

English for Lawyers 1


Lecturer: Miljen Matijašević
G10, room 6/I, Tue 14:15–15:15
e-mail: miljen.matijasevic@pravo.hr
Session 3, 19 Oct 2018

Revision

Language and Law



Language and Law

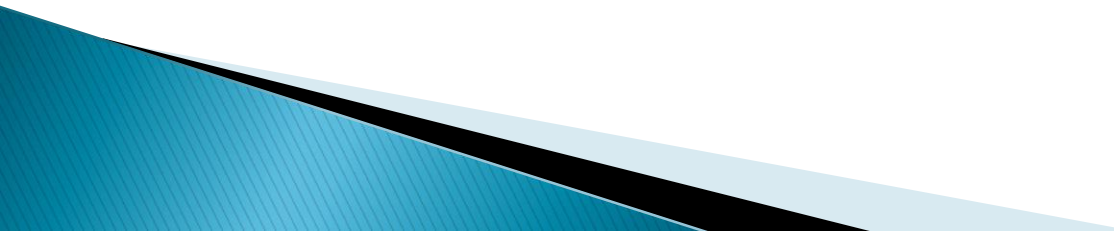
1. What is Language for Specific Purposes?
 2. What makes legal language special in comparison to other LSPs?
 3. What are some of the features of legal English that make it particularly demanding?
 4. What's the difference between: a regulation, a law, a provision?
- 

Terms easily confused

- ▶ **regulation** – **propis**, uredba
 - a written document issued by an authority that sets out rules
 - e.g. zakon (law), uredba, pravilnik, statut, itd.
- ▶ **law** (act of parliament)
 - a regulation enacted by the legislative body of a state
- ▶ **provision** – **odredba**
 - a rule set out in such document
 - e.g. „Students must attend classes.”

Translate the text into Croatian

A legal text, such as a contract or a regulation, imposes obligations and provides rights. It contains a number of provisions which have a binding force. In English, modal verbs are used to express rights and obligations. 'Shall' is used for obligations, 'shall not' for prohibitions, 'may' for permissions and rights. 'Should' expresses a recommendation so it is not suitable for legislative texts.



Translate the text into Croatian

Pravni tekst, kao što je ugovor ili propis, propisuje obveze i prava. On sadrži niz odredbi koje imaju obvezujuću snagu.

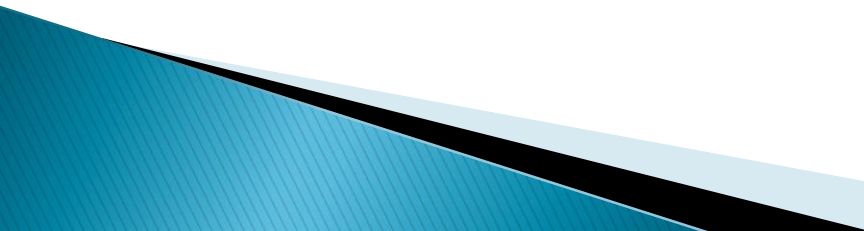
U engleskom jeziku, prava i obveze izražavaju se modalnim glagolima. '*Shall*' se koristi za obveze, '*shall not*' za zabrane, '*may*' za dopuštenja i prava. Glagolom '*should*' izražavaju se preporuke te stoga nije pogodan za zakonodavne tekstove.

About Law

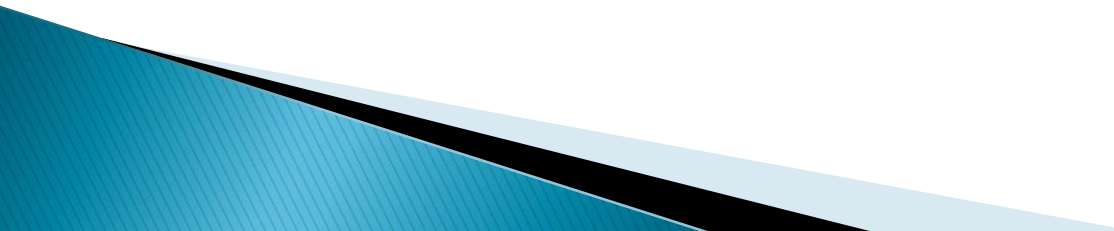
Unit 2



About law

- ▶ Think of words with similar meaning to the word 'law'
 - ▶ Try to think of a definition of law. Consider the following:
 - the form it takes
 - its purpose
 - its role in the society and the state
 - where it comes from
- 

Definitions of law

- ▶ a **system of rules** backed by a **sanction** for its **breach**, ultimately **enforceable** by courts
 - ▶ the body of principles recognised and applied by the state in the **administration of justice**
 - ▶ a command issued from a Sovereign power to an inferior and enforced by **coercion**
 - ▶ formal mechanism of social control
- 

Nature of law

- ▶ Two main views of the nature of law:
 - the NATURAL LAW theory
 - universal moral principles, part of human nature
 - can be understood through human reason
 - LEGAL POSITIVISM
 - law is a collection of valid rules, commands or norms that may lack any moral content
 - they may coincide with moral principles, but that's not necessary

Functions of law

1. LEGAL REGULATION

- lays down basic rules (rights, obligations, crime, punishment, etc.)

2. PROCEDURAL FUNCTION

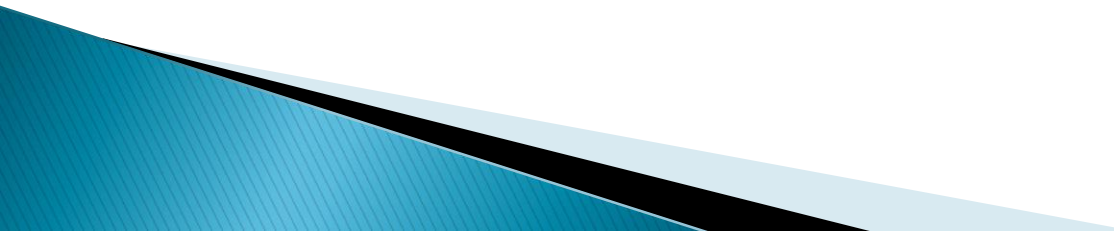
- courts and procedures for the resolution of **disputes**

3. Facilitation of SOCIAL and ECONOMIC ARRANGEMENTS

- marriage, employment, purchase and sale, business organisations, contracts, inheritance, etc.

Functions of law

4. Protection of PROPERTY and property RIGHTS
 - ownership, lease, etc.

 5. Protection against VIOLATIONS of FUNDAMENTAL RIGHTS
 - right to life, right to an education, right to work, right to communication, freedom of movement, freedom of expression, etc.
 - usually found in international documents and constitutions
- 

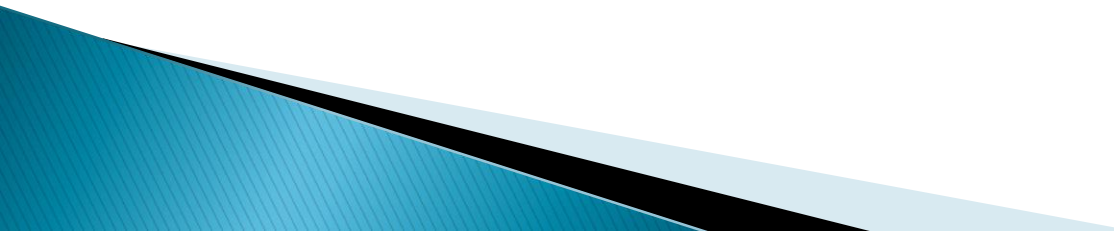
Functions of law

- ▶ Translate the following terms into Croatian:
 - legal regulation
 - parties to a contract
 - resolution of disputes
 - purchase and sale
 - protection of property
 - violation of fundamental rights

Functions of law

- ▶ Translate the following terms into Croatian:
 - legal regulation – pravno, zakonsko uređenje
 - parties to a contract – ugovorne strane
 - resolution of disputes – rješavanje sporova
 - purchase and sale – kupoprodaja
 - protection of property – zaštita imovine, prava na imovinu
 - violation of fundamental rights – kršenje temeljnih prava

Law and the State

- ▶ What is a state? What is the relationship between law and the state?
 - ▶ state: a defined geographical area in which a community of people lives subject to a uniform system of law administered by a sovereign authority
- 

Law and the State

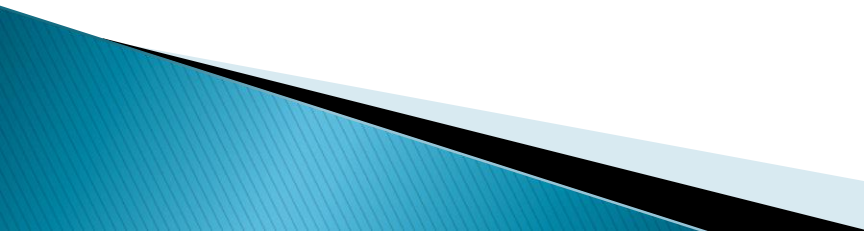


Exercises

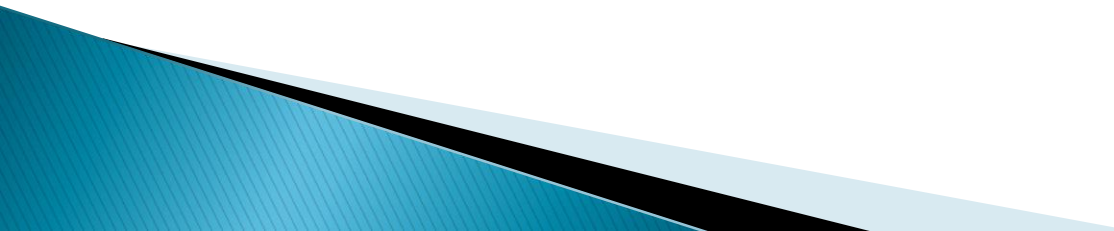
- ▶ p. 13 / ex. IV, V
- ▶ p. 14 / ex. VI, VII

Law and justice

- ▶ Should law always provide justice?
 - ▶ Is that always the case?
 - ▶ Think about the reasons why (not).

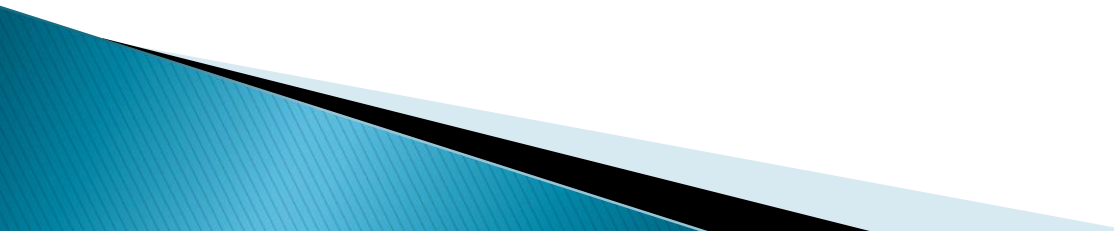
 - ▶ What is just?
 - ▶ applying the rules in the same way to everyone – guarantee of justice?
- 

Law and justice

- ▶ law should strive towards justice
 - ▶ law should be:
 - reasonable
 - general
 - equal
 - predictable
 - certain
- 

Law and morality

▶ Discuss:

1. Should the law be based on morality?
 2. Do we all share the same moral standards? Think of examples.
 3. In your opinion, should the law be respected even if it deviates from morality? Give your arguments
- 

Thank you for your attention!

