in the criminal process and that the victim's behavior is often a key determinant of crime. *Victimology* includes the following areas of interest: using victim surveys to measure the nature and extent of criminal behavior and to calculate the actual costs of crime to victims; calculating probabilities of victimization risk; studying victim culpability in the precipitation of crime; designing services for crime victims, such as counseling and compensation programs.

Criminologists who study victimization have uncovered some startling results. For one thing, criminals have been found to be at greater risk of victimization than non-criminals. This finding indicates that rather than being passive targets who are "in the wrong place at the wrong time", victims may themselves be engaging in a high-risk behavior, such as crime, that increases their victimization risk and renders them vulnerable to crime.

Criminologists devote themselves to measuring, understanding, and controlling crime and deviance. How are these behaviors defined, and how do we distinguish between them? Crime and deviance are often confused because not all crimes are deviant and not all deviant acts are illegal or criminal. For example, recreational drug use such as smoking marijuana may be a crime, but is it deviant? A significant percentage of the population has used recreational drugs (including some well-known politicians). To argue that all crimes are behaviors that depart from the norms of society is probably erroneous. Similarly, many deviant acts are not criminal, even though they may be shocking or depraved. In sum, many criminal acts, but not all, fall within the concept of deviance. Similarly, some deviant acts, but not all, are considered crimes.

## Text 13. Development of rational choice theory

Rational choice theory has its roots in the classical criminology developed by the Italian social thinker Cesare Beccaria, whose utilitarian approach powerfully influenced the criminal justice system and was widely accepted throughout Europe and the United States. Although the classical approach was influential for more than 100 years, by the end of the nineteenth century its popularity had begun to decline. During this period, positivist criminologists focused on internal and external factors – poverty, IQ, education – rather than personal choice and decision making.

Beginning in the late 1960s, criminologists once again began to embrace classical ideas, producing books and monographs expounding the theme that criminals are rational actors who plan their crimes, can be controlled by the fear of punishment, and deserve to be penalized for their misdeeds. In the 1960s, Nobel Prize – winning economist Gary Becker applied his views on rational behavior and human capital (that is, human competence and the consequences of investments in human competence) to criminal activity. Becker argued that except for a few mentally ill people, criminals behave in a predictable or rational way when deciding to commit crime. Engaging in a cost-benefit analysis of crime, they weigh what they expect to gain against the risks they must undergo and the costs they may incur, such as going to prison. Instead of regarding criminal activity as irrational behavior, Becker viewed criminality as rational behavior that might be controlled by increasing the costs of crime and reducing the potential for gain.

In *Thinking About Crime*, political scientist James Q. Wilson observed that people who are likely to commit crime are unafraid of breaking the law because they value the excitement and thrills of crime, have a low stake in conformity, and are willing to take greater chances than the average person. If they could be convinced that their actions would bring severe punishment, only the totally irrational would be willing to engage in crime.

From these roots has evolved a more contemporary version of classical theory based on intelligent thought processes and criminal decision making; today this is referred to as the rational choice approach to crime causation.

According to contemporary rational choice theory, law-violating behavior is the product of careful thought and planning. Offenders choose crime after considering both personal factors (such as money, revenge, thrills, and entertainment) and situational factors (such as target availability, security measures, and police presence). Before deciding to commit a crime, the reasoning criminal evaluates the risk of apprehension, the seriousness of expected punishment, the potential value or benefit of the criminal enterprise, his or her ability to succeed, and the need for criminal gain. People who believe that the risks of crime outweigh the rewards may decide to “go straight”. If they think they are likely to be arrested and punished, they are more likely to seek treatment and turn their lives around than to risk engaging in criminal activities.

## Text 14. How does forensic evidence differ from other evidence?

How does forensic evidence differ from other evidence? Well, it does and it doesn't. Forensic science involves the application of scientific theory accompanied by laboratory techniques encompassing a wide variety of the natural sciences (many of which are centered in the use of the comparison microscope and other developments in the field of microscopy) to the investigation and prosecution of crime. The sciences referred to here are often designated the *hard sciences* as opposed to the so-called *soft sciences*, based in psychiatry or psychologically centered disciplines such as criminal profiling or credibility assessments. It is important to remember that the reason for using the forensic sciences is to generate forensic evidence. That is the forensic part. The whole point is to get to the evidence part. All of this carefully gathered information is to accomplish the goal of establishing a material fact or facts at or before trial, not to demonstrate the latest technological advance or the most recent forensic science methodology.

Police and prosecutors can use all sorts of things as investigative tools, including experience, hunches, and informers, but their later use of physical data recovered from a crime scene is determined by the "evidentiary" care shown toward the entire crime scene investigation process, not the least of which is the seizing, collecting, and protection of the physical evidence before and after laboratory analysis. If the authorities do not recognize it at all or do not collect, store, and transfer it properly, it may very well be useless information. Forensic evidence, along with all other evidence, is used to reconstruct the historical event that encompasses the crime being prosecuted. Given speedy trial rules and other constitutional protections, not the least of which are the rules of evidence, such re-creations are often a formidable task for prosecutors and defense counsel.

Any trial, in any area of law, from the simplest to the most complex, is in essence an exercise in establishing a version of history. If a case has proceeded to trial, then one or more material facts are in question and thus must be determined by the trier of fact. Once the jury has determined the basic facts, then the court can instruct it on the law on any facts as found by it to have occurred. The history of Anglo-American common law trials is testimony to the great and ongoing difficulty in determining the basic factual basis of a case. The rules of evidence that channel the information flow in a trial, as we know and use them, are primarily exclusionary rules, which determine what historical facts – or, on occasion, opinions – the jury will get to hear. In its simplest terms, evidence is legally approved.

The search for past fact by a court or jury is a form of historical research, but with significant differences. Initially, the facts presented are presented by interested parties in an adversary encounter, unaccompanied by the objective search allegedly utilized by academic historians. Second, the rules of evidence do not open the inquiry to any facts that may appear logically relevant to the search, but, rather, hedge the presentation of facts in a context ruled by numerous areas of policy unknown to historians.

## Text 15. The role of information

Management of information has been a key feature of technological development in recent years. The growing prominence of information and information technology in society has been well documented, with some theorists characterising the present as an “information society”. This is not incommensurate with the “risk society”; rather, the role of information, and information about risks in particular, is a key feature of the risk society.

The growing prominence of information and use of intelligence is also one of the most significant aspects of recent changes in policing. Some aspects of the “risk management approach” have always been present in policing, with police using observation and intuition to concentrate on the groups and individuals that appeared most likely to cause trouble or commit crime. The key difference is the enormous amount of information now collected and made available at the roadside, and the use of this information to inform an “intelligence-led approach”. Technology is central to the management, communication and use of this information and intelligence.

Within roads policing, this information is used in various ways: to verify identity of the driver or vehicle; to verify compliance of drivers and vehicles with laws relating to licensing and registration; to automate enforcement for some vehicle registration and insurance offences; and to develop intelligence about locations of road risk and about target populations most likely to offend and to be involved in collisions.

On a fundamental level, information underpins the current system of authorization and entitlement to drive. Drivers wishing to use vehicles on public roads are obliged to cooperate with a complex system of validation and authorization that involves verifying driving skill (through the driving test), vehicle condition and responsibility for the vehicle (through vehicle registration). Computerized databases are essential to the current operation of this system: the system as it currently operates has been enabled by modern technology.

This validation system is of utmost importance to road safety. Driver licensing ensures that drivers possess a certain level of skill and aptitude to drive and have not been disqualified due to contravention of driving law. Vehicle testing verifies that vehicles over a certain age are in a safe condition. Vehicle registration, meanwhile, assists enforcement and enables automated enforcement systems such as camera-based technologies. In addition – while offences that are detectable through database checks (such as vehicle documentation offences) may seem minor, there is a significant volume of research indicating that drivers who commit minor offences also commit major bad driving offences and other types of crime, and are also more likely to be crash-involved than other drivers.

The use of information is also integral to an intelligence-led policing and a risk management approach. Using intelligence to target resources towards unlicensed, uninsured or untaxed drivers contributes to dealing with the drivers who present the most risk.

## Text 16. Driver and vehicle records

Vehicle and driver databases are key examples of using new information technologies for road traffic enforcement. However, the existence of computerized databases incorporating driver or vehicle details is not particularly new. The Police National Computer (PNC) originated in 1968 as the National Police Computer; the name was later changed in order to clarify that while the computer is national, police forces remained local. The core of the current PNC – the Phoenix database – was launched in 1995.

Data on drivers and vehicles are held by several different agencies and are used for a number of different purposes. In reference to vehicles, DVLA (Driver and Vehicle Licensing Agency) operates the vehicle register, which contains details such as the Vehicle Identification Number, Vehicle Registration Mark, Vehicle Excise Duty status, and registered keeper details. VOSA (Vehicle and Operator Services Agency) are currently rolling out a computerized database of MOT records, including individual vehicle MOT histories. The MIB (Motor Insurance Bureau) – an insurance industry body – operates the Motor Insurance Database, which contains motor insurance policy information for vehicles and drivers. MIB also operates the Motor Insurance Anti-Fraud and Theft Register which holds details of vehicles damaged beyond repair; since 2003 there has been a computer link between this database and the DVLA vehicles register.

In reference to drivers, DVLA also operates the drivers register, which holds details of all licensed drivers, including penalty points. For drivers prosecuted for violating traffic law, a separate court record is created; at present there is no automatic link between this and DVLA's driver record.

Databases operated by the police also store information on stolen vehicles and other vehicles of interest to police nationally. Individual police forces also hold their own local intelligence databases, which will contain locally-collected information on vehicles. These databases tend to be structured in different ways according to each local force. However, roads police and Automatic Number-Plate Recognition teams exchange force intelligence databases via the National Roads Policing Intelligence Forum, and so will normally have access to the intelligence of other forces. In addition, particular operations also generate separate databases.

These databases underpin other aims and are becoming increasingly important. Databases with driver and vehicle information are essential to the operation of automated enforcement technology. Other automated enforcement systems such as speed and red light cameras and decriminalised enforcement of moving traffic offences also rely on vehicle registration databases to enable fines to be issued. However, there are a number of challenges and difficulties relating to the information infrastructure that undermine the effectiveness of enforcement. These include inefficiencies created by multiple databases, the absence of a link between driver and vehicle, difficulties in identifying drivers and inaccuracies within the databases themselves.

## Text 17. Police powers

Law enforcement officials fulfil the duties imposed on them by law, by serving the community and protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession. The police also provide for the protection of public safety and ensure the protection of the rights and freedoms of the people. Human rights derive from the inherent dignity and worth of the human person and are universal and indivisible. Law enforcement officers should respect and protect human dignity and maintain and uphold human rights. The police service is one of the most important and powerful institutions of government. The police are a visible manifestation of state power with which civil society has extensive everyday interaction.

So, the police are entrusted with wide powers that can have a far-reaching effect on people's lives and which if misused, can result in human rights violations. For this reason, international standards have set limits on these powers. Human rights oriented policing means policing in accordance with these international standards. It means trying to avoid using force, but being able and willing to use force lawfully and proportionately when strictly necessary and to account for its use afterwards.

Police have many different means of using force at their disposal, varying across jurisdictions. Any use of force should always be lawful. Within the legal framework, tactical considerations guide what type and how much force to use in a specific situation. Police officers must be trained regularly in the use of force as well as in de-escalation techniques (including communications skills) to minimize the risk of using force. This is especially important in situations involving large numbers of people.

The policing of public gatherings, such as demonstrations, marches and rallies (or public order management) is a particular policing situation. The rights to assemble peacefully and to associate are basic rights which police are obliged to facilitate. The crucial factor in policing demonstrations as well as other public events lies in the preparation. Police should gather information about the participants and their objectives beforehand, and should (if possible) seek to engage with the organizers of the event to identify risks and causes of tensions before they escalate. Preparation should also include such tactical matters as what clothes to wear and what equipment to carry, what communication devices to bring along and whether the involvement of additional police agencies (including specialized units such as dog handlers and mounted police) is appropriate.

Use of force is typically at the police's discretion. Deciding how much force is proportionate is not easy, and may in fact require an independent assessment. Situations in which serious injury and or death have been caused should always be reported to and be reviewed by independent authorities (e.g. an independent police complaints body or judicial authorities).

## Text 18. Introduction into the problems of migration

In sociology migration is most generally defined either as a change of place in the social structure and described as vertical migration, or as a change of the dwelling place, and then it is described as horizontal migration. The first is a change in the social space of man, a change of his status, a place in the system of interpersonal relations, distances, and hierarchies. The relations and distances may be perceived as a result of functions played by the individual or group, and also with a view to the wealth that the individual of group have, their education and health, or with a view to their privation or deficiency. The shift of social position causes changes that mean social advance – when they are combined with new competencies, a higher rank in a job, a higher material position, the increase of social capital in the life of the individual or group. This shift can also mean degradation, a loss of the hitherto material standards, privileges, rights and respect attributed to a position, and the loss of social capital.

The change of the place in the social space, social position, in a hierarchy do not necessarily mean a parallel change of the place of life and sojourn. It is a reflection, a consequence of advance or degradation and its indicator (e.g. dwelling in a better housing estate or in a hostel for the homeless). And vice versa: a change of the dwelling place (at home and/or abroad) may, although not necessarily, cause a change in the social situation as regards the hitherto relations and social closeness or distance.

Recently, observing people's migration in the quest for a job in general, or a better paid job, we often speak about migration in the second meaning, as a migration connected with the change of place in the geographical, territorial space, including the change of the dwelling place, job, and life. Generally, although this is not sufficiently marked, together with a change of the geographical space there are changes in social situation, in social space, social contacts and distances among migrants. The changes may be associated with advance and degradation. During and as a result of the change of the dwelling place there is a change in the subjects of social contacts and the character of contacts. Some social distances come to existence and become more profound, and others are eliminated (the relations with former acquaintances are changed, new acquaintances are made, introduction or loss of a place in the group of interests).

The change of place in the social or territorial situation may concern individuals, families, or even whole social groups, usually national or ethnic. Depending on who makes changes – the individual, or the group, the consequences of migration may have a different character. The migrating individual changes many or almost all social relations. The migrating group (e.g. family, friends) may change little in the relations inside the group. New relations are made only outside the group, thus individual consequences of migration for the migrating individual in a group may be lesser than in the case of individual migration.

## Список рекомендуемой литературы


1. Английский для юристов: учебник для студентов вузов, обучающихся по специальности «Юриспруденция» / под ред. А.А. Лебедевой. Москва: ЮНИТИ-ДАНА, 2013.

2. Белякова Е.И. Английский для аспирантов: учеб. пособие. Москва: Вузовский учебник, ИНФРА-М, 2014.

3. Гальчук Л.М. Speaking Activities on Academic English for Master's Degree and Postgraduate Studies – Английский язык в научной среде: практикум устной речи: учеб. пособие. 2-е изд. Москва: Вузовский учебник: ИНФРА-М, 2019.

4. Горшенева И.А., Гольцева О.Ю. Английский для юристов: учебник для студентов вузов, обучающихся по направлению подготовки «Юриспруденция» / под ред. И.А. Горшеневой. 3-е изд., перераб. и доп. Москва: ЮНИТИ-ДАНА, 2017.

5. Горшенева И.А., Котылева Ю.В. Police Profiling. Foreign Police Services: учеб. пособие по английскому языку для студентов вузов, обучающихся по направлению подготовки «Юриспруденция». Москва: ЮНИТИ-ДАНА, 2017.

6. Жилина И.А., Порценко Е.А., Смолина Л.В. Introduction to Legal English: Basics for Law Enforcement: учеб. пособие. Воронеж: Воронежский юрид. ин-т МВД России, 2018. [Электронный ресурс]. Доступ в электронной библиотеке образовательной организации системы МВД России.

7. Зайцева С.Е., Тинигина Л.А. English for Students of Law: учеб. пособие. Москва: КНОРУС, 2017.

8. Иностранный язык для адъюнктов / сост. С.И. Балишин, Т.А. Белякова, И.Г. Ольгинская, И.Л. Парамонова; под ред. И.Г. Ольгинской. Н. Новгород: Нижегородская акад. МВД России, 2012.

9. Куприянчик Т.В., Арская М.А., Ермякина Н.А. Policing: Crime Investigation: учеб. пособие. Красноярск: Сибирский юрид. ин-т МВД России, 2021.

10. Левитан К.М. Юридический перевод: основы теории и практики: учеб. пособие. Москва: Проспект; Екатеринбург: Изд. дом «Уральская государственная юридическая академия», 2015.

11. Малахова М.Н., Смердина Е.Ю., Алферова Ю.И. Essential English for Police (Основы английского языка для полиции): учеб. пособие по английскому языку. Омск: Омская акад. МВД России, 2016.

12. Огнева Н.В. Английский язык для юристов. Грамматические трудности перевода: учеб. пособие. Москва: Проспект, 2017.

13. Петрова Е.А., Галиева Д.А., Науразбаева Л.В. Law and order. Crime and punishment (English for law enforcers): учеб. пособие. Уфа: Уфимский юрид. ин-т МВД России, 2019. [Электронный ресурс]. Доступ в электронной библиотеке образовательной организации системы МВД России.

14. Плахотнюк Л. А. Особенности обучения юридическому переводу в системе изучения английского языка в образовательной организации системы МВД России: метод. рекомендации. Красноярск: Сибирский юрид. ин-т МВД России, 2019.

15. Пырченкова Г.С. Профессиональная коммуникация на английском языке: учеб. пособие. Москва: Акад. управления МВД России, 2017.

16. Развитие навыков чтения профессионально ориентированных текстов на английском языке: учеб. пособие / Г.С. Пырченкова [и др.]. Москва: Акад. управления МВД России, 2020.

17. Селин Б.Н., Земляков В.Д., Быхтина Н.В. English for police officers: учебник для курсантов, слушателей и адъюнктов: в 2 ч. Белгород: Белгородский юрид. ин-т МВД России им. И.Д. Путилина, 2020. [Электронный ресурс]. Доступ в электронной библиотеке образовательной организации системы МВД России.

18. Тихонов А.А. Английский язык. Теория и практика перевода: учеб. пособие. Москва: Проспект, 2015.

19. Чиронова И.И. Английский язык для юристов: учебник для бакалавров. Сер: Бакалавр. Базовый курс. Москва: Юрайт, 2013.

20. Шевелева С.А. English for lawyers: учеб. пособие. 2-е изд., перераб. и доп. Москва: ЮНИТИ-ДАНА, 2018.

21. Andrew Ashworth. Sentencing and Criminal Justice. Fourth edition. Cambridge University Press, 2005.

22. Babak Akhgar, Andrew Staniforth, Francesca Bosco. Cyber Crime and Cyber Terrorism. Investigator's Handbook. Elsevier, 2014.

23. Daniel E. Hall. Criminal Law and Procedure. Fifth edition. Delmar, Cengage Learning, 2009.

24. Joel Samaha. Criminal Law. Tenth edition. Wadsworth, Cengage Learning, 2011.

25. Just English. Английский для юристов. Базовый курс: учеб. пособие для юрид. вузов / Ю.Л. Гуманова, В.А. Королева-МакАри, М.Л. Свешникова, Е.В. Тихомирова; под. ред. Т.Н. Шишкиной. Москва: КНОРУС, 2017.

26. Larry J. Siegel. Criminology: The Core. Fourth edition. Wadsworth, Cengage Learning, 2011.

27. Marvin D. Krohn, Alan J. Lizotte, Gina Penly Hall. Handbook on Crime and Deviance. Springer Science, Business Media, LLC, 2009.

28. Migration – a Challenge to the 21st Century. Edited by Maciej St. Zieba. Publishing House of Catholic University of Lublin, 2008.

29. Petter Gottschalk. Policing Cyber Crime, 2014.

30. Policing Road Risk: Enforcement, Technologies and Road Safety. Parliamentary Advisory Council for Transport Safety, 2005.

31. Ronaldo V. del Carmen. Criminal Procedure: Law and Practice. Wadsworth, Cengage Learning, 2010.

32. Russian Law for Communication in English: учеб. пособие / под ред. А.В. Дорошенко. Москва: Проспект, 2017.

33. Terrence F. Kiely. Forensic evidence: science and the criminal law. CRC Press, 2001.
34. Theodora Calinescu, Dovile Adminaite. Progress in reducing drink driving in Europe. European Transport Safety Council, 2018.
35. Timothy Endicott. Administrative Law. Second edition. Oxford University Press, 2011.
36. United Nations Children's Fund. Hidden in Plain Sight: A statistical analysis of violence against children. UNICEF. New York, 2014.
37. URL: http:/www.merriam-webster.com
38. URL: http:/www.oxfordlearnersdictionaries.com
39. URL: http:/www.thefreedictionary.com

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