



# **ENGLISH FOR SPECIAL PURPOSES**

## **LESSON 7: LEGAL ENGLISH**

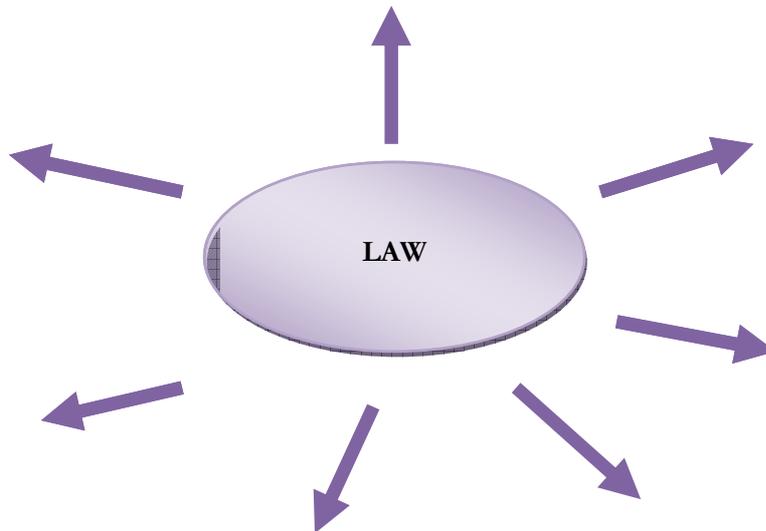


Version without a key



**WARM UP – what are your associations with “LAW”.**

**BRAINSTORM YOUR IDEAS**



**SPEAKING**

► **NOW: Explain your associations, using the following pattern:**

When I think “LAW”, I think about ... .

Or

I associate “rules and regulations” with “LAW” because... .



Complete the definition of “LAW” with the words from the box.

governments

constitution

guidelines

Law is a system of rules and \_\_\_\_\_ which are enforced through social institutions to govern behavior. Laws are made by \_\_\_\_\_, specifically by their legislatures. The formation of laws themselves may be influenced by a \_\_\_\_\_ (written or unwritten) and the rights encoded therein. The law shapes politics, economics and society in countless ways and serves as a social mediator of relations between people.

Source: <http://en.wikipedia.org/wiki/Law>



### SPEAKING

- Look at the synonyms of *enforce* and *shape*. Use them to explain the notion of “law”. Try to paraphrase the definition above, using the synonyms and your own words.

enforce	→	apply, carry out, reinforce, force upon, implement
shape	→	make, model



### EXTEND YOUR KNOWLEDGE – part 1.

- Read the text below about the history of law.

## HISTORY OF LAW

The history of law is closely connected to the development of civilization. Ancient Egyptian law, dating as far back as 3000 BC, contained a civil code that was probably broken into twelve books. It was based on the concept of Ma'at, characterised by tradition, rhetorical speech, social equality and impartiality. By the 22nd century BC, the ancient Sumerian ruler Ur-Nammu had formulated the first law code, which consisted of casuistic statements ("if ... then ..."). Around 1760 BC, King Hammurabi further developed Babylonian law, by codifying and inscribing it in stone. Hammurabi placed several copies of his law code throughout the kingdom of Babylon as stelae, for the entire public to see; this became known as the Codex Hammurabi. The most intact copy of these stelae was discovered in the 19th century by British Assyriologists, and has since been fully transliterated and translated into various languages, including English, German, and French.

The Old Testament dates back to 1280 BC and takes the form of moral imperatives as recommendations for a good society. The small Greek city-state, ancient Athens, from about the 8th century BC was the first society to be based on broad inclusion of its citizenry, excluding women and the slave class. However, Athens had no legal science or single word for "law", relying instead on the three-way distinction between divine law (*thémis*), human decree (*nomos*) and custom (*díkē*). Yet Ancient Greek law contained major constitutional innovations in the development of democracy.

Roman law was heavily influenced by Greek philosophy, but its detailed rules were developed by professional jurists and were highly sophisticated. Over the centuries between the rise and decline of the Roman Empire, law was adapted to cope with the changing social situations and underwent major codification under Theodosius II and Justinian I. Although codes were replaced by custom and case law during the Dark Ages, Roman law was rediscovered around the 11th century when medieval legal scholars began to research Roman codes and adapt their concepts. In medieval England, royal courts developed a body of precedent which later became the common law. A Europe-wide Law Merchant was formed so that merchants could trade with common standards of practice rather than with the many splintered facets of local laws. The Law Merchant, a precursor to modern commercial law, emphasized the freedom to contract and alienability of property. As nationalism grew in the 18th and 19th centuries, the Law Merchant was incorporated into countries' local law under new civil codes. The Napoleonic and German Codes became the most influential. In contrast to English common law, which consists of enormous tomes of case law, codes in small books are easy to export and easy for judges to apply. However, today there are signs that civil and common law are converging. EU law is codified in treaties, but develops through the precedent laid down by the European Court of Justice.

Ancient India and China represent distinct traditions of law, and have historically had independent schools of legal theory and practice. The Arthashastra, probably compiled around 100 AD (although it contains older material), and the Manusmriti (c. 100–300 AD) were foundational treatises in India, and comprise texts considered authoritative legal guidance. Manu's central philosophy was tolerance and Pluralism, and was cited across Southeast Asia. This Hindu tradition, along with Islamic law, was supplanted by the common law when India became part of the British Empire. Malaysia, Brunei, Singapore and Hong Kong also adopted the common law. The eastern Asia legal tradition reflects a unique blend of secular and religious influences. Japan was the first country to begin modernizing its legal system along western lines, by importing bits of the French, but mostly the German Civil Code. This partly

reflected Germany's status as a rising power in the late 19th century. Similarly, traditional Chinese law gave way to westernization towards the final years of the Ch'ing dynasty in the form of six private law codes based mainly on the Japanese model of German law. Today Taiwanese law retains the closest affinity to the codifications from that period, because of the split between Chiang Kai-shek's nationalists, who fled there, and Mao Zedong's communists who won control of the mainland in 1949. The current legal infrastructure in the People's Republic of China was heavily influenced by Soviet Socialist law, which essentially inflates administrative law at the expense of private law rights. Due to rapid industrialization, today China is undergoing a process of reform, at least in terms of economic, if not social and political, rights. A new contract code in 1999 represented a move away from administrative domination. Furthermore, after negotiations lasting fifteen years, in 2001 China joined the World Trade Organisation.

■ **Exercise 1**

Put the events in a chronological order.

ORDER	EVENT:
	Major codification of law under <a href="#">Theodosius II</a> and <a href="#">Justinian I</a> .
	As nationalism grew in the 18th and 19th centuries, the Law Merchant was incorporated into countries' local law under new civil codes.
	The <a href="#">Old Testament</a> takes the form of moral imperatives as recommendations for a good society. (dates back to 1280 BC)
	The formation of a Europe-wide <a href="#">Law Merchant</a> .
	Rediscovering the Roman Law around the 11th century by medieval legal scholars.
	Placing several copies of Hammurabi Codex throughout the kingdom of Babylon as <a href="#">stelae</a> (around 1760 BC).
	<a href="#">Ancient Egyptian</a> law, dating as far back as 3000 BC, contained a civil code that was probably broken into twelve books.
	Development, in medieval England, of a body of precedent which later became a common law.

## ■ Exercise 2

Decide which statements are True and which are False.

1. The first civil code was an Ancient Egyptian Law which was most probably broken into twenty books.

true     false

2. The most intact copy of the Codex Hammurabi was discovered in the 18th century by British Assyriologists, and has since been fully transliterated and translated only into: English, German, and French.

true     false

3. Yet Ancient Greek law contained major constitutional innovations in the development of democracy.

true     false

4. Ancient India and China embody distinct traditions of law, and have historically had independent schools of legal theory and practice.

true     false

5. Roman law was heavily influenced by Chinese philosophy, but its detailed rules were developed by professional jurists and were very simple.

true     false

## ■ Exercise 3

Try to retell the history of law using your own words.



**EXTEND YOUR KNOWLEDGE – part 2.**

## ■ Exercise 1

**Read the text and fill in the chart below.**

All legal systems deal with the same basic issues, but jurisdictions categorise and identify its legal subjects in different ways. A common distinction is that between "public law" (a term related closely to the state, and including constitutional, administrative and criminal law), and "private law" (which covers contract, tort and property). In civil law systems, contract and tort fall under a general law of obligations, while trusts law is dealt with under statutory regimes or international

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conventions. International, constitutional and administrative law, criminal law, contract, tort, property law and trusts are regarded as the "traditional core subjects", although there are many further disciplines .

P_____ LAW			P_____ LAW		

■ Exercise 2

➤ Match the different types of legal subjects with their definitions.

INTERNATIONAL LAW
CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW
CRIMINAL LAW
CONTRACT LAW
TORT LAW
PROPERTY LAW

deals with delicts which are civil wrongs.
concerns enforceable promises, and can be summed up in the Latin phrase <i>pacta sunt servanda</i> (agreements must be kept).
governs valuable things that people call 'theirs'.
govern the affairs of the state.
can refer to three things: public international law, private international.
also known as penal law, pertains to crimes and punishment



## VOCABULARY EXERCISE

Match the names of different types of legal subjects with their Polish equivalents.

International law		prawo zobowiązań
Constitutional and administrative law		prawo deliktów
Criminal law		prawo rzeczowe
Contract law		prawo pracy
Tort law		prawo podatkowe
Property law		prawo konsumenckie
Labour law		prawo międzynarodowe publiczne
Family law		prawo konstytucyjne i administracyjne
Company law		prawo karne
Commercial law		prawo rodzinne
Admiralty law		prawo o spółkach
Tax law		prawo handlowe
Consumer law		prawo morskie