

The profound impact of such cultural differences is illustrated by considering the differences in the concept of operation of contract between the closely-related Western European civil and common law traditions. Under common law, a contract is not binding unless consideration of at least nominal value is exchanged. Consideration is «an inducement given to enter into a contract that is sufficient to render the promise enforceable in the courts.» In civil law, the critical element is cause, which does not necessarily require any flow of consideration. Thus, gratuitous promises may form the basis of a binding arrangement, and, as a result, contracts in favor of a third party can be recognized and enforced despite no consideration having been tendered for the benefit. Differing attitudes toward contracts can cause even more confusion in other legal systems. For instance, the custom of ‘naniwabushi’ allows the Japanese to request a change in a contract if the terms become onerous or unfair, which is not acceptable in Western cultures.

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### **ENGLISH NATIONAL CHARACTER**

The English are often seen by other nations as reserved people (they are considered not to be talkative and not inclined to demonstrate their feelings); they are courageous and do not lose their head in a difficult situation. This quality is reflected in an expression: they keep a stiff upper lip, which means that they do not make a tragic face, do not moan or groan. The Brits are famous for their understatement. They are not inclined to show their merits or predicaments of life they experience. Personal problems are either ignored in a conversation or mentioned in a humorous way.

A typical Brit possesses such features as the spirit of independence, will power, and self-control. Independence is the main trait of character and forming this trait is the aim of family and school.

Many foreigners who have heard a great deal about the tolerance of the English interpret it erroneously as the ability of one person to understand another and thus to justify his actions. In fact, what the English mean by tolerance is noninterference in the private life of other people, presuming that everyone should also respect the private life of others.

The feeling of personal independence is an important factor of human relations. Personal inclinations and even personal oddity do not meet opposition from others. Noninterference in each other's private life is the cornerstone of English ethics.

This is probably why mail plays a much more important role in the life of a Brit than in the life of other nations. A telephone call may interrupt a conversation, having tea, something one is engaged in. Besides, it requires an

immediate response, leaving no chance of thinking over an answer, whereas one can open a letter (or e-mail now) at a convenient moment and answer it when and how one likes.

Another important trait of national character which is mostly formed in public schools – is an ability to obey and to command, to observe the rules of a game. The feeling of being one of a team is also important (it is not by chance that Great Britain is the motherland of many kinds of sports, including team sports).

One can say without exaggeration that the monarchy and the traditions of aristocracy have greatly influenced the national character of the English. The values of an aristocrat and a gentleman have become the values which are important for the whole nation.

Vsevolod Ovchinnicov in his book 'The Roots of the oak' writes: 'To work not because of earning money or making one's career but just for the love of it, for one's own pleasure, as a hobby – this is the motto of a real gentleman as the English see it.' (Овчинников В. В. Корни дуба. Впечатления и размышления об Англии и англичанах. 1980, с. 22)

For over 2 million Englishmen such a hobby is trainspotting, this hobby is second in popularity after collecting stamps. One can often see a teenager or an adult who is writing down something enthusiastically. Such people know everything about trains. They are called train spotters which means that they watch trains very closely; another name for them is railway buffs (a buff means a fan).

The class system is very important in Britain. It is created by complex systems of accents, clothes, school and family. There are three basic grades: upper, middle and working-class, but there are grades within these three. Someone might describe themselves as 'lower-middle class'. The advertising industry divides people into six socio-economic groups, A, B, C1, C2, D and E. A is the highest group with 3 per cent of the population. It includes top army officers, government ministers and judges. E is the lowest group with 15 per cent of the population. It includes pensioners, the sick and the unemployed. This system reflects modern society, but these artificial grades do not show the reality of the class system built up over hundreds of years. The royal family and the aristocracy still have power and influence in government through inheritance. Social position is often based on the traditions or history of family, not its money. Many people's class can be identified immediately by the way they speak.

Accent is the sound of a person's pronunciation of the English language. It is very important in Britain. It shows where a person comes from and, to an extent, what class he or she belongs to. Britain has many different accents. Each of the four countries of the United Kingdom: England, Scotland, Wales and Northern Ireland, has its own accent. Within England most of the counties have a different accent. Large towns have accents, too. Liverpool has the 'Scouse' accent, Birmingham has its own 'Brummie' accent, and the accent of Newcastle-

on-Tyne is called 'Geordie'. The sound of someone's voice will often show the position they hold in society.

Received Pronunciation (RP) or BBC English (so called because it is used by BBC announcers) is the accent of the South-east of England. It has been associated with power and high social class since the fourteenth century. At that time the King, the Royal court and the government settled in London, and the universities of Oxford and Cambridge both in the South-east, provided higher education for the whole country. People who wanted to be part of this powerful world had to use the same accent and language. In the nineteenth century RP was used in public schools and universities, the government and the army to form small groups who would run the Empire. It was often impossible to get any kind of high position if you did not speak in the right way. Today society has changed and regional accents are more acceptable. An RP accent is still important and will help people to get jobs and a position in society which might be denied to them if they spoke in a different way.

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### **РИТОРИЧЕСКИЕ ФИГУРЫ В СУДЕБНОЙ РЕЧИ (НА МАТЕРИАЛЕ НЕМЕЦКОГО ЯЗЫКА)**

Выступление в рамках судебного дискурса носит ярко выраженный риторический характер. Риторическая компетенция помогает оратору выразить свою точку зрения, убедить судебную аудиторию (профессиональных участников процесса, присяжных заседателей, представителей общественности) в правильности своего мнения и побудить к конкретным действиям. Риторическая специфика судебной речи проявляется на лингвистическом уровне в активном использовании определенных риторических фигур, которые являются маркерами риторической силы выступления, и, в связи с этим, стали предметом анализа в рамках данного исследования.

Судебная речь понимается как целенаправленная речевая деятельность, основной задачей которой является убеждающее воздействие, базирующееся на нормах и правилах общения, принятых в судебной коммуникации (Пригарина Н. К. Аргументация судебной защитительной речи: риторическая модель, 2010, с. 2). Воздействующая сила судебного выступления создается совокупностью речевых средств, важнейшим из которых является использование оратором риторических фигур (далее РФ) (Баишева З. В. Языковая личность судебного оратора А. Ф. Кони. 2007, с. 33).

Под РФ понимаются необычные по синтаксису обороты речи, способ непрямого речевого воздействия (Е. В. Клюев. Риторика: Инвенция.