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Національний юридичний університет імені Ярослава Мудрого

English for Lawyers

**Підручник
для студентів вищих
навчальних закладів**

За редакцією
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Підручник «English for Lawyers» призначений для професійно орієнтованого усного і писемного спілкування. Містить інформацію про правові системи та судочинство України, Великої Британії та США, знайомить студентів з конституційним, адміністративним, міжнародним, кримінальним і цивільним правом, кримінальним і цивільним процесом цих країн.

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Передмова

Підручник «English for Lawyers» для студентів вищих юридичних навчальних закладів є професійно-орієнтованим і спрямованим на формування комунікативних компетенцій в усіх видах мовленнєвої діяльності (читанні, говорінні, аудіюванні і письмі) в професійно-комунікативних цілях, а також на розвиток навичок, необхідних для самостійної роботи з англійською мовною правничою літературою та документами. Комунікативна компетенція за програмою АМПС розглядається як мовна поведінка, що вимагає набуття лінгвістичної компетенції (мовленнєвих умінь та мовних знань), соціолінгвістичної та прагматичної компетенцій, необхідних для виконання завдань, пов'язаних із навчанням. Розвиток комунікативних компетенцій відбувається відповідно до їх предметних знань та попереднього досвіду і здійснюється в межах ситуативного контексту, пов'язаного з навчанням і спеціалізацією.

В основу підручника покладена програма англійської мови для професійного спілкування (АМПС), що була розроблена з метою формування у студентів професійних мовних, мовленнєвих та соціокультурних компетенцій і стратегій, які сприятимуть підвищенню їхньої мобільності та конкурентоспроможності на ринку праці. Програма АМПС спрямована на розвиток загальних навичок критичного мислення, вирішення проблем, презентації ідей і т. ін. Вона забезпечує послідовність, варіативність та індивідуалізацію навчання. Цілі загального характеру цієї програми є спільними з цілями, які викладені в Загальноєвропейських Рекомендаціях з мовної освіти (ЗЕР), та з цілями, що визначені в Українських кваліфікаційних стандартах. Вона розрахована на досягнення студентом рівня володіння мовою (B2) – незалежний користувач. Рівень B2 згідно з ЗЕР є стандартом для ступеня бакалавра і передбачає, що студент може розуміти основні ідеї тексту як на конкретну, так і на абстрактну тему, може досить вільно спілкуватися з носіями мови, висловлювати свою думку щодо широкого кола професійних тем, вести дискусію.

Структура підручника складається із розділів: Legal Systems, Constitutional and Administrative Law, Judiciary Systems, Criminal Law and Criminal Proceeding, Civil Justice, European Law. Кожен з розділів містить 5 підрозділів (Units), які в свою чергу розподіляються на дві частини (Section 1, Section 2). Окремі частини підрозділів містять дидактичний, методичний інструментарій, сфокусований на систему фонетичних та лексико-граматичних вправ, що сприяють формуванню мовленнєвих умінь і викликають появу відповідного наміру для вирішення завдань комунікативного характеру за допомогою наявних текстологічних ресурсів, конкретних лексичних і комунікативних вправ, глосарію, граматичного довідника.

Завдання з фонетики спрямовані на оволодіння навичками правильної вимови, читання, усного і писемного мовлення, включаючи правила інтонації та мелодики англійського речення.

Тексти № 1 і № 2 містять базовий лексичний та інформативно-тематичний матеріал. Перший спрямований на розвиток навичок навчального читання для здобуття повної, у тому числі й другорядної інформації і використовується як тематичний словник для подальших бесід та дискусій. Другий текст спрямований на розвиток навичок переглядового читання, а саме вміння вибрати необхідний матеріал, виділити в ньому проблемні моменти, що становлять професійний інтерес, або пошукового – вміння вести без словника цілеспрямований пошук потрібної інформації. Матеріали для читання і перекладу ретельно підібрані за тематикою і використанням широкого спектру правових документів.

Лексичні вправи призначені для засвоєння лексичних одиниць з метою розвитку навичок усного мовлення і спрямовані на реалізацію комунікативних намірів та адекватну реакцію в типових ситуаціях повсякденного й професійного спілкування: встановлення контактів, запит, з'ясування думки співрозмовника, згода (незгода), спонукання тощо.

Вправи комунікативного характеру спрямовані на розвиток репродуктивних навичок і призначені для монологічного і діалогічного мовлення, як усного (вміння коментувати прочитаний (переглянутий) матеріал, робити коротке повідомлення, що торкається загальної фахової проблеми), так і писемного (завдання на складання доповідей, резюме, написання есе, коротких ділових листів, рефератів та наукових статей за фахом, project work і т. ін.).

Глосарій (Glossary) дає переклад юридичних термінів, а граматичний довідник (Grammar Guide) містить теоретичний курс граматики англійської мови з серією вправ. Для перевірки отриманих знань використовуються контрольні запитання, діалоги, фахові ситуації і т. ін.

Студент повинен оволодіти граматичним мінімумом, який охоплює основні правила морфології та синтаксису і дозволяє правильно розуміти іншомовний текст; оволодіти навичками правильної вимови, читання, усного і писемного мовлення, засвоїти лексичний мінімум, і разом з усіма іншими професійними вміннями студент повинен бути здатним ефективно спілкуватися англійською мовою у професійному середовищі, щоб розуміти без словника загальний зміст спеціального тексту, вести без словника цілеспрямований пошук потрібної інформації у фахових текстах, здобувати повну інформацію з тексту зі словником, анотувати та реферувати фахову літературу, реалізувати свої комунікативні наміри та розуміти комунікативні наміри співрозмовника в типових ситуаціях повсякденного та професійного спілкування, коментувати прочитаний матеріал, робити коротке повідомлення; написати англійською мовою короткий діловий лист, повідомлення електронною поштою, резюме, реферат на професійну тему та наукову статтю за фахом.

Автори підручника щиро вдячні за співпрацю викладачам правових кафедр.

Керівник авторського колективу — проректор Національного університету «Юридична академія України імені Ярослава Мудрого», професор Комаров В. В.

PART I
Legal Systems

Unit 1. Systems of Law

Section 1. Modern Legal Systems

I. WARMING-UP

1. Before reading the text about legal systems answer the following questions:

1. What types of legal systems do you know?
2. What type of legal system is the most commonly used in the world today?
3. What type of legal system is used in Ukraine?

2. Match the following English words and phrases with their Ukrainian equivalents:

- | | |
|------------------------------|--|
| 1) scripture | a) заборонити щось законодавчим порядком |
| 2) adherence to | b) священна книга |
| 3) medieval | c) пророк |
| 4) revival | d) незмінність |
| 5) unalterability | e) середньовічний |
| 6) to legislate against smth | f) додержання |
| 7) prophet | g) божество |
| 8) deity | h) відродження |

3. Mind the pronunciation of the following:

Jewish	['dʒɪʃ]
Babylonian	['bæbɪlɒniən]
Quran	[ku'rʌn]
Saudi Arabia	[saudiq'relbiq]
Islamic	[iz'ɪsɪmɪk]
Belgian	['beldʒiən]

Read the text «Legal systems» and compare the content with your answers in Exercise 1.

Notes on the text:

Sharia – Шариат – сукупність правових, морально-етичних і релігійних норм ісламу.

Halakha – Галаха – традиційне іудейське право.

MODERN LEGAL SYSTEMS

There are hundreds of *legal systems* in the world. Although each system has its own individuality, it is possible to group many of them into legal 'families'.

In general, legal systems around the world can be split into *civil law* jurisdictions, systems using *common law and equity*, *religious and customary law*. The specific system that a country follows is often determined by its history, its connection with countries abroad, and its adherence to international standards. The sources that jurisdictions *recognize as binding* are the defining features of legal systems. Yet classification of different systems is a matter of form rather than substance, since similar rules often prevail.

Civil law (sometimes known as **Continental European Law** or Romano-Germanic law) is the legal system used in most countries around the world today. In civil law the sources recognized as *authoritative* are, primarily, legislation – especially codifications in constitutions or *statutes passed* by government – and, secondarily, *custom*. Even the most ancient peoples compiled law codes. The earliest legal code known in its entirety is the Code of Hammurabi, a king who reigned over Babylon around 2000 BC. But modern civil law systems essentially *derive from* the legal practice of the Roman Empire, whose texts were rediscovered in medieval Europe. In the 6th century Emperor Justinian I *appointed* a commission to collect and consolidate existing sources of Roman law. This commission published three books that were collectively known as the Corpus Juris Civilis (Body of Civil Law), or the Justinian Code. The Code embodied many generations of legal documents as well as interpretations by great jurists (legal scholars).

The revival of the Roman civil law tradition eventually formed the basis for a common legal language throughout Europe.

Common law and equity (also called Anglo-American law) are systems of law whose special distinction is the doctrine of *precedent*. Alongside this "judge-made law", common law systems always have governments who *pass new laws* and statutes. But these are not put into a *codified* form. Common law comes from England and was inherited by almost every country that once belonged to the British Empire. Common law had its beginnings in medieval England, *influenced* by the Norman conquest of England which introduced legal concepts and institutions from the Norman and Islamic laws.

Religious law is based on scriptures and their interpretations. The source of religious law is the deity, legislating through the prophets. Examples include the Jewish law (**Halakha**) and Islamic **Sharia**, both of which mean the "path to follow". Religious laws are eternal and immutable because the word of God cannot *be amended* or legislated against by judges or governments. However religion never *provides* a thorough and detailed legal system. In a religious legal system *disputes* are usually *settled* by an officer of that religion, so the same person is both judge and priest.

Customary law. In many parts of the world unwritten local or tribal custom sets the standard of behaviour and *provides for conciliation* and dispute settlement. Most of the African countries, for instance, have a formal constitutional and commercial law inspired by French, Belgian or British models but the relations between private individuals are regulated by customary law. This also applies to China and India.

II. COMPREHENSION

1. Answer the following questions using the information from the text:

1. What are the main legal 'families' in the world today?
2. What factors determine the type of legal system a country follows?
3. What are the defining features of legal systems?
4. What sources are recognized as authoritative in civil law systems?
5. How was the Corpus Juris Civilis created?
6. Who makes laws in the common law countries?
7. What is the source of law in religious law system?
8. What is characteristic of customary law?

2. Find in the text words and expressions which mean:

1. something that is done by people in a particular society because it is traditional;
2. to choose someone for a position or a job;
3. the principle that a fair judgment must be made in a situation where the existing laws do not provide an answer;
4. to arrange laws, principles, facts etc in a system;
5. to correct or make small changes to something that is written or spoken;

6. an action or official decision that can be used to give support to later actions or decisions;
7. a person, book, or document that supplies you with information;
8. the process of trying to get people to stop arguing and agree.

3. Find words in the text which have a similar meaning to the words or phrases below.

- para 1. identity
para 2. quality
para 3. law
formally approve
old
para 4. finally
para 6. give
permanent
unchangeable
God

III. VOCABULARY STUDY

1. Make the following sentences complete by translating the words and phrases in brackets:

1. The two great law families of modern Western civilization are (цивільне право) (also called Romano-Germanic law) and (звичаєве право) (also called Anglo-American law). They (походять від) ancient Roman law and ancient Germanic tribal law and have been altered by various customary, ecclesiastical, feudal, commercial, and sociopolitical influences.
2. (Доктрина прецеденту) is strong in English law, and means that the decisions of higher courts are (обов'язкові до виконання) for judges of lower courts.
3. Iran's highest judicial body, the Supreme Council of Justice, (призначає) all judges and (кодифікує) Islamic law. The council also drafts all (законодавчі акти) related to civil and criminal offences; the Majlis then may (вносити поправки) any proposed act.

2. Find in the text the English equivalents for the following phrases:

призначити комісію, визнавати обов'язковим до виконання, приймати закони, вносити поправки до статуту, вирішувати спор, по-

ходити з правової практики, правова система, справляти вплив, передбачати перемиріння, авторитетне джерело, створити основу, стародавні народи, приватна особа.

3. Complete the sentences with the words from the active vocabulary.

1. The ... requires motorcyclists to wear helmets.
2. New nations from the eighteenth century onward have found it both necessary and useful to ... their constitutions.
3. All of your ... have to be listed at the end of the paper.
4. Bagehot's work continued to be regarded as an ... work long after the Constitution had undergone fundamental change.
5. The meeting achieved ... between the two sides.
6. UN involvement in the country's affairs would set a dangerous
7. That security guy never ... me. I always have to show him my ID.
8. Some version of the ... is found today only in places once occupied by the British, among them Ireland , the USA, Canada, Australia, New Zealand etc.

4. Insert the right preposition (at, for, against, above, from, into, on).

1. Modern civil law systems derive ...the legal practice of the Roman Empire.
2. Critics of the amendment base their position ... the following points.
3. The book is divided ... six sections.
4. Andrew is studying law ... Harvard University.
5. Many ministers seem to regard themselves as ... the law.
6. It's ... the law to be drunk in public.
7. Most Americans rely ... television as their chief source ... information.
8. The new constitution provides ... a 650-seat legislature.

5. Translate the following sentences into English:

1. Після тривалого обговорення депутати вирішили призначити комісію, яка має розробити поправки до закону. 2. Згідно з доктриною прецеденту рішення, прийняте судом у справі, обґрунтування якого вважається нормою, є обов'язковим для інших судів при вирішенні

аналогічних справ. 3. У сучасних правових системах Європи та Америки більшість правових інститутів походить з правової практики Римської імперії. 4. Поки всі намагання адвоката вирішити спір та досягти примирення були марними. 5. Джерелом релігійного права є Бог, тому навіть уряд не може заборонити дію релігійних законів.

IV. GRAMMAR FOCUS

1. Mind the use of articles with geographical names. Put the objects in the box into the correct column in the chart. Give examples for each place.

continents	groups of islands	single islands
oceans or seas	republics or unions of states	countries
lakes rivers	single mountains	mountain ranges
cities / towns	roads / streets	

with <i>the</i>	without <i>the</i>

2. Some of these sentences are correct, but some need «the». Correct the sentences where necessary. Put 'RIGHT' if the sentence is already correct.

- Ben was born in Netherlands, but now he lives in Switzerland.
- 'I'd love to do a tour of European capitals and visit Paris, London and the Hague.' 'The Dutch government is in the Hague, but the capital city is Amsterdam.'
- I've been to Brazil and Argentina, but I've never been to the People's Republic of China.
- United Kingdom consists of Great Britain and Northern Ireland.
- Spain is a country in southwest Europe, between France and Portugal.
- Before it became part of US in 1845, Texas was briefly an independent country.
- Seychelles are a group of islands in Indian Ocean.

8. Suez Canal joins the Mediterranean Sea with the Gulf of Suez and the Red Sea.
9. Himalayas include the highest mountain in the world, Mount Everest.

VI. SPEAKING

1. Characterize the four abovementioned legal systems on the basis of the following criteria: the sources of law, specific features of the legal system, spreading. Can you think of any other types of legal systems?
2. Imagine you are a politician just before an election. Prepare a speech lasting about two minutes stating your plans and intentions for making improvements in keeping law and order in Ukraine. Take turns to give your speech.

Unit 1. Systems of Law

Section 2. Law and Society

I. LEAD IN

1. Answer the following questions

1. What did Martin Luther King imply when he said «Never forget that everything Hitler did in Germany was legal.»?
2. «Good people do not need laws to tell them to act responsibly, while bad people will find a way around the laws.» Plato. Do you agree with this statement?

2. Match the following English words and phrases with their Ukrainian equivalents:

- | | |
|----------------|-----------------|
| 1) to reject | a) справа |
| 2) embodiment | b) нехтувати |
| 3) transaction | c) втілення |
| 4) framework | d) чесна гра |
| 5) inherent | e) рамки |
| 6) fair play | f) притаманний |
| 7) wisdom | g) схвалення |
| 8) approval | h) нероздільний |
| 9) inseparable | i) існування |
| 10) existence | j) мудрість |

TEXT 2

Read the text «What is Law?» and give your own definition of this notion

WHAT IS LAW?

Although «the law» may seem to be abstract and far removed from everyday life, it actually is a framework for much of what you do. Perhaps you get a traffic ticket or want a local store to replace a defective toaster

you bought. Perhaps you must *testify* as a *witness* to an accident or want to stop a road-widening project near your home. Each of these scenarios involves the law. What is law? You can surely find various definitions of it, because scholars investigate the nature of law through many perspectives, including legal history and philosophy, or social sciences such as economics and sociology. The study of law raises important questions about *equality*, *fairness* and *justice*, which are not always simple. However in the broadest terms, law is the set of rules that guides our conduct in society and is *enforceable* through *public institutions*. The most important institutions for law are the *judiciary*, the *legislature*, the *executive*, its bureaucracy, the military and police, the legal profession and *civil society*.

Our relations with one another are governed by many rules of *conduct* – from important concepts of ethics and fair play to minor etiquette matters such as which fork to use and how to introduce strangers to one another. We obey these rules because we think they are right or simply because we desire the approval of others. If we do not follow these rules, others may treat us differently – from giving us a disapproving look to completely rejecting us.

The history of law is the history of our race, and the embodiment of its experience. It is the monument of its wisdom and of its frequent want of wisdom. The best thought of a people is to be found in its legislation; its daily life is best mirrored in its customs and traditions, which constitute the law of its ordinary transactions.

There never has existed, and there never will exist, on this planet any organization of human society, any tribe or nation that has not been more or less controlled by some recognized form of law.

The recognition of the existence of law is inherent in man's nature, and is a necessity of his being. While all true philosophy recognizes that society exists for the individual, and not the individual for society, yet it is also true that the individual is intended to exist in society, and that he must in many things subordinate his own will to that of society, since society cannot exist without law. Thus the existence of law is inseparable from that of the human race.

II. DEVELOPMENT

1. Find in the text words and expressions which mean:

1. a printed note ordering you to pay money because you have done something illegal while driving or parking your car;
2. a situation in which people have the same rights, advantages etc;

3. knowledge gained over a long period of time through learning or experience;
4. to try to find out the truth about or the cause of something such as a crime, accident, or scientific problem;
5. an institution that has the power to make or change laws;
6. someone who sees a crime or an accident and can describe what happened;
7. the system by which people are judged in courts of law and criminals are punished;
8. something that is done by people in a particular society because it is traditional.

2. Find words in the text which have a similar meaning to the words below.

- para.1 to make a formal statement of what is true
behaviour
- para 2. just
to rule
- para 4. to regulate
- para 5. need
person

3. Translate the following sentences into English:

1. Історія права є втіленням досвіду людського суспільства, пам'яткою його мудрості, відображенням звичаїв та традицій. 2. Свідок злочину заявив, що він готовий давати свідчення в суді. 3. Комісія буде розслідувати причини нещасного випадку, приділяючи особливу увагу питанням безпеки. 4. Громадянське суспільство базується на рівності, справедливості й правосуддя. 5. Водії дотримуються правил обмеження швидкості руху, тільки коли знають, що поліція поблизу. 6. Саме судова, а не законодавча або виконавча гілки влади є найбільш впливовою інституцією. 7. Одна справа розробляти правила, та зовсім інша — впроваджувати їх.

III. PRACTICE AND EXPERIENCE

One of the most controversial political theories in the history of mankind is anarchism. Anarchists believe that the highest achievement

of humanity is the freedom of individuals to express themselves, without any form of repression or control. They think that the perfection of humanity will not be achieved until all government is abolished and each individual is left absolutely free.

Though examples of anarchy in the world history (Nestor Makhno in the years of the Russian revolution, the beginning of the 17 century in Russia) demonstrate how destructive, dangerous and hopeless this idea is. In groups of three or four discuss the future prospects of anarchism in the modern world. What is the difference between democracy and anarchy?

IV. WRITING

Profile the legal systems of any two countries you choose which follow different traditions in law. You can use the description below as a model.

Ukraine is a civil law country. Laws are written down, the application of customary law is the exception and the role of case law is small in theory although in practice it is impossible to understand the law in many fields without also taking into account the relevant case law. The Ukrainian system of law is based on the French Code Civil with influences from Roman law and traditional Ukrainian customary law. The new civil law books (which went into force in 2004) were heavily influenced by the German Bürgerliches Gesetzbuch.

The primary law making body is formed by the Ukrainian parliament (Verkhovna Rada). It is commonly referred to as the legislature. The power to make sub laws can be delegated to lower governments or specific organs of the State, but only for a prescribed purpose. A trend in recent years has been for parliament and the government to create "framework laws" and delegate the creation of detailed rules to ministers or lower governments (e.g. a region or municipality).

The Ministry of Justice of Ukraine is the main institution when it comes to Ukrainian law.

V. OVER TO YOU

An identity document, or also called a piece of identification (ID), is a document which evidences aspects of a person's identity. The use of identity cards is supported by law enforcement officials who claim that

it can make surveillance and identification of criminals much easier. Identity cards can be a useful administrative tool that can increase efficiency in dealings with both the government and private companies. Cards may help reduce immigration service bureaucracy and false identification. Law enforcers can locate and identify people who either do not know or cannot communicate their names and/or addresses (e.g., due to Alzheimer's disease, amnesia or heavy intoxication).

1. Study the following information.

ID is different in every country

It is important to keep in mind that every country requires different documentation that proves someone's identification (ID). In many countries such as Greece and Spain a national ID card is compulsory. Citizens are expected to have these cards on them at all times. However, in other countries ID cards are not required. Police and officials in these countries often use another system to identify people, such as asking for two pieces of ID.

Find Ukrainian equivalents for these types of ID:

Passport

Government-issued Photo ID card

Driving license/Driver's license

Birth certificate

Permanent residence card

Social security card

Medical/Health card

Voter registration card

2. Below you will find information/security items that may appear on documentation. Match the items on the left with their fits on the right.

Maiden name	a series of thick and thin black lines that holds computerized information
Photograph	date when the ID holder was born: day/month/year: 23/05/1970 (23rd May 1970) month/day/year: 05/23/1970 (23rd May 1970) year/month/day: 1970/05/23 (23rd May 1970)
Valid until/expiry date	date when documentation was created
Height	blue, brown, green, black, grey

PART I. Legal Systems

Signature	markings of a person's thumb or finger tip
Marital status	how tall a person is in centimetres or feet and inches
Magnetic stripe	a laser photograph which makes a picture or image look life-like
Serial number or PIN (Personal Identification Number)	a long black stripe found on the back of a card that can be swiped into a computer for information
Hologram	a woman's surname before marriage
Eye colour	single, married, divorced (no longer married), separated, common law wife, common law husband
Date of Issue	citizenship (native citizen, immigrant, landed immigrant, permanent resident, refugee)
Fingerprint	recent picture of ID holder
National status	city, country where ID holder was born
Place of birth	current job (doctor, teacher, retired)
Sex	number that can be entered into government systems to find information about a person
Profession	M (male), F (female)
bar code	hand-written name of ID holder
Date of birth (DOB)	the last date when an ID document can be used

Unit 2. Evolution of Law: Historical Aspect

Section 1. Roman Law

I. WARMING -UP

1. Choose the best alternative to complete the sentences below:

1. The traditional date for the founding of Rome is _____
 - a) 650 BC
 - b) 700 BC
 - c) 753 BC
 - d) 356 BC.
2. Romulus and Remus _____ .
 - a) were two consuls who saved Rome from the Carthaginians
 - b) were two Roman generals who conquered Gaul
 - c) were twin brothers who were said to have formed the city of Rome
3. The forum was _____ .
 - a) the marketplace and business center
 - b) Rome's field and track playground
 - c) an amphitheater
 - d) an enormous stadium built to hold the chariot races
4. The _____ influenced the laws of almost every European country.
 - a) Hippodrome
 - b) Justinian Code
 - c) Hagia Sophia
 - d) Tribonian
5. The language of the Romans, _____, was the basis of many modern European languages.
 - a) Roman
 - b) Spanish
 - c) Latin
 - d) Italian
6. The social status in Ancient Rome was divided into _____
 - a) slaves, freedmen and free-born citizens

- b) plebeians and patricians
- c) senators and gladiators
- d) upper class, medium class, lower class

2. Answer the questions:

1. What is the contribution of Roman civilization into the world culture?
2. Why do law students all over the world study Roman law today?

3. Match the following English words and phrases with their Ukrainian equivalents:

- | | |
|------------------|----------------|
| 1) to retain | a) прості люди |
| 2) common people | b) викладати |
| 3) to compel | c) зберігати |
| 4) to set forth | d) примушувати |
| 5) edict | e) розширення |
| 6) extension | f) починати |
| 7) to inaugurate | g) указ |

4. Mind the pronunciation of the following:

- | | |
|-------------------|---------------------|
| the Mediterranean | ["medit(q)'reɪnlɒn] |
| Bologna | [bɒ'loʊnjə] |
| European | ["juərəp'piən] |

TEXT 1

Read the text «Roman law».

Notes on the text:

the law of the twelve tables	закон дванадцяти таблиць
praetor	претор (вищий після консулів римський магістрат, якій керував судочинством)
patrician	патрицій
jus civile	цивільне право
jus gentium	право народів (міжнародне право)

ROMAN LAW

Roman law is the legal system of ancient Rome. The development of Roman law covers more than one thousand years from the law of the twelve

tables (from 449 BC) to the Corpus Juris Civilis of Emperor Justinian I (around 530).

Roman law in a broader sense refers not only to the legal system of ancient Rome, but also to the law that was *applied* throughout most of Western Europe until the end of the 18th century. The influence of Roman law is shown by the wealth of legal terminology, retained by all legal systems.

It is impossible to know exactly when the Roman legal system began. The first legal text, the content of which is known to us in some detail, is the law of the twelve tables, which dates from the middle of the 5th century BC. The common people proposed that the law should be written down in order to prevent magistrates from applying the law in an *arbitrary* fashion. After years of struggle the plebeians convinced the patricians to send a delegation to Athens to copy out the Laws of Solon. Ten Roman citizens were chosen to *record the laws*. For the period in which the delegates performed this task, they were given supreme *political power*, while the power of the magistrates was restricted. The Law of the Twelve Tables thus *drafted* was accepted by the popular assembly. This code set forth simple rules suitable for an agricultural community; it established equal law for patricians and plebs and was prized by the Romans as the source of all *public* and *private law*. The legal system established under this code, and the body of rules that developed around it, applied exclusively to Roman *citizens* and was known as the *jus civile*.

Conquest over the Mediterranean basin compelled the Romans to work out a new system of law. Each conquered territory had its own system, and a *body of law* was required that would be applicable to both citizens and *subjects*. Between about 367 bc and ad137 the new law was developed from the edicts of the praetor, or magistrate, who defined and *interpreted the law* in individual cases. This new legal system was known as the *jus gentium*. The extension of citizenship during the years from 100 bc to ad 212 to all free inhabitants of the Roman Empire made the distinction between the *jus gentium* and the *jus civile obsolete*, and the *jus civile* of Rome became the law of the empire.

In the 3rd century ad the decrees or laws *issued* by the emperors gained increasing importance in the Roman legal system. Around 530 ad emperor Justinian I appointed a committee of ten jurists to make an official digest of the older law. The law books published by Justinian are collectively known as the Corpus Juris Civilis.

Early in the 12th century a thorough study of these texts was inaugurated at Bologna and *spread* throughout Europe. With the revival of European commerce and the inadequacy of medieval law *to meet the requirements* of the changing economic and social conditions, Roman law became *incorporated* in the legal systems of the many continental European countries.

However, Rome's most important *contribution* to European *legal culture* was not the enactment of well-drafted statutes, but the emergence of a class of professional jurists and of a legal science. This was achieved in a gradual process of applying the scientific methods of Greek philosophy to the subject of law, a subject which the Greeks themselves never *treated* as a science.

II. COMPREHENSION

1. Answer the following questions using the information from the text:

1. What does the term Roman law refer to?
2. What law in Rome was the first to set equal rights for plebs and patricians?
3. What legislation was used to draft the law of the twelve tables?
4. Why did the distinction between the *jus gentium* and the *jus civile* become obsolete?
5. What is Justinian I famous for?
6. When and where did Europeans begin a thorough study of Roman law?
7. What is Rome's most important contribution to European legal culture?

2. Find in the text words and expressions which mean:

1. someone who legally belongs to a particular country and has rights and responsibilities there, whether they are living there or not;
2. not longer useful because something newer and better has been invented;
3. decided or arranged without any reason, often unfairly;
4. to include something as part of a group, system, plan etc;
5. to become known about or used by more and more people;;

6. the ability or right to control people or events;
7. an ordinary person who had no special rank in ancient Rome;
8. to persuade someone to do something;
9. someone who has a very detailed knowledge of law;
10. to write a plan, letter, report etc that will need to be changed before it is in its finished form.

3. Find words in the text which have a similar meaning to the words or phrases below.

to use

to write down

aristocrat

manner

resident

outdated

methodical

to integrate

to start up

rebirth

III. VOCABULARY STUDY

1. Give the English equivalents for the following words and phrases.

Сукупність правових норм, розробити проект закону, відповідати вимогам, застарілі правила, важливий внесок, приватне право, видавати закон, розповсюджувати правову культуру, переконати патриціїв, тлумачити закони, застосовувати закони, політична влада, включити до правової системи.

2. Complete the sentences with the words from the active vocabulary.

1. Our original proposals were not ... in the new legislation.
2. AIDS is not ... by common everyday contact.
3. These laws are often difficult ... in practice.
4. Einstein was awarded the Nobel Prize for his ... to Quantum Theory.

5. The government has carried out numerous executions and ... arrests.
6. In the end she ... the jury of her innocence.
7. A 16-member commission to ... a new constitution was also set up.
8. The State Department will ... a statement at noon.
9. The prisoners were well ... by their guards.
10. Some applicants who meet the... are rejected because they are not Ukrainian citizens.

3. Match a word in column A with a word/phrase in column B to make phrases from the text «Roman Law».

A	B
apply	Roman law
meet	a decree
incorporate	a thorough study
issue	supreme political power
spread	scientific methods
convince	the subject of law
treat	patricians
give	the requirements

4. Insert the right preposition.

1. The minimum requirement... the post was a degree ... law.
2. He made outstanding contributions ... children's medicine.
3. The new law was developed ... the edicts of the ruler.
4. Perhaps they could sit down and discuss things ... a civilised fashion.
5. Roman law became incorporated ... the legal systems of many European countries.
6. The extension of citizenship ... the years ... 100 BC ... AD 212 to all free inhabitants of the empire made the distinction ... the jus gentium and the jus civile obsolete.
7. The first codification of imperial legislation was published... Theodosius II.
8. Most of his books have been translated ... Ukrainian.
9. This body of rules was applied exclusively ...Roman citizens.

5. In each of the following sets of four, one word or expression is the odd one. Find the word which is different.

1. illegal unlawful criminal licit
2. government administration authorities public
3. disagreement obligation argument controversy
4. old-fashioned obsolete arbitrary outdated
5. careful thorough systematic curious
6. revival impact influence effect
7. to record to write down to set forth to register
8. citizen resident foreigner inhabitant
9. decree edict order digest
10. summit meeting gathering assembly

6. Translate the following sentences into English:

1. Римське право — це система права, яка була сформована у Давньому Римі та зіграла виключну роль у розвитку європейського права. 2. Незважаючи на численні суперечки та застарілі принципи, ця правова система поширилася на північ імперії. 3. Це був законодавчий орган, який мав формулювати проект закону та видавати закони, що відповідали вимогам тогочасної правової культури. 4. Ця людина зробила значний внесок у створення правових інститутів, що мали повноваження витлумачувати закони, записувати їх та допомагати громадянам застосовувати цей або інший закон у повсякденному житті.

IV. GRAMMAR FOCUS

Verbs: active/passive

Change the sentences below from active to passive. For example:

Active: The police officer asked for proof of identification.

Passive: Proof of identification was asked by the police officer.

1. The emperor appointed a special committee of jurists.
2. Theodosius II, ruler of the Byzantine Empire, published the first codification of imperial legislation.
3. Roman law influenced many modern civil law systems in Europe.
4. They chose ten Roman citizens to record the laws.
5. They inaugurated a more thorough study of Roman law at Bologna University

6. My uncle wrote his will in 2000.
7. The constable arrested and searched the driver of the stolen car.
8. They left the wounded man lying on the road.
9. The judge asked the witness to speak louder.
10. Between about 367 BC and AD137 they developed the new law from the edicts of the praetor.

V. SPEAKING

What do you think about the following statements?

When men are pure, laws are useless; when men are corrupt, laws are broken. Benjamin Disraeli (1804-1881) British politician and author.

It would be better to have no laws at all, than to have too many.

Law, without force, is impotent. Blaise Pascal (1623-1662) French mathematician, physicist and philosopher.

Where the law is uncertain there is no law. (proverb)

Below you will find phrases and language you can use in the discussion to express opinions, offer explanations and disagree.

Opinions, Preferences:

I think..., In my opinion..., I'd like to..., I'd rather..., I'd prefer..., The way I see it..., As far as I'm concerned..., If it were up to me..., I suppose..., I suspect that..., I'm pretty sure that..., It is fairly certain that..., I'm convinced that..., I honestly feel that, I strongly believe that..., Without a doubt...,

Disagreeing:

I don't think that..., Don't you think it would be better..., I don't agree, I'd prefer..., Shouldn't we consider..., But what about..., I'm afraid I don't agree..., Frankly, I doubt if..., Let's face it, The truth of the matter is..., The problem with your point of view is that...

Giving Reasons and offering explanations: To start with, The reason why..., That's why..., For this reason..., That's the reason why..., Many people think..., Considering..., Allowing for the fact that..., When you consider that...

Unit 2. Evolution of Law: Historical Aspect

Section 2. Anglo-Saxon Law

I. LEAD IN

1. Answer the following questions

1. What is the name England derived from?
2. What ethnic groups formed the people known as the English?

2. Match the following English words and phrases with their Ukrainian equivalents:

- | | |
|-------------------|----------------------------|
| 1) in conjunction | a) королівське дарування |
| 2) promulgate | b) гільдія |
| 3) ecclesiastical | c) звичаєве право |
| 4) outlawry | d) порушення |
| 5) folkright | e) проголошувати |
| 6) royal grant | f) оголошення поза законом |
| 7) exertion | g) разом з |
| 8) guild | h) вияв |
| 9) infringement | i) народна мова |
| 10) vernacular | j) церковний |

TEXT 2

Read the text «Anglo-Saxon law».

ANGLO-SAXON LAW

Notes on the text:

Domesday Book Книга Судного дня

Anglo-Saxon law is the body of legal principles that prevailed in England from the 6th century until the Norman Conquest (1066) and after. In conjunction with Scandinavian law and the so-called barbarian laws of continental Europe, it made up the body of law called *Germanic law*. Anglo-

Saxon law was written in the vernacular and was relatively free of the Roman influence found in continental laws that were written in Latin. Anglo-Saxon law was made up of three components: the laws and collections promulgated by the king, authoritative statements of custom such as those found in the Norman-instituted Domesday Book, and private compilations of legal rules and *enactments*. The primary emphasis was on criminal law rather than on private law, although certain material dealt with problems of *public administration*, with *public order*, and with ecclesiastical matters.

Before the 10th century, the codes often merely presented lists of compositions — money paid to an injured party or his family — but by the 10th century a new *penal system* had evolved, based on outlawry (declaring a criminal an outlaw), *confiscation*, and *corporal and capital punishment*. By this time there had also been an increased development of the law relating to administrative and police functions.

The Anglo-Saxon legal system rested on the fundamental opposition between folkright and privilege. Folkright is the aggregate of rules, whether formulated or not, that can be appealed to as an expression of the juridical consciousness of the people at large or of the communities of which it is composed. The responsibility for the formulation and application of the folkright rested, in the 10th and 11th centuries, with the local shire moots (assemblies). The older laws of *real property*, *succession*, contracts, tariffs of fines were mainly regulated by folkright; the law had to be declared and applied by the people themselves in their communities.

Folkright could, however, be broken or modified by special enactment or grant, and the foundation of such privileges was *royal power*. In time the rights originating in the royal grants of privilege came to outweigh folkright in many respects and were the starting point for the feudal system.

Before the 10th century a man's actions were considered not as exertions of his individual will but as acts of his kinship group. *Personal protection* and revenge, oaths, marriage and succession were all regulated by the law of *kinship*. The *preservation of peace* was an important feature of Anglo-Saxon law. Peace was thought of as the rule of an authority within a specific region. Because the ultimate authority was the king, there was a gradual evolution of more and more stringent and complete rules in respect of the king's peace and its infringements.

II. DEVELOPMENT

1. Answer the following questions using the information from the text:

1. When and where did Anglo-Saxon law prevail?
2. What are the three components of Anglo-Saxon law?
3. What was the primary emphasis of Anglo-Saxon law?
4. What did folkright regulate?
5. Who the responsibility for the formulation and application of the folkright rested with?
6. What was the role of kinship?
7. How was the preservation of peace treated in Anglo-Saxon law?

2. Complete the sentences with the words from the active vocabulary.

1. He got a six-year jail sentence, a harsh ... for a first offense.
2. His elder brother Edwin was next in ... to the baronetcy, but he was a total invalid.
3. At that time, a slave was considered
4. The ... of peace in the region is the main goal of the UNO.
5. The building ... are very strict about the materials you can use.
6. Anyone who disobeys this ... will be punished.
7. He called the protesters a threat to the social
8. At the time, the law gave women very little ... from violent husbands.

3. Insert one of the following words into the text in an appropriate form.

Instrument, appeal against, trial by jury, code of laws, punishments, legal measures, assembly, legal systems

Law in Ancient Greece

The absolutism of power in the monarch was typical of ... until the time of the Greeks around 300 B.C. Before the Greeks people believed that their laws were given to them by gods, represented by their kings. The Greek system emphasized that law was made by man, for man, and could be changed by man. Instead of being a ... of total social control of the whole population by a monarch, the law was to serve peace and prosperity of the people.

In the year of 621 B.C., Draco, Athenian lawgiver, drew up Greece's first written This harsh legal code punished both trivial and serious crimes in Athens with death. The word draconian is still used to describe repressive ... In 594 B.C. Solon, Athens' lawgiver, repealed Draco's code and published new laws, retaining only Draco's homicide statutes. He revised every statute except that on homicide and made Athenian law more humane. He also retained an ancient Greek tradition – Enslaving debtors was prohibited, along with most of the harsh ... of Draco's code. Under Solon's law citizens of Athens could be elected to the ... and courts were established in which citizens could ... government decisions.

4. Translate the following sentences into English:

1. В англосаксонському праві головний акцент робили на кримінальному праві, хоча певна його частина регулювала питання управління державою, громадським порядком та діяльністю церкви.

2. У десятому столітті була створена нова пенітенціарна система, яка спиралась на оголошення поза законом, конфіскацію, тілесну та смертну карі. 3. Звичаєве право могло бути порушено або змінено спеціальним указом або поданням, підставою для яких була королівська влада. 4. Римський вплив на англосаксонське право не був прямим та здійснювався головним чином через церкву. 5. Тілесні покарання були заборонені у Швеції в 1979 році. 6. Хтось має взяти на себе відповідальність за збереження миру в регіоні.

III. PRACTICE AND EXPERIENCE

1. The influence of Roman law is shown by the wealth of legal terminology, retained by all legal systems. For example, in British law many Latin expressions are used in everyday legal practice. Match Latin expressions from the box with the definitions in the list. The first has been done for you as an example.

Pro tempore	Nolo contendere	
Compos mentis	Sine qua non	
Doli capax	Bona fide	
Inter alia	Status quo	
Toties quoties	Vice versa	
Habeas corpus	Casus belli	
Prima facie	Per capita	Ipso facto

<i>definition</i>	<i>answer</i>
1. equivalent to plea of guilty	<i>Nolo contendere</i>
2. of sound mind	
3. absolutely essential	
4. for the time being	
5. capable of crime	
6. in good faith	
7. among other things	
8. the current situation	
9. in the opposite way	
10. a legal remedy against wrongful imprisonment	
11. at first sight	
12. for each person	
13. by that very fact	
14. as often is necessary	
15. grounds for a dispute	

2. Put the words in the correct order to make sentences.

1. brutal corporal and capital punishments the Anglo-Saxons at their disposal had
2. entire kin you had broken your oath and a serious crime if your could be punished committed
3. 12 in his day, the could be anyone old enforced on penalty years or over.
4. the presiding king local officials the were agents of the courts of
5. central crime and were English the problem the early kings violence for
6. in hierarchy the new there a of courts state Anglo-Saxon in shire and borough was each

IV. WRITING

Find and mark the mistakes in the following text using the correction key.

Correction Key

- T = tense
- P = punctuation
- WO = word order
- Prep = preposition
- WW = wrong word
- GR = grammar
- Y upside down = word missing
- SP = spelling

Germanic law unlike Roman law was essentially tribal custom and not legal codes promulgated by a central government. The custom of a particular tribe or nation evolved by popular practices, was unwritten, and was applicable only to the individuals belonging to that particular tribe. The law not attached to the territory but rather to the tribe, and so when a nomadic tribe moved it took its laws with it rather than subjecting itself to the laws of the city to which it moved.

Germanic peoples were divided from tribes, which were made up of clans, with a king at the head of the government. Was assisted the king by the tribal assembly and by his council. Property law does not clearly distinguish between legal title and physical control. Land originally belonged to each family collectively, but gradually family ownership developed into private ownership by the family president, although for a long time he could sell or part with land only on the consent of the heirs. Property descended on his death to the nearest descendants, usually male.

Later, as the importance of Christianity grew, ecclesiastical law, derived from Roman law, gained in importance. The church try to lagislate matters such as marriage and succession which had previously been the subject only of secular tribal law. Also, by the 12th century a mercantile law had developed to meet the needs of traders; this was general and not dependent on nationality or domicile. Gradually local law began in importance to decline.

V. OVER TO YOU

1. Read the text about ancient Romans.

Modern motion pictures and television often portray the ancient Romans as military conquerors as well as ardent pleasure seekers, and there is some truth to those images. Their armies did brutally subjugate the Mediterranean world. Today statues of native leaders such as Vercingetorix in France or Arminius in Germany honor those patriots who battled against Roman domination in Europe, just as Christians honor early disciples martyred by the Romans. The ancient Romans also did enjoy lavish and sometimes even cruel entertainments that included gladiatorial combats, chariot races, and animal hunts in the arena.

Yet these same Romans created a civilization that has shaped subsequent world history for 2,000 years. The remains of vast building projects, including roads and bridges, enormous baths and aqueducts, temples and theaters, as well as entire towns in the North African desert, still mark Rome's former dominion. Cities throughout Western Europe stand on Roman foundations. The Romans also had enormous cultural influence. Their language, Latin, gave rise to languages spoken by a billion people in the world today. Many other languages—including Polish, Turkish, and Vietnamese—use the Roman alphabet. The Romans developed a legal system that remains the basis of continental European law, and they brought to portraiture a lifelike style that forms the basis of the realistic tradition in Western art. The founders of the American government looked to the Roman Republic as a model. Modern political institutions also reflect Roman origins: senators, bicameral legislatures, judges, and juries are all adapted from the Roman system. In addition, despite recent modernization, the Roman Catholic Church still uses symbols and ritual derived largely from the ancient Romans. Contrary to popular image, the Roman state was not continuously at war. Roman armies most often served on the frontiers of the empire while Roman lands nearer the Mediterranean were more peaceful and more culturally and economically interconnected than in any subsequent era. The Romans extended citizenship far beyond the people of Italy to Greeks and Gauls, Spaniards and Syrians, Jews and Arabs, North Africans and Egyptians. The Roman Empire also became the channel through which the cultures and religions of many peoples were combined and transmitted via medieval and Renaissance Europe to the modern world.

Discuss the following questions in groups of four.

What are the common stereotypes of ancient Romans' way of life? Do you find them true to life? Why is the Roman topic so popular with TV and movie producers?

Make a list of things, projects, institutions that the world civilization has inherited from the ancient Romans. Which of them are of paramount importance and why?

What do you think about the quality of life for most people in Ancient Rome? Think about these things:

stress

quality of food

war

illness

family life

education

human rights

transport

2. QUIZ

How many of these questions can you answer?

1. What river is Rome situated on?
2. Who, according to the legend, founded Rome?
3. What languages have evolved from Latin, the language of the Romans?
4. What Roman general invaded Britain and when?
5. What was engraved on a block of black basalt, unearthed by French archeologists at Susa, Iraq during the winter 1901 to 1902?
6. Who drew up the first Greece's written code and what is he famous for?
7. What two tribes invaded and settled in Britain during the fifth century when the Romans left the country?
8. What happened on 14 October 1066 in England?

Unit 3. Sources of Modern Law

Section 1. Legislation

I. WARMING-UP

1. Answer the following questions:

1. Do you know what the word «statute» means?
2. What language does the word «statute» come from? What meaning did it have?

2. Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|-------------------------------|--|
| 1) a formal written enactment | a) прецедентне право |
| 2) case law | b) урядові органи |
| 3) government agencies | с) постанови адміністративних органів
влади |
| 4) a source of law | d) постанови місцевих органів влади |
| 5) topical arrangements | e) тематичні класифікації |
| 6) administrative regulations | f) формальний писаний закон |
| 7) municipal ordinances | g) джерело права |

3. Which of the following do you think are important for a statute?

Tradition, codification, adoption of the Parliament, court hearing, signing, royal assent, public discussion.

Read the text to understand what information is of primary importance or new for you.

TEXT 1 STATUTE

Notes:

nonetheless – проте

A *statute* is a formal written enactment of a legislative authority that governs a state, city, or county. Typically, statutes command or prohibit something, or declare policy. The word is often used to distinguish law

made by legislative bodies from case law and the regulations issued by government agencies. Statutes are sometimes referred to as legislation. As a source of law, statutes are considered primary authority (as opposed to secondary authority).

Before a statute becomes law in some countries, it must be agreed upon by the highest executive in the government, and finally published as part of a code. In many countries, statutes are organized in topical arrangements (or "*codified*") within publications called codes, such as the United States Code. In many nations statutory law is *distinguished from* and subordinate to constitutional law.

Statutory law or statute law is written law (as opposed to oral or customary law) set down by a legislature or other governing authority such as the executive branch of government in response to a perceived need to clarify the functioning of government, improve civil order, to codify existing law, or for an individual or company to obtain special *treatment*. Examples of statutory law comprehend traditional civil law and modern civil code systems in contrast to common law. In addition to the statutes passed by the national or state legislature, lower authorities or municipalities may also publish administrative regulations or municipal *ordinances* that have the force of law — the process of creating these administrative decrees are generally classified as *rulemaking*. While these enactments are subordinate to the law of the whole state or nation, they are nonetheless a part of the body of a jurisdiction's statutory law.

II. COMPREHENSION

- 1. Are the following statements true or false? Correct the false ones.**
1. A statute is a formal written document.
 2. Statutes may forbid something.
 3. A statute must be agreed upon by the highest executive in the court.
 4. In many countries, statutes are codified.
 5. As a rule, statutory law is distinguished from administrative law.
 6. Statutory law is case law.
 7. Modern civil code systems can be called examples of statutory law.