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**ENGLISH FOR LAW SCHOOL
STUDENTS**

== FIRST YEAR ==

Second edition



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UNIT 1

Law

Rules of conduct of any organized society that are enforced by threat of punishment if they are violated. Modern law has a wide sweep and regulates many branches of conduct.

Law is the formal regime that orders human activities and relations through systematic application of the force of politically organized society.

Law

Old English *lagu*, of Scandinavian origin

1. A rule of conduct or action prescribed or formally recognized as binding or enforced by a controlling authority as:

a. a command or provision enacted by a legislature

b. something (as a judicial decision) authoritatively accorded binding or controlling effect in the administration of justice

Example: that case is no longer the law of this circuit

2.

a. a body of laws

Example: the law of a state

broadly: laws and justice considered as a general and established entity

Example: the law looks with disfavour on restraints on alienation

b. "common law"

3.

a. the control or authority of the law

Example: maintain law and order

b. one or more agents or agencies involved in enforcing laws

c. the application of a law or laws as distinct from considerations of fact

Example: an error of law

(See also issue of law at question § 2)

4. the whole body of laws and doctrines relating to one subject

Example: contract law

5.

a. the legal profession

Example: practice law

b. the nature, use, and effects of laws and legal systems as an area of knowledge or society

Example: the politics of law

Development of Early Law

Law does not develop systematically until a state with a centralized police authority has appeared. For this development a written language is not required, but necessarily the earliest known legal codes are those of literate societies. Examples of early law systems are to be found in the code of Hammurabi (Babylonia), the Laws of Manu (India), and the Mosaic code (Palestine). These codes show what would seem to be the universal tendency of the religious and ethical system of a society to produce a legal order to enforce its ethical and social mandates. In classical antiquity the first codes of law are those attributed to Solon and to Lycurgus.

Roman Law and Its Influence

The first law code in Roman history was the Law of the Twelve Tables, the prelude to the development of Roman law, a highly elaborate system that has had immeasurable influence on the growth of Western law. It was summarized in the *Corpus Juris Civilis* in the time of Justinian. Roman law developed the distinction between public law (in which the state is concerned directly, e.g. treason and taxation) and private law (concerned with disputes between persons, e.g. over contracts).

The breakup of the Roman Empire under the pressure of the Germanic invasions brought the disruption of the Roman legal administration. Feudal law showed the effects of Roman law, although in theory it was based not upon any concept of the state but on personal relations.

In the Renaissance the study of Roman law was revived. It became the basis of most Continental law, as exemplified in the French *Code Napoléon*, the archetype of codes that govern the jurisdiction of civil law.

Anglo-American Law

In England after the Norman Conquest the feudal law was ultimately replaced by the law of the royal courts, such as the King's Bench. The royal courts developed common law, i.e. judicial legislation as opposed to the law of the formally enacted statute. Common law adhered excessively to precedent, and equity, exercised by the king's chancery, appeared, with its reliance upon the dictates of conscience rather than upon precedent.

The two systems became bitter rivals. In the early 17th century Francis Bacon championed equity, while such eminent jurists as Edward Coke upheld the common law. In the 18th century English jurisprudence stressed natural law (the theory that law must incorporate the natural rights of humans).

The work of Blackstone was the most important influence in U.S. law (except for Louisiana, Puerto Rico, and the Virgin Islands, where Continental civil law prevailed). Among those who helped to develop the American concept of law

were James Kent and Joseph Story; in constitutional law the most important figure was John Marshall. In the United States the distinctive feature is the coexistence of federal and state law, for the U.S. Constitution limits the sphere in which federal law is supreme.

Vocabulary:

Law = lege, drept
Threat = amenințare
Punishment = pedeapsă
To violate = a încălca (ex: o lege)
Sweep = rază de acțiune
To regulate = a reglementa
Branch of = ramură a
Conduct = comportament
Binding = impus, obligatoriu
To enforce = a impune
Command = ordin
Provision = prevedere
To enact = a elabora, a redacta
Legislature = legislatură
Circuit = circumscripție

Restraint = restricție
Alienation = alienare
To maintain = a întreține
Issue = chestiune, problemă
Knowledge = cunoaștere
Code = cod
Mandate = mandat
Treason = trădare
Statute = statut
Precedent = precedent
Equity = echitate, dreptate
Chancery = cancelarie
Reliance upon = dependență, încredere (a te baza pe)
Jurisprudence = jurisprudență
Feature = caracteristică, trăsătură

Exercises:

I. Answer the following questions:

1. What does the term “law” generally mean?
2. What are the earliest known legal codes of laws?
3. What distinction did Roman Law draw in the Ancient times?
4. What did the England Law basis consist of after the Feudal time?
5. What is the distinctive feature in the American Law?

II. Give the Romanian equivalents:

Roman Law =
Public Law =
Private Law =
Feudal Law =