

## ПРОФЕСІЙНИЙ РОЗДІЛ

### **Law Topic 1: Law and Society.**

*Read the text. (Прочитайте текст).*

Mr. Jones, having murdered his wife, was burying her in the garden one night, when his neighbour, hearing the noise, asked him what he was doing.

“Just burying the cat”, said Mr. Jones.

“Funny sort of time to bury a cat”, said the neighbour.

“Funny sort of cat”, said Mr. Jones.

Now it is obvious to everyone that, in a community such as the one in which we live, some kind of law is necessary to try to prevent people like Mr. Jones from killing their wives. When the world was at a very primitive stage, there was no such law, and, if a man chose to kill his wife or if a woman succeeded in killing her husband, that was their own business and no one interfered officially.

But, for a very long time now, members of every community have made laws for themselves in self-protection. Otherwise it would have meant that the stronger man could have done what he liked with the weaker, and bad men could have joined together and terrorized the whole neighbourhood.

If it were not for the law, you could not go out in broad daylight without the fear of being kidnapped, robbed or murdered. There are far, far more good people in the world than bad, but there are enough of the bad to make law necessary in the interests of everyone.

There is no difficulty in understanding this but it is just as important to understand that law is not necessary just because there are bad people in the world. If we were all as good as we ought to be, laws would still be necessary. If we never told lies, never took anything that didn't belong to us, never omitted to do anything that we ought to do and never did anything that we ought not to do, we should still require a set of rules of behavior, in other words laws, to enable us to live in any kind of satisfactory state.

How is one good man in a motor-car to pass another good man also in a motor-car coming in the opposite direction, unless there is some rule of the road? People sometimes hover in front of one another when they are walking on

the pavement before they can pass, and they may even collide. Not much harm is done then, but, if two good men in motor-cars going in the opposite directions hover in front of one another, not knowing which side to pass, the result will probably be that there will be two good men less in the world.

So you can see that there must be laws, however good we may be. Unfortunately, however, we are none of us always good and some of us are bad, or at any rate have our bad moments, and so the law has to provide for all kinds of possibilities. Suppose you went to a greengrocer and bought some potatoes and found on your return home that they were mouldy or even that some of them were stones. What could you do if there were no laws on the subject? In the absence of law you could only rely upon the law of the jungle. You could go back to the shop, demand proper potatoes and hit the shopkeeper on the nose if he refused to give them to you. You might then look round the shop to try to find some decent potatoes. While you were doing this, the shopkeeper might hit you on the back of the neck with a pound weight. Altogether not a very satisfactory morning shopping.

Or you might pay your money to go to see a film at a cinema. You might go inside, sit down and wait. When the cinema was full there might be flashed on the screen: "You've had it, Chums". And that might be the whole of the entertainment. If there were no law, the manager could safely remain on the premises and, as you went out, smile at you and say: "Hope you've enjoyed the show, sir". That is to say, he could do this safely if he were bigger than you or had a well-armed bodyguard.

Every country tries, therefore, to provide laws which will help its people to live safely and as comfortably as possible. This is not at all an easy thing to do, and no country has been successful in producing laws which are entirely satisfactory. But we are far better off with the imperfect laws which we have, than if we had none at all.

**Exercise 1.1.** *Translate the text paying attention to the law – related words. (Перекладіть текст, звертаючи увагу на слова, що стосуються права).*

**Exercise 1.2.** *Find in the text the equivalents for the following expressions. (Знайдіть у тексті такі вирази):*

1. Самозахист.
2. Охоронець.

3. Суспільство.
4. Правила поведінки.
5. Закон джунглів.
6. Недосконалі закони.
7. Заподіяти шкоду.
8. Передбачати усі можливості.
9. Розраховувати на когось.
10. Вимагати.

**Exercise 1.3.** *Translate sentences into English. (Перекладіть речення англійською мовою).*

1. Очевидно, закон необхідний в інтересах суспільства.
2. Інакше люди живуть за законами джунглів.
3. На жаль, створити досконалі закони не просто.
4. Отже, кожне суспільство намагається встановити свої правила поведінки.
5. Однак це не задовольняє всіх.
6. У будь-якому випадку недосконалі закони краще, ніж беззаконня.

**Exercise 1.4.** *Divide the text into the following parts. (Розподіліть текст на такі частини):*

- a) possibilities; b) historical background; c) conclusion; d) examples; e) joke.

**Exercise 1.5.** *Find 2 sentences in the text in Present Simple and Present Continuous tenses and ask all types of questions to each of them. (Знайдіть у тексті по 2 речення у теперішньому тривалому та простому часі і поставте всі види запитань до них).*

**Exercise 1.6.** *Answer the questions. (Дайте відповідь на запитання по тексту).*

1. Why do we need laws?
2. What is the main principle of laws in primitive societies?
3. What fear was there long time ago?
4. If everybody is good and kind and never does anything wrong, we still need a set of rules. Why? Give examples.
5. What kinds of laws do every society try to provide now?

**Exercise 1.7.** *Give your arguments to the following topics. (Висловіть думку щодо наступних тем).*

1. The main principles of law are the same in the modern and primitive societies.
2. Laws are used not for protecting people but for earning money.

## **Law Topic 2: The Birth of Law.**

*Read and translate the text. (Прочитайте і перекладіть текст).*

### **The Birth of Law**

Rules and laws – and the conventions or customs from which they are descended – have been a part of human life ever since our ancestors first began to live in large and settled groups. But our knowledge is vague of laws that were in effect before the invention of writing in about 3500 B.C. The earliest known legal text was written by Ur-Nammu, a king of the Mesopotamia city of Ur, in about 2100 B.C. It dealt largely with compensation for bodily injuries, and with the penalties for witchcraft and runaway slaves.

(Law Worldwide K:2002)

**Exercise 2.1.** *Find in the text the words that mean the following. (Знайдіть у тексті слова, що означають):*

- the use of magic power, especially with the aid of evil spirits
- a punishment imposed for a violation of law or rule
- an accepted social custom or practice
- not clearly or explicitly stated or expressed
- payment for damage or loss, restitution
- one from whom a person is descended
- harm or damage done or suffered

**Exercise 2.2.** *Answer the following questions. (Дайте відповідь на запитання).*

1. Why is it difficult to judge about the earliest laws?
2. Where and why did the first laws appear?
3. What issues did the early laws emphasize? Why?

**Exercise 2.3.** *The word LEGAL has the following meanings in Ukrainian Learn them. (Це слово має такі значення, вивчіть їх):*

- 1) юридичний  
legal person – юридична особа;
- 2) правовий  
legal text – правовий текст;
- 3) судовий  
legal action – судовий позов;
- 4) законний, дозволений законом  
legal owner – законний власник;
- 5) легальний  
legal activities – правомірна, законна діяльність.

**Exercise 2.4.** *Match the following English expressions with their Russian equivalents. (Знайдіть еквіваленти):*

1) legal activities	a) законні права
2) legal address	b) законний власник
3) legal advice	c) той, хто має законну силу
4) legal age	d) використовувати законне право
5) legal costs	e) історія права
6) legal decision	f) консультація юриста
7) legal document	g) правовий захист
8) legal entity	h) правовий документ
9) legal ethics	i) правовий статус
10) legal expert	j) правомірна, законна діяльність
11) legal history	k) професійна етика юриста
12) legal language	l) рішення суду
13) legal owner	m) повноліття
14) legal procedurer	n) стати юристом
15) legal protection	o) судові витрати
16) legal rights	p) судовиробництво
17) legal status	q) юридична термінологія
18) of legal force	r) юридична адреса
19) to enjoy one's legal rights	s) юридична особа
20) to enter the legal profession	t) юрисконсульт

## **Law Topic 3: Laws of Babylon.**

*Read and translate the text. (Прочитайте і перекладіть текст).*

### **Text 1.**

#### **Laws of Babylon**

One of the most detailed ancient legal codes was drawn up in about 1758 B.C. by Hammurabi, a king of Babylonia. The entire code, consisting of 282 paragraphs, was carved into a great stone pillar, which was set up in a temple to the Babylonian god Marduk so that it could be read by every citizen.

The pillar, lost for centuries after the fall of Babylon in the 16<sup>th</sup> century B.C., was rediscovered by a French archaeologist in 1901 amid the ruins of the Persian city of Susa. Hammurabi's words were still legible. The pillar is now in the Louvre museum in Paris.

The laws laid down by Hammurabi were more extensive than any that had gone before. They covered crime, divorce and marriage, the rights of slave owners and slaves, the settlement of debts, inheritance and property contracts; there were even regulations about taxes and the prices of goods. Punishments under the code were often harsh. The cruel principle of revenue was observed: an eye for an eye and a tooth for a tooth, which meant that, criminals had to receive as punishment precisely those injuries and damages they had inflicted upon their victims. Not only murderers but also thieves and false accusers faced the death penalty. And a child who hit his father could expect to lose the hand that struck the blow. The code outlawed private blood feuds and banned the tradition by which a man could kidnap and keep the woman he wanted for his bride. In addition, the new laws took account of the circumstances of the offender as well as of the offence. So a lower-ranking citizen who lost a civil case would be fined less than an aristocrat in the same position – though he would also be awarded less if he won.

Nevertheless, Hammurabi's laws represented an advance on earlier tribal customs, because the penalty could not be harder than the crime.

(Law Worldwide K:2002)

**Exercise 3.1.** *Find in the text the English equivalents for the following law-related words and expressions. Learn them. (Знайдіть еквіваленти та вивчіть слова).*

Крадій, наклепник, правопорушник, правопорушення, злочин, кровна помста, завдавати шкоди, викрадати, завдавати тілесні пошкодження, смертна кара, покарання, штрафувати, отримувати компенсацію, шлюб, розлучення, податок, спадщина, борг, ціни на товари, цивільна справа, права рабів, контракти власності.

**Exercise 3.2.** *Answer the questions. (Дайте відповідь на запитання).*

1. Why do you think Hammurabi decided to have his laws carved into a pillar?
2. Why was the pillar set up in a temple?
3. What spheres of human life were covered by Hammurabi's code? Explain the choice.
4. How do you understand the principle "an eye for an eye and a tooth for a tooth"?
5. In your opinion, were punishments always fair?
6. Why do you think people of different ranks were treated differently by Hammurabi's code?

## **Text 2.**

### **Hammurabi Code**

*Here we present you some examples of Hammurabi Code. Read the text and analyze what kinds of punishment existed that time. (Пропонуємо вам декілька прикладів Законів Хаммурані. Прочитайте текст і проаналізуйте, які види покарань існували на той час).*

### **Hammurabi's Code of Laws (1758 B.C.)**

Here is what the inscription on the sacred pillar says:

...Hammurabi, the protecting king am I. The great gods have called me... I am here to reign so that the strong might not injure the weak, in order to protect the widows and orphans, to bespeak justice in the land, to settle all disputes, and heal all injuries, set up these my precious words, written upon my memorial stone, before the image of me, as king of righteousness.

My words are well considered; there is no wisdom like unto mine. Let my name be ever repeated; let the oppressed, who has a case at law, come and stand before this my image as king of righteousness; let him read the inscription, and understand my precious words: the inscription will explain

his case to him; he will find out what is just, and his heart will be glad, so that he will say: "Hammurabi is a ruler, who is as a father to his subjects, who holds the words of Marduk in reverence, who has bestowed benefits for ever and ever on his subjects, and has established order in the land".

2. If any one brings an accusation against a man, and the accused goes to the river and leaps into the' river, if he sinks in the river the accuser shall take possession of his house. But if the river proves that the accused is not guilty, and he escapes unhurt, then he who had brought the accusation shall be put to death, while he who leaped into the river shall take possession of the house that had belonged to his accuser. [...]

5. If a judge trying a case, reaches a decision, and presents his judgment in writing; if later error shall appear in his decision, and it be through his own fault, then he shall pay twelve times the fine set by him in the case, and he shall be publicly removed from the judge's bench, and never again shall lie sit there to render judgement.

6. If any one steals the property of a temple or of the court, he shall be put to death, and also the one who receives the stolen thing from him shall be put to death. [...]

16. If any one receives into his house a runaway male or female slave, and does not bring it out at the public proclamation, the master of the house shall be put to death. [...]

21. If any one breaks a hole into a house (break in to steal), he shall be put to death before that hole and be buried.

22. If any one is committing a robbery and is caught, then he shall be put to death. [...]

25. If fire breaks out in a house, and some one who comes to put it out casts his eye upon the property of the owner of the house, and takes the property of the master of the house, he shall be thrown into that self-same fire. [...]

109. If conspirators meet in the house of a tavern-keeper, and these conspirators are not captured and delivered to the court, the tavern-keeper shall be put to death.

112. If any one be on a journey and entrusts silver, gold, precious stones, or any movable property to another, and wishes to recover it from him; if the latter does not bring all of the property to the appointed place, but appropriates it to his own use, then shall this man, who did not bring the

property to hand it over, be convicted, and he shall pay fivefold for all that had been entrusted to him. [...]

117. If any one fails to meet a claim for debt, and sells himself, his wife, his son, and daughter for money or gives them away to forced labor, they shall work for three years in the house of the man who bought them, or the proprietor, and in the fourth year they shall be set free. [...]

122. If any one gives another silver, gold, or anything else to keep, he shall show everything to some witness, draw up a contract, and then hand it over for safe keeping. [...]

125. If any one places his property with another for safe keeping, and there, either through thieves or robbers, his property and the property of the other man be lost, the owner of the house, through whose neglect the loss took place, shall compensate the owner for all that was given to him in charge. But the owner of the house shall try to follow up and recover his property, and take it away from the thief. [...]

129. If a man's wife is surprised with another man, both shall be tied and thrown into the water, but the husband may pardon his wife. [...]

145. If a man takes a wife, and she bears him no children, and he intends to take another wife, if he takes this second wife, and brings her into the house, this second wife shall not be allowed equality with his wife. [...]

148. If a man takes a wife, and she be seized by disease, if he then desires to take a second wife he shall not put away his wife, who has been attacked by disease, but he shall keep her in the house which he has built and support her so long as she lives. [...]

165. If a man gives to one of his sons whom he prefers a field, garden, and house and if later the father dies, and the brothers divide the estate, then they shall first give him the present of his father, and he shall accept it; and the rest of the paternal property shall they divide. [...]

175. If a State slave or the slave of a freed man marries the daughter of a free man, and children are born, the master of the slave shall have no right to enslave the children of the free. [...]

185. If a man adopts a child as his son, and rears him, this grown son cannot be demanded back again. [...]

192. If a son of a paramour or a prostitute says to his adoptive father or mother: "You are not my father, or my mother", his tongue shall be cut off. [...]

195. If a son strikes his father, his hands shall be hewn off.

196. If a man puts out the eye of another man, his eye shall be put out.

197. If he breaks another man's bone, his bone shall be broken.

198. If he puts out the eye of a freed man, or breaks the bone of a freed man, he shall pay one gold mina.

199. If he puts out the eye of a man's slave, or breaks the bone of a man's slave, he shall pay one-half of its value.

200. If a man knocks out the teeth of his equal, his teeth shall be knocked out. [...]

202. If any one strikes the body of a man higher in rank than he, he shall receive sixty blows with an ox-whip in public. [...]

205. If the slave of a freed man strikes the body of a freed man, his ear shall be cut off. [...]

229. If a builder builds a house for some one, and does not construct it properly, and the house which he built falls in and kills its owner, then that builder shall be put to death. [...]

282. If a slave says to his master: "You are not my master", if they convict him his master shall cut off his ear.

(Just English K:2002)

## **Law Topic 4: The Legal Heritage of Greece and Rome.**

*Read and translate the text. (Прочитайте і перекладіть текст).*

### **The Legal Heritage of Greece and Rome**

The ancient Greeks were among the first to develop a concept of law that separated everyday law from religious beliefs. Before the Greeks most civilizations attributed their laws to their gods or goddesses. Instead, the Greeks believed that laws were made by the people for the people.

In the seventh century B.C., Draco drew up Greece's first written code of laws. Under Draco's code death was the punishment for most offenses. Thus, the term draconian usually applies to extremely harsh measures.

Several decades passed before Solon – poet, military hero, and ultimately Athens' lawgiver – devised a new code of laws. Trial by jury, an ancient Greek tradition was retained, but enslaving debtors was prohibited as were most of the harsh punishments of Draco's code. Under Solon's law citizens of Athens were eligible to serve in the assembly and courts were established in which they could appeal government decisions.

What the Greeks may have contributed to the Romans was the concept of “natural law”. In essence, natural law was based on the belief that certain basic principles are above the laws of a nation. These principles arise from the nature of people. The concept of natural law and the development of the first true legal system had a profound effect on the modern world.

\***Draco** – [ˈdreikouj – Драконт (т.ж. Трахонт), афінський законодавець (Law Worldwide K:2002)

**Exercise 4.1.** *Translate the text “Legal Heritage of Greece and Rome”. (Перекладіть текст “Юридична спадщина Греції і Риму”).*

**Exercise 4.2.** *Answer to the questions. (Дайте відповіді на запитання).*

1. What does the ancient Greek concept of law comprise?
2. Why were the first laws mainly attributed to divine powers?
3. What is the origin and the meaning of the word “draconian”?
4. How do you understand the concept of “natural law”?
5. What was Solon’s contribution to ancient law?

**Exercise 4.3.** *Compare laws in Draco and Solon time. Discuss them in the group. (Порівняйте закони часів Драконта та Солона. Обговоріть їх у групі).*

**Exercise 4.4.** *Fill in the table. (Заповніть таблицю).*

	Hammurabi	Draco	Solon
Capital punishment			
Human rights			
Main principles			
Other kinds of punishment			

## **Law Topic 5: Solon. The Athenian Lawmaker.**

*Read the text. (Прочитайте текст).*

### **Solon (b. 630 – d. 560 B.C.)**

Solon, the Athenian statesman, is known as one of the Seven Wise Men of Greece. He ended exclusive aristocratic control of the government,

substituted a system of control by the wealthy, and introduced a new and **more humane law code**. He was also a noted poet.

Unfortunately it was not until the 5<sup>th</sup> century B.C. that accounts of his life and works began to be put together, mostly on the evidence of his poems and his law code. Although certain details have a legendary ring, the main features of his story seem to be reliable.

Solon was **of noble descent** but **moderate means**. He first became **prominent** in about 600 B.C. The early 6<sup>th</sup> century was a troubled time for the Athenians. Society was **dominated** by an **aristocracy of birth**, who **owned** the best land, monopolized the government, and were themselves **split into rival factions**. The **social, economic, and political evils** might well have culminated in a revolution and subsequent **tyranny (dictatorship)**, as they had in other Greek states, had it not been for Solon, to whom Athenians of all classes **turned in the hope of a generally satisfactory solution** of their problems. Because he believed in **moderation** and in an **ordered** society in which each class had its **proper place and function**, his **solution** was not revolution but reform.

Solon's **great contribution** to the future **good of Athens** was his new code of laws. The first **written code** at Athens, that of Draco, was still **in force**. Draco's laws **were shockingly severe** (hence the term *draconian*), *so severe* that they were said to have been written not in ink but in blood. **On the civil side** they **permitted enslavement for debt**, and death seems to have been the **penalty for almost all criminal offenses**. Solon **revised** every statute except that **on homicide** and made Athenian law altogether more **humane**.

(Law Worldwide K:2002)

**Exercise 5.1.** *Translate the text. (Перекладіть текст).*

**Exercise 5.2.** *Answer the questions. (Дайте відповіді на запитання).*

1. Who was Solon?
2. Who owned the best land that time?
3. What did Solon believe in?
4. What was Solon's greatest contribution?
5. Did Solon leave anything from Draco's Code?

**Exercise 5.3.** *Render the following text into English using the vocabulary and information from the texts above. (Перекладіть текст, використовуючи лексику та інформацію з попередніх текстів).*

Драконт – афінський законотворець. Його дуже суворі закони передбачали лише одне покарання – смерть. Зараз його ім'я пов'язують із жорстокістю. Кодекс Драконта прийнято у 621 р. до н.е. Він не був першим записаним зводом афінських законів. Пізніше Солон скасував драконтові закони і видав нові, залишивши тільки одне покарання – смерть – за вбивство.

**Exercise 5.4.** *Creative writing. (Творче завдання).*

*Analyze the ancient laws. Were they perfect? Think up what features from ancient law we can use in modern society? Write down a short essay (10-15 sentences). (Проаналізуйте стародавні закони. Чи були вони досконалі? Подумайте, які деталі стародавніх законів можна використовувати зараз. Напишіть есе (10-15 речень)).*

## **Law Topic 6: The foundation of British law: The Magna Carta.**

**Exercise 6.1.** *Name legal documents of constitutional importance, which have affected modern legal systems. (Назвіть юридичні документи, які вплинули на формування юридичної системи).*

**Exercise 6.2.** *Read the text. (Прочитайте текст).*

### **The Magna Carta**

At the heart of the English system are two principles of government – limited government and representative government. The idea that government was not all-powerful first appeared in the Magna Carta, or Great Charter, that King John\*\* signed in 1215 under the threat of civil war.

Earlier kings of England had issued charters, making promises to their barons. But these were granted by, not exacted from the king and were very generally phrased. Later the tension between the Kings and the nobility increased. Since 1199 John's barons had to be promised their rights. It is, therefore, not surprising that Stephen Langton, archbishop of Canterbury,

directed baronial unrest into a demand for a solemn grant of liberties by the king. The document known as the Articles of the Barons was at last agreed upon and became the text from which the final version of the charter was drafted and sealed by John on June 15, 1215.

The Magna Carta established the principle of limited government, in which the power of the monarch, or government, was limited, not absolute. This document provided for protection against unjust punishment and the loss of life, liberty, and property except according to law. It stipulated that no citizen could be punished or kept in prison without a fair trial. Under the Magna Carta, the king agreed that certain taxes could not be levied without popular consent.

Although the Magna Carta was originally intended to protect aristocracy and not the ordinary citizens, it came in time to be regarded as a cornerstone of British liberties. It is one of the oldest written constitutional papers.

\* **Magna Carta** – Велика хартія вільностей.

\*\* **King John** – Іоанн Безземельний, англійський король (1199-1216).

(Law Worldwide K:2002)

**Exercise 6.3.** *The word **GOVERNMENT** has the following meanings (слово “Government” має наступні значення):*

- 1) державна влада  
executive government – виконавча влада; judicial government – судова влада; legislative government – законодавча влада;
- 2) керівництво  
to carry out the government of a state – здійснювати керівництво державою;
- 3) форма правління, державний устрій, політичний устрій  
democratic / republican / federal / parliamentary government – демократична / республіканська / федеральна / парламентська форма правління; constitutional government – конституційна форма правління; a system of government – система правління;
- 4) уряд  
Liberal / Labour/ Conservative Government – ліберальний, лейбористський, консервативний уряд; to form the government – сформувати уряд.

**Exercise 6.4.** Match the following English expressions with their Ukrainian equivalents (знайдіть український еквівалент англійським сполученням):

1) arbitrary government	a) діючий уряд
2) authoritarian government	b) місцеве самоврядування
3) colonial form of government	c) військова адміністрація
4) government investigation	d) змішана форма уряду
5) government of the day	e) парламентський уряд
6) government offices	f) уряд Її Величності
7) government official	g) правляча партія
8) government party	h) правлячі заклади
9) government(al) department	i) урядова форма
10) government(al) regulation	j) тимчасовий уряд
11) government's term of office	k) розпустити уряд
12) Her Majesty's Government	l) органи державного управління
13) local government	m) автократія
14) military government	n) президентська влада
15) mixed government	o) авторитарна форма правління
16) organs of government	p) урядове відомство
17) parliamentary government	q) урядове слідство
18) presidential government	r) колоніальна форма державного уряду
19) provisional government	s) постанова уряду
20) representative government	t) урядовий службовець
21) to dissolve the government	u) термін повноважень уряду

**Exercise 6.5.** Use the expressions above to make sentences of your own ex. 6.4. (5 sentences). (Складіть власні речення зі сполученнями впр. 6.4. (5 речень)).

**Exercise 6.6.** Answer the following questions. (Дайте відповіді на запитання).

1. What were the two basic principles of the English system of government at the beginning of the 13<sup>th</sup> century? How do you understand these principles?
2. What political situation necessitated the granting of the Magna Carta?
3. What provisions did the Magna Carta contain?
4. Who enjoyed the rights granted by the Magna Carta?

## **Law Topic 7: The foundation of british law: Habeas Corpus Act.** *Read the text. (Прочитайте текст).*

### **HABEAS CORPUS ACT** **“Let the Body Be Brought...”**

In Britain, the United States and many other English-speaking countries, the law of Habeas Corpus guarantees that nobody can be held in prison without trial. Habeas Corpus became a law because of a wild party held in 1621 at the London home of a notoriously rowdy lady, Alice Robinson. When a constable appeared and asked her and her guests to quiet down, Mrs. Robinson allegedly swore at him so violently that he arrested her, and a local justice of the peace committed her to jail.

When she was finally brought to trial, Mrs. Robinson’s story of her treatment in prison caused an outcry. She had been put on a punishment diet of bread and water, forced to sleep on the bare earth, stripped, and given 50 lashes. Such treatment was barbaric even by the harsh standards of the time; what made it worse was that Mrs. Robinson was pregnant.

Public anger was so great that she was acquitted, the constable who had arrested her without a warrant was himself sent to prison, and the justice of the peace was severely reprimanded. And the case, along with other similar cases, led to the passing of the Habeas Corpus Act in Britain in 1679. The law is still on the British statute books, and a version of it is used in the United States, where the law was regarded as such an important guarantee of liberty that Article 1 of the Constitution declares that “Habeas Corpus shall not be suspended except in cases of rebellion or invasion”.

Habeas Corpus is part of a Latin phrase – *Habeas corpus ad subjiciendum* – that means “Let the body be brought before the judge”. In effect, a writ of Habeas Corpus is an order in the name of the people (or, in Britain, of the sovereign) to produce an imprisoned person in court at once.

**Exercise 7.1.** *Find in the text the English equivalents for the following words and expressions: (знайдіть у тексті англійські еквіваленти наданим словам).*

- 1) суддя;
- 2) ордер на арешт;
- 3) варварське ставлення;

- 4) повстання;
- 5) вторгнення, напад;
- 6) невдоволення громадян;
- 7) сумнозвісний;
- 8) посадити у в'язницю;
- 9) викликати опір;
- 10) прийняття закону;
- 11) отримати сувору догану;
- 12) постати перед судом;
- 13) бути виправданим;
- 14) бути зупиненим;
- 15) від імені народу / монарха.

**Exercise 7.2.** *Translate the text. (Перекладіть текст).*

**Exercise 7.3.** *Retell the text using words from L. ex. 7.1. (Перекажіть текст, використовуючи слова із впр. 7.1.).*

**Exercise 7.4.** *Answer the questions. (Дайте відповіді на запитання).*

1. What are the benefits of habeas corpus?
2. Can habeas corpus be the guarantee of fair justice?

**Exercise 7.5.** *Look through the words with explanations. Translate the words and the examples. Make your own sentences with these words. (Перегляньте слова з поясненням, перекладіть слова та приклади. Складіть власні речення зі словами).*

**TRIAL** – the hearing of statements and showing of objects in a court of law for the purpose of judging whether a person is guilty of a crime.

*She is **going on / standing** trial for fraud.*

*He is awaiting **trial** for murder.*

*I can not remember whether the case **went to trial***

**WRIT** – a legal document from the name of law which informs someone that they will be involved in a legal process and instructs them what they must do.

*He was not allowed to appeal against the decision and the court rejected his application **for a writ of habeas corpus**.*

**HABEAS CORPUS** – a legal order which states that a person in prison must appear before and be judged by a court of law before he can lawfully be made to stay in prison.

*The applicant sought a writ of habeas corpus for his release.*

## **Law Topic 8: The european law in the 19<sup>th</sup> century: Napoleon's Code.**

*Read the text. (Прочитайте текст).*

### **Napoleon's Law**

The laws of much of continental Europe (particularly France), of Quebec in Canada, and of much of Latin America – along with the civil laws of Louisiana – owe their modern form largely to the work of a man who never even studied law. Napoleon Bonaparte, the Corsican soldier who became emperor of France after the French Revolution, established in 1800 five commissions to refine and organise the diverse legal systems of France. The result, enacted in 1804, was the Napoleon's Code. Some of its original 2,281 articles were drafted by Napoleon himself, and all were affected by his thinking, even though he was completely self-taught in legal matters.

The code was a triumphant attempt to create a legal system that treated all citizens as equals without regard to their rank or previous privileges. It was also so clearly written that it could be read and understood by ordinary people at a time when only Latin scholars could make sense of the earlier laws handed down since Roman times. The code was adopted intact in most of the areas of Europe that Napoleon dominated and spread from there across the Atlantic, taking root particularly in French-speaking American communities. Many of its principles are still in force today.

**Exercise 8.1.** *Translate the text. (Перекладіть текст).*

**Exercise 8.2.** *Find in the text the English equivalents for the following words and expressions (знайдіть у тексті англійські еквіваленти наступним словам):*

- 1) питання права;
- 2) вивчати право;

- 3) різні несхожі правові системи;
- 4) створити правову систему;
- 5) імператор;
- 6) цивільне право;
- 7) первинний варіант статей;
- 8) вплив ідей;
- 9) передавати (із покоління в покоління);
- 10) панувати;
- 11) поводитись як з рівним;
- 12) розібратися в чомусь;
- 13) бути у силі;
- 14) укорінитись;
- 15) не беручи до уваги привілеї.

**Exercise 8.3.** *Consult the previous texts and your legal dictionary to translate the following words and expressions into English. Make up sentences of your own, using the expressions below (користуючись попередніми текстами та юридичним словником, перекладіть наступні слова. Складіть власні речення):*

- складати проект закону
- створювати закони
- вносити поправки до закону
- ухвалювати закон
- вводити закон в дію
- виконувати закони
- скасовувати закони
- порушувати закони

**Exercise 8.4.** *Answer the following questions. (Дайте відповіді на запитання).*

1. What efforts did Napoleon make to reorganise the diverse legal systems of France?
2. Did Napoleon draw up the whole code himself?
3. What was so remarkable about Napoleon's new code?
4. What were the benefits of Napoleon's code for the ordinary people?

5. Which countries throughout the world still use the elements of Napoleon's code?

It's Interesting to Know Napoleon's Words of Wisdom

- A man will fight harder for his interests than for his rights.
- History is the version of past events that people have decided to agree upon.
- It is the success which makes great men.
- The heart of a statesman must be in his head.
- From sublime to ridiculousness there is only one step.
- Public morals are natural complement of all laws: they are by themselves an entire code.

