

Lomonosov Moscow State University
Law School

Department of Foreign Languages

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BRITISH LEGAL HISTORY AND CULTURE

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British Legal History and Culture highlights the most important periods in the legal history of the United Kingdom from 1066 up to 2005 with the emphasis on major historical events and prominent figures, the development of government and law, the evolution of the legal system. The textbook helps readers to better understand legal English as it appears in contemporary written contexts, to master reading and speaking skills, to use terminology effectively and to acquire the background knowledge necessary for further studies in law and history.

Key words: William the Conqueror, Henry I, common law, Henry II, King John, Magna Carta, Edward I, Parliament, equity, the Tudors, Privy Council, Reformation, Elizabeth I, the Stuarts, Petition of Right, Grand Remonstrance, Civil War, Protectorate, Oliver Cromwell, Instrument of Government, Tories, Whigs, Glorious Revolution, Bill of Rights, Act of Settlement, Great Reform Act, Parliament Act, House of Lords Act.

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PREFACE

There is no doubt that legal history holds an important place in the law school curriculum. Being proficient in law means being familiar with the legal history and culture of the country in focus. This is particularly important for the United Kingdom where law and government have evolved over a long time. Today they contain elements that are more than 800 years old. Knowledge of British legal history enhances the comprehension of the modern English legal system.

This textbook aims to provide law students, legal academics and other persons interested in the studies of English for special purposes with a key to the history of law and government of England. Designed as a university textbook in legal and cultural studies suitable for courses from intermediate to advanced level, this book may also be used as a personal learning pathway in a self-study mode or as a history and language resource. It will help both to explore key events in English legal history and to understand legal English as it appears in contemporary written and oral contexts.

The textbook provides an overview of the legal history a law student can be expected to learn in English, in view of the fact that he is embarking upon a subject for which his earlier studies of English have given him little preparation. Each of the twelve units contains an authentic text and various activities to practice language skills. The text highlights significant milestones in English legal history during a particular period of time. It is followed by a concise list of notes with an outline of relevant proper names. Each unit contains key word combinations and exercises to help readers to be familiar with the legal vocabulary and

to be accurate in using it. Sections of the texts and tasks considered advanced are marked *.

The book covers significant events to 1999 but some constitutional developments of 2005 have also been noted. The glossary at the end of the textbook provides a list of useful words and word combinations from each unit facilitating its better understanding.

We are very grateful to reviewers, colleagues and all those who have advanced suggestions for the improvement of the book.

Svetlana Aleshko-Ozhevskaya, Irina Ternovskaya
June 2024

KINGS AND QUEENS SINCE 1066

The House of Normandy 1066–1154

William the Conqueror 1066–1087

William II 1087–1100

Henry I 1100–1135

Stephen 1135–1154

The House of Plantagenet 1154–1485

Henry II 1154–1189

Richard I 1189–1199

John 1199–1216

Henry III 1216–1272

Edward I 1272–1307

Edward II 1307–1327

Edward III 1327–1377

Richard II 1377–1399

The House of Lancaster 1399–1471

Henry IV 1399–1413

Henry V 1413–1422

Henry VI 1422–1461, 1470–1471

The House of York 1461–1485

Edward IV 1461–1470, 1471–1483

Edward V 1483

Richard III 1483–1485

The House of Tudor 1485–1603

Henry VII 1485–1509

Henry VIII 1509–1547

Edward VI 1547–1553

Mary I 1553–1558

Elizabeth I 1558–1603

The House of Stuart 1603–1714

James I 1603–1625

Charles I 1625–1649

The Commonwealth, The Protectorate

Charles II 1660–1685

James II 1685–1688

William III and Mary II 1689–1702

Anne 1702–1714

The House of Hanover 1714–1901

George I 1714–1727

George II 1727–1760

George III 1760–1820

George IV 1820–1830

William IV 1830–1837

Victoria 1837–1901

The House of Saxe-Coburg and Gotha 1901–1917

Edward VII 1901–1910

The House of Windsor from 1917

George V 1910–1936

Edward VIII 1936

George VI 1936–1952

Elizabeth II 1952–2022

Charles III 2022– present

UNIT 1

‘Look, I have already grasped my Kingdom’.

William the Conqueror, 1066

William the Conqueror and centralisation of power

- Conquest of England
- English feudalism
- Central and local government
- Administration of justice
- Church and state
- End of reign

William I was about thirty-nine when he took the throne of England. By 1066 he had shown himself a brave soldier, a wily diplomat and an ambitious and determined ruler. He ruled as the Duke of Normandy from 1035 to 1087 and as the King of England from 1066 to 1087. He introduced continental European feudalism into England. His reign resulted in changes in English law, the English language and a programme of building and fortification.

Conquest of England 1066

When Edward the Confessor died on January 5, 1066 leaving no legitimate heir William claimed that Edward had promised him the throne in 1051. Harold Godwinson, a member of a powerful Anglo-Saxon family, was crowned King of England on the day of the Confessor's funeral. Two threats were raised against Harold's kingdom. One came from the Norwegian king Harald III, eager to restore the Viking empire, and the other came from Normandy, where Duke William felt humiliated by the choice of Harold as a king.

In September 1066 Harald III of Norway landed in the north east of England and Harold gave him a battle known as the Battle of Stamford Bridge, where Harald III was killed. During this time, the barons of France leagued

around William for the invasion of England and Pope Alexander II blessed them. Three days after the Battle of Stamford Bridge, William arrived with his army in the south of England and then moved to Hastings. On October 13, he received news that an army led by Harold was approaching and the next day the Battle of Hastings took place resulting in the death of Harold and the defeat of the English army. William's next target was London where he was crowned king of England on December 25, 1066.

Although the south of England submitted quickly to Norman rule, resistance continued in the North for six more years until 1072. The last serious resistance came with the Revolt of the Earls in 1075.

English feudalism

An important achievement of William was the introduction of feudalism into England. William owned all England: all other persons – the barons, lords, bishops and freemen – possessed land either as tenants, not owners, or subtenants of the King himself. All tenants had to swear an oath of allegiance to the King himself and owed the king military service. William was careful in the way he gave land to his nobles. One tenant held separate small pieces of land in different parts of the country rather than one large piece of land so no noble could easily gather his men to rebel.

Central and local government

The Battle of Hastings and the death of King Harold quickly settled William upon the throne of his new kingdom. William soon grasped the need to reinforce its system of national government. Before the Norman Conquest there was no strong central government. The king with his council or witan had little control over his kingdom. Royal justice was difficult to obtain. William understood that it was only by making laws which had to be obeyed and could be

enforced throughout the land that he could exercise real power and control over his subjects.

The great 'legal' foundation which William laid was an import from northern France, the *Curia Regis* (King's Court). The *Curia Regis* was the **central government** of the kingdom performing legislative, executive and judicial functions without distinction. It comprised the king and some of the most powerful men in the land such as barons, lords, bishops and other important figures on whose advice and wisdom the monarch relied. William used it as an instrument both to govern the country and as a court for deciding disputes.

William saw that the Saxon system of **local government** had some good points which he decided to develop. He retained the taxation and the administrative division of land into shires and hundreds. Anglo-Saxon sheriffs were replaced with William's supporters. These were royal officials who were responsible for the administration of royal estates and shires, called counties by the Normans, tax collection and leading the militia in times of unrest.

Administration of justice

William made no immediate change in regard to the customary laws of the English as this was an impossible task. The king, however, greatly strengthened the administration of justice in his new land. He occasionally appointed representatives to act as his deputies in the localities and to preside over local cases. They were the first royal judges who had to apply different customary laws in different shires.

Moreover, jurors were summoned at times to give a collective verdict under oath. Historians have debated as to whether juries were introduced as a result of the Viking conquests or were a Norman innovation. Whichever

argument is correct, it is evident that under the Normans trial by jury came into more frequent use.

William's ruling was labelled as cruel and oppressive. However, the laws were made to control the population. One policy that caused deep resentment of the people was that vast tracts of land were taken over for the king's forest. In some areas, whole villages were destroyed and the people driven out, elsewhere, people living in forest areas were subjected to severe penalties for poaching.

Church and state

Anglo-Saxon churchmen were replaced gradually by Normans appointed by William who retained the right to appoint bishops and impeach abbots. He used these churchmen as his major administrators because they were the best-educated members of society. At the same time William I continued strengthening the Church internally, enriching it and maintaining its discipline, although restricting its political power. This strongly contrasted with the pre-conquest state of things when the bishops sat in all the courts and settled religious and secular disputes. William insisted that the bishops should hold their own ecclesiastical courts; and since that time the Church has maintained its separate system of courts administering canon law. Separation of lay courts and church courts, each with a definite jurisdiction, became an important innovation of William I.

End of reign

His last years were absorbed in the great survey of the kingdom, which is known as the **Domesday Book**, completed in 1086. The land was described county by county, village by village, the owners and their subtenants were listed and their holdings valued, even the farm stock was recorded, with a view to settling clearly the rights of the Crown and

the taxable resources of the country. An important effect of the Domesday Book was to describe the chain of feudal relationships and to confirm the overlordship of the Crown. This opportunity of systematising the land possession enabled the Conqueror to make England the most perfectly organised feudal state in Europe.

In 1087 William fell ill. For six weeks, he lay dying and then he made his will giving England to his second son William Rufus, Normandy to his first son Robert, and five thousand pounds to Henry. He ordered money to be given to many English churches and monasteries and released his prisoners of state, some of whom had been confined in his dungeons for twenty years. In September 1087, he died.

NOTES TO THE TEXT

Edward the Confessor (c. 1005–1066) was the king of England. His reign (1042–1066) was comparatively peaceful. Though he showed some skill in avoiding confrontations, he had no great plans or projects. Deeply religious, Edward was responsible for building Westminster Abbey where he was buried in 1066.

Harold Godwinson (c. 1022–1066) was the king of England (Harold II). A strong ruler and a skilled general, he held the crown for nine months in 1066 before he was killed at the Battle of Hastings by Norman invaders under William the Conqueror.

Harald III of Norway (1015–1066) is also known as Harald III Sigurdsson, Harald the Ruthless, Harald Hardrada, the king of Norway from 1045 to 1066. In 1066, he attempted to conquer England allying himself with the rebel earl Tostig against the new English king, Harold II. After gaining initial victories Harald's forces were routed by the English king in September 1066 at Stamford Bridge where Harald was killed.

Battle of Stamford Bridge (September 25, 1066) was the battle between King Harold II of England and an invading Viking army led by King Harald III Hadrada of Norway would be remembered as the last time the Vikings attempted to conquer England.

Battle of Hastings (October 14, 1066) was the battle that ended in the defeat of Harold II of England by William, duke of Normandy, and established the Normans as the rulers of England.

Revolt of the Earls (1075) was a rebellion of three Anglo-Saxon and Norman earls who had plans to overthrow William I and divide England into three parts. It was the last serious act of resistance against William I.

Domesday Book (also known as Domesday, or Book of Winchester) is a great survey made of all the land in England in 1086. One of the main purposes of the survey was to find out who owned what so they could be taxed on it and the judgement of the assessors was final – whatever the book said about who owned the property, or what it was worth, was the law and there was no appeal. It was written in Latin.

ACTIVE VOCABULARY

- **Conquest of England 1066** – a legitimate heir, to be crowned
- **English feudalism** – to possess land, a (sub)tenant, to swear an oath of allegiance (to)
- **Central and local government** – to obtain justice, to obey laws, to enforce laws, to exercise power and control (over), to perform legislative, executive and judicial functions, to govern the country, to decide disputes, the administration of shires
- **Administration of justice** – the administration of justice, to preside over a case, to apply customary laws, to summon jurors, to give a collective verdict, a trial by jury, to be subjected to penalties (for)

- **Church and state** – to administer canon law
- **End of reign** – taxable resources, to make a will

For more terms and notions refer to GLOSSARY pp. 150–153.

TASK 1

a) Answer the following questions.

Conquest of England 1066

- 1) What threats did Harold Godwinson face after the coronation?
- 2) Who took part in two decisive battles of autumn 1066?
- 3) How long did the Anglo-Saxon resistance last?

English feudalism

- 4) How did William distribute land in England?

Central and local government

- 5) Why did William reinforce the system of national government?
- 6) What functions did the *Curia Regis* perform?
- 7) What was the administrative division of land like?

Administration of justice

- 8) Who became first royal judges?
- 9) Why did the people oppose the king's forest policy?

Church and state

- 10) What role did churchmen play in William's government?

End of reign

- 11) Why was William interested in carrying out the great survey of the kingdom?

b) Ask your questions to different sections of the text. Use ACTIVE VOCABULARY.

TASK 2

a) Match the word combinations with their definitions.

- | | |
|---------------------|--------------|
| a) legislative body | e) lay court |
|---------------------|--------------|

- b) executive function
- c) judicial power
- d) ecclesiastical court

- f) canon law
- g) customary law

1) Practices and beliefs that are such a vital and intrinsic part of a social and economic system that they are treated as if they were laws.

2) A governmental institution with the power to make, amend and repeal laws.

3) A body of law developed within a particular religious tradition.

4) The authority of courts and judges to hear and decide cases.

5) A judicial body having jurisdiction over matters concerning the established church.

6) The authority to control administration and manage various activities within a country.

7) A non-religious legal institution established by the state to interpret and apply the law.

b) Complete the sentences using the above word combinations.

1) Before the Conquest of England, the Anglo-Saxon courts provided a working legal system based on...

2) The universal law of the Church that was applied by bishops in medieval England was called...

3) Ten years after the Battle of Hastings, William the Conqueror decided to separate ... and ... in England.

4) Parliament grew out of the *Curia Regis* and is now the current ... in the UK.

5) As the *Curia Regis* had ..., its members decided disputes in the absence of the monarch.

6) As a part of the ... of the *Curia Regis* its members helped the king to run the country.

TASK 3

Speak on the following persons, institutions and notions using the words and word combinations.

1) William I – to be an ambitious and determined ruler, a legitimate heir, to be crowned, to exercise power and control (over), to govern the country

2) English feudalism – to possess land, a (sub)tenant, to swear an oath of allegiance (to), to obey, to exercise power and control (over)

3) Judicial power – to obtain justice, to decide disputes, the administration of justice, to preside over a case, to apply (customary) laws, to summon jurors, to give a collective verdict, a trial by jury, to be subjected to penalties (for), to administer canon law

4) Sheriffs – to enforce laws, the administration of shires, to perform such functions as

5) *Curia Regis* – to exercise power and control (over), to govern the country, to decide disputes, the administration of justice, to preside over a case

TASK 4

a) Fill in the appropriate nouns from the following sections of the text.

Central and local government

- | | |
|---------------------------|-----------------------------|
| 1) to reinforce... | 5) to perform... |
| 2) to obtain... | 6) to govern... |
| 3) to obey and enforce... | 7) to be responsible for... |
| 4) to exercise... | 8) to decide... |

Church and state

- | | |
|-------------------|----------------------------|
| 9) to appoint... | 11) to use churchmen as... |
| 10) to impeach... | 12) to strengthen... |

Administration of justice

- | | |
|------------------------|-----------------------------|
| 13) to preside over... | 16) to give a collective... |
|------------------------|-----------------------------|