

Introduction to English & American Law

Course Syllabus

Approved by the Academic Council
of the Basic Higher Education Programme.
28.06.2019, prot. № 4.

1. Course Description

a. Title of a Course

Introduction to English & American Law

b. Pre-requisites

No pre-requisites.

c. Course Type (compulsory, elective, optional)

Elective

d. Abstract

The purpose of special course “Introduction to English and American Law” (in English) is to introduce the origins of English and American law, its sources and foundations, the basics of constitutional systems of Great Britain and the USA, American federalism, legal education and legal practice, legal culture of the Americans and the British (in comparison with other countries, including Russia), legal and political implications of British membership in the European Union (as well as the Brexit process), other topical issues of contemporary English and American law..

2. Learning Objectives

This course is primarily aimed at providing the students the necessary tools to understand and study law of Great Britain and the USA.

3. Learning Outcomes

The students should gain the following knowledge and understanding:

Among other aspects, students will explore the following topics:

- U.S. Constitution and (unwritten) Constitution of the United Kingdom;
- separation of powers in Great Britain and USA;
- civil rights and freedoms;
- main decisions of the US Supreme Court;
- political parties and electoral systems;
- impeachment;
- death penalty;
- foundations of criminal law, foreign relations law, national security law;
- peculiarities of application of international law in Great Britain and USA;
- legal education in Great Britain and USA, and how to pass Law School Admission Test (LSAT).

The students should gain the following skills and abilities:

- at the heart of this special course is the study of basic legislation of the United States and Great Britain.

Students should gain the following competencies and abilities:

As an introduction to this special course, students will explore English and American methodology of comparative legal studies. They will also study how to do research of English and American law.

4. Course Plan

Lesson 1 – Legal education in the USA and Great Britain

Legal education in the USA and Great Britain: sources, development, specifics.
Law schools.
Preparations for Law School Admission Test (LSAT) to pass it successfully.
Continuous legal education in the USA and Great Britain.
Comparative law: English and American perspective.

Lesson 2 – Foundations and sources of English and American law. The precedent. Basics of constitutional law of Great Britain and USA

Emergence of English and American law.
Sources and hierarchy of law.
The precedent.
Basics of constitutional law of Great Britain.
Declaration of Independence (1776).
American Constitution: adoption, structure, amendments.
American Constitution: main features.
Separation of powers, and the system of checks and balances.
Civil war and subsequent development of American law.
Great Britain in the European Union. Specifics of British law and EU law.

Lesson 3 – Legislative branch of government and legislative process. US Congress and British Parliament: formation, structure, powers

Legislative branch of government and legislative process: general features.
US Congress: formation, structure, powers.
British Parliament: formation, structure, powers.
War and emergency powers.
Parliamentary investigations.
“Power of the purse”.

Lesson 4 – Executive branch of government: status, powers, apparatus. Presidency in the USA

Executive branch of government: status, powers, apparatus.
Presidency in the USA.
Cabinet and apparatus.
Impeachment in Great Britain and the USA.
War and emergency powers.

Lesson 5 – Judicial branch of government

Judicial branch of government in Great Britain.
Judicial branch of government in the USA.

The jury.

The U.S. Supreme Court: structure, formation, functions.

Selected decisions of the U.S. Supreme Court: Marbury v. Madison; Miranda; Korematsu v. United States and other American Japanese internment cases; Roper v. Simmons.

Lesson 6 – Legal status of the individual. Human rights and civil freedoms

British historical acts: the Magna Carta (1215), the Petition of Right (1628), the Bill of Rights (1679), etc.

The U.S. Bill of Rights (1789) and its main provisions.

The Habeas Corpus Act and its suspension by President Lincoln during Civil War (1861-1865).

Enforcement of rights and freedoms.

Lesson 7 – Federalism in the USA. Administrative and territorial composition of Great Britain

Federalism in the USA.

Administrative and territorial composition of Great Britain.

Local government in Great Britain and the USA.

National Guard and Posse Comitatus Act.

Federal intervention in the states for the suppression of domestic violence.

The Commonwealth of Nations (The British Commonwealth).

Lesson 8 – Political parties and party system. Election law, electoral system, and electoral process

Political parties and party system.

Election law and electoral system.

Campaign finance.

Primaries in the USA.

Lesson 9 – Criminal law and criminal procedure. Constitutional mechanism of emergency powers and states of emergency

Criminal law and criminal procedure: general features.

Constitutional foundations of criminal procedure.

Constitutional mechanism of emergency powers and states of emergency

Lesson 10 – International law in Great Britain and the USA. Foreign relations law. National security law.

International law in the hierarchy of laws in Great Britain and the USA.

Peculiarities of application of international law in Great Britain and the USA.

Foundations of foreign relations law.

Foundations of national security law.

Lesson 11 – Legal culture: legality and morality. Penitentiary systems in the U.S. and Great Britain. Death penalty

The First Amendment.

«Civil society» and the state.
Nongovernmental organizations (NGOs) and their regulations.
Penitentiary systems in the U.S. and Great Britain.
Death penalty in the USA.

Lesson 12 – Legal practice in the U.S. and Great Britain

Bar exams and bar admission.
Legal ethics, and lawyers' code of professional responsibility.
Peculiarities of legal profession in Great Britain and the USA.

5. Reading List

a. Documents & Basic Sources (Required)

- The Constitution of the United States: A Transcription. CM.: http://www.archives.gov/exhibits/charters/constitution_transcript.html
- United States Constitution: Texts, Commentaries, Historical Texts and Judicial Decisions. CM.: <http://www.loc.gov/law/help/guide/federal/usconst.php>
- Introduction to American Legal System. – Jones & Bartlett Publishers, 2011. CM.: http://www.jblearning.com/samples/0763734454/34454_CH01_ROACH.pdf
- Outline of the U.S. Legal System. – Washington, D.C.: US Department of State, 2004. CM.: http://photos.state.gov/libraries/korea/49271/dwoa_122709/Outline-of-the-U_S_-Legal-System.pdf
- Elena Dana Neacsu. Introduction to U.S. Law and Legal Research (Digital Edition). CM.: <http://academiccommons.columbia.edu/catalog/ac%3A138572>
- Introduction to the U.S. Legal System: Research Guides. CM.: <http://law.duke.edu/sites/default/files/lib/uslegalsystem.pdf>
- The English Legal System. CM.: http://www.sagepub.com/upm-data/50943_01_Avery_CH_01.pdf
- English Law and Other Legal Systems. CM.: http://www.acornlive.com/demos/pdf/C5_BLW_Chapter_1.pdf
- The Legal System. CM.: http://catalogue.pearsoned.co.uk/assets/hip/gb/hip_gb_pearsonhighered/samplechapter/1408292823.pdf
- Barry E. Carter and Allen S. Weiner. International Law (Sixth Edition). – Wolters Kluwer, 2011. (Available as a pdf file).
- Harold C Ralyea. National Emergency Powers - Washington: Congressional Research Service, 2007. CM.: <http://www.fas.org/sgp/crs/natsec/98-505.pdf>
- Charles Doyle, Jennifer K. Elsea. The Posse Comitatus Act and Related Matters: The Use of the Military to Execute Civilian Law - Washington: Congressional Research Service, 2012. CM.: <http://www.fas.org/sgp/crs/natsec/R42659.pdf>
- Bruce Ackerman. The New Separation of Powers // Harvard Law Review, Vol. 113, No. 3, Jan. 2000. CM.: <http://www.jstor.org/stable/1342286>
- Federal Intervention in the States for the Suppression of Domestic Violence: Constitutionality, Statutory Power, and Policy // Duke Law Journal, Vol.15, No.2, 1966. CM.: <http://scholarship.law.duke.edu/dlj/vol15/iss2/5>;
<http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=2033&context=dlj>

- UK Constitution - International Constitutional Law web site (1992): <http://www.servat.unibe.ch/icl/index.html>

b. Supplementary Reading Materials (Optional)

Books

- Alexander Domrin. *The Limits of Russian Democratisation: Emergency Powers and States of Emergency*. – London, New York: Routledge, 2006. (Available as a pdf file).
- Ellen C. Collier. *Instances of Use of United States Forces Abroad, 1798-1993* - Washington: Congressional Research Service, 1993. CM.: http://www.fas.org/man/crs/crs_931007.htm
- Richard F. Grimmett. *Instances of Use of United States Forces Abroad, 1798-2010* - Washington: Congressional Research Service, 2011. CM.: <http://www.fas.org/sgp/crs/natsec/R41677.pdf>

Articles.

- John Reitz. *How to Do Comparative Law // The American Journal of Comparative Law*. Vol. 46, No. 4 (Autumn 1998), pp. 617-636. CM.: <http://www.jstor.org/discover/10.2307/840981?uid=3738936&uid=2129&uid=2&uid=70&uid=4&sid=21102097132573>
- Harold J. Berman, “The Comparison of Soviet and American Law”, 34 *Indiana Law Journal* (1959), pp.559-570. CM.: <http://www.repository.law.indiana.edu/ilj/vol34/iss4/4/>; <http://www.repository.law.indiana.edu/cgi/viewcontent.cgi?article=2979&context=ilj>
- William M. Reisinger, Arthur H. Miller, Vicki L. Hesli. *Russians and the Legal System; Mass Views and Behavior in the 1990s // Journal of Communist Studies and Transition Politics*, Vol. 13, No. 3, September 1997.
- Dobriansky Lew E. *Another Captive Nations Week // The Ukrainian Weekly*, December 30, 1979, No. 296, Vol. LXXXVI. CM.: <http://www.ukrweekly.com/old/archive/1979/2967911.shtml>
- Vijay Kumar, “Russia’s ‘Foreign Agent’ Law: A Response to American Democratic Promotion Policy” // No. 1 (18), 2015, pp. 90-100. CM.: http://www.mgimo.ru/files2/z07_2015/Kumar_Russia_Foreign_Agent_law_a_response_to_American_democratic.pdf

Electronic resources of the HSE

- **Electronic library system “Znaniium”:** <http://znaniium.com/>
- **Scientific electronic library (NEB):** <http://elibrary.ru/defaultx.asp>
- **Universal encyclopedia “Rubricon”:** <http://www.rubricon.com/default.asp>

6. Grading System

The final grade in the special course “Introduction to English and American Law” (in English) is estimated according to the following formula:

The final grade = O (accumulated) + O (exam).

The share of the relative importance of the controls:

Accumulated score - 0.5
Exam - 0.5

Cumulative score is calculated using a weighted sum of estimates for certain forms of monitoring (current performance at seminars - 0.5; abstract - 0.5).

Rounding method and the resulting cumulative count: 0.4 and up - in favor of the student.

7. Forms of control and evaluation of knowledge of students

Types of Control	Forms of Control	Notes
Current	Home tasks, discussions, reports, short essays	Mainly oral; short essays – written
Final	Exam	Oral

7.1 Attendance policy

It is imperative that students attend classes. Participation in lessons and seminars is mandatory, except in case of a medical emergency (e.g. sickness). Students will need to provide evidence for missing class (doctor's note). If evidence is provided, the missed class is considered as an excused class. If no evidence is provided immediately before or after the class, the missed class is counted as an absence. Late arrivals will be considered as absences if the delay is more than 30 minutes. Participation implies that students are on time, have studied the assigned material in advance and work actively.

7.2 Additional course policies

Late papers will not be accepted unless there are serious legitimate reasons. Provision of a signed medical note is required, and notice must be given prior to the deadline.

7.3 Plagiarism

Dishonesty and plagiarism are NOT admitted in this course. Cheating and plagiarism cases will be sanctioned. Works affected by plagiarism will be considered null and void. If you report a sentence or a passage taken by someone else's work or by your own past works, you must cite the source/s. References and citations must be comprehensive and in a standard citation style (APA, MLA, Harvard, etc.). Please, pay attention to grammar, spelling, and punctuation.

2. Methods of Instruction

Classes will be structured as participative lectures in order to stimulate class discussion. This course uses interactive educational technologies (problematic lectures, Socrates method, work in small groups, interactive seminars; brainstorming sessions). Students are expected to be well prepared, they must carefully study the materials indicated before the seminar. Students are expected to spend 12-14 academic hours of house reading, researching, and preparation per week.

Every lesson will be followed by the correspondent seminars as specified in this program. In order to be prepared for lessons, it is necessary to use the sources and legal acts enlisted in this syllabus. To prepare for the seminar, it is necessary to study carefully the material assigned during the lesson.

3.Special Equipment and Software Support (if required)

The following equipment is essential to make teaching and learning comfortable and efficient:

- Personal computer (equipped with Microsoft Windows 10) with Internet access;
- Multimedia projector with remote control;
- Internet access for the instructor and students.