

forming lifelong learners. Project work also provided a chance for better evaluation of the student's results. Completing a project, they need a sort of guidance or supervision thus having their work assessed several times before it must be finished. Grading then becomes more a tool of learning and growth than a final judgment of the product. It also makes students rely on each other and the skills of consensus are more likely to be learned.

Another example of efficient organization of the teaching and learning process in order to stimulate active subject position of students is the use of debate. In addition to providing meaningful listening, speaking and writing practice, debate is also highly effective for developing argumentation skills for persuasive speech and writing as well as analytic thinking skills. The practice in the debates also leads students to become more accustomed to expressing opinions.

Moreover, teaching is a demanding job that takes place in a complex and dynamic setting, the classroom. Although classrooms are familiar places for beginning teachers, most have known the classroom from in front rather than behind the teacher's desk. That is why we relied on the possibilities of professionally oriented technology in the educational process involving case method and management games. A case puts students in a role of a person faced with a problem and asks them to devise, defend, discuss, and refine solutions to that problem. Such situations usually require not only professional knowledge and skills but also a kind of moral choice that should be made in accordance with values either personal or professional. Management games help to create the atmosphere of a real classroom and imply a lot of acting out which is useful for teacher-to-be. Another advantage of management games and case method is enhancing student creative skills through eliminating of traditional discussion of theoretical points and inserting of practical tasks.

Taking into account what has been said above, it takes a lot to be an effective teaching professional. Moreover, accomplished teachers are inventive in their teaching, recognising the need to admit new findings; they stand ready to incorporate ideas and methods developed by others that fit their aims and their students. They are supposed to be involved into constant search and creative activity. Thus, the students took part in several university competitions and, while at school, prepared pupils for a local phonetic contest. Eventually, the students had to evaluate their progress in studies, review their performance in different activities either successful or not, describe their achievements and analyse their fails.

The conditions described proved to be efficient in the experiment we carried out from 2009 to 2013 at PSU. The qualitative and quantitative analysis of the results showed their considerable effect on the development of value attitude formation to teaching among teachers-to-be.

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## THE GENTRY DEMOCRACY CHARACTERISTIC FEATURES OF RZECZPOSPOLITA

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*The features of social and political system of the Commonwealth are considered in the article. The general characteristic of the legal status of the gentry are mentioned. The process of the political system formation and development of the Commonwealth has been analyzed.*

The period of the Rzeczpospolita comprised the territory of modern Belarus had a great value for the country's history. Such important law monuments as the Statute of 1588 and the Constitution of 1791 appeared right at that time. The level of the legal and political thoughts was very high in the country. Moreover, a special public way so-called "gentry democracy was set up in Rzeczpospolita". In this article we'll pay attention on reviewing the peculiarities of this public way.

During the 16 -18 centuries a social and social class polarization took place especially in Belarus, the gentry was glorified. Its special rights and freedoms gave researchers the reason to believe that Rzeczpospolita was a "gentry nation" [2].

Unlike the other countries in Western Europe, where the representative form was transiting to an absolute monarchy (France) or a parliamentary monarchy, Rzeczpospolita was advancing itself in its own way. It is in this form of government emerged an elected monarch who had very limited powers.

A special agreement was set up between the gentry and a new King – so called *pacta conventa* which stressed the exact duties of the new elected monarch and was a kind of an individual contract. "Henry's Articles"

(name from the first elected King Henry de Valois) was made up with the first *pactaconventa*, where the basic principles of the gentry statehood were outlined. They forced the King and the Great Prince to accept free election, keep a religious peace, not deciding on war and peace issues without the Senat and the Sejm, not to hold the elections of the heir during the lifetime (*veventerege*), convene a usual Sejm every two years and also the possibility of holding Extraordinary Congress of the gentry was provided. When the gentry considered that their rights were broken they could refuse to obey the King.

Henry's Articles were approved in the year of 1573 when a Anjou Duke Henry of Valois was elected as the King of Rzeczpospolita. He was elected hoping for setting better relations with The Ottoman Empire, as France at that time had good relations with the Turks.

After the negotiations between Henry and Polish embassy he took the oath and assumed the obligation to comply with the "pact of the convention" and so-called Henry's Articles at the ceremony at Notre Dame September 10, 1573. "PactaConventa" 1573 had relatively narrow and precise nature: "Observe the privileges for the nobility, to make eternal peace between Poland and France, perform what is required to Sigismund Augustus, to strengthen the Polish fleet in the Baltic, open the French port for the merchants of Poland, from where boats leave for the New World and Alexandria, and so on" [2]. Provisions relating to the state system *Rechy Commonwealth*, have already been given above.

But right after his brother Carl's IX death Henry secretly escaped to France. Vilna governor Nikolai Radziwill Auburn in a letter to Bishop Valerian Vilna Pratasavichu skeptically assessed the attempts to make him return to Poland: "will not come back because there [in France] *absolutum dominium*" [2]. In 1576 a *selmigradski* governor Stephen Batory was elected as a king, he accepted Catholicism and without any claims signed Henry's Articles and "pactaconventa". This events gave the gentry in Rzeczpospolita a great power in the country.

In this regard a concept of "Golden Liberty" was gradually appearing in Rzeczpospolita. The major of these liberties were the equality for all the gentry before the law (*aequalitas*), the right for a free election of a King (on the *virutum* principle), the right to every nobleman for the freedom of voice (*liberavox*), the right to protest (*iusvetandi*) and also the integrity of the nobleman's personality and his estate (from 1588 manor gentry were protected from any revisions). Theoretically the gentry had the right for everything. Its freedoms could only be limited by the decision of the Sejm and Regional Parliaments but those were accepted by the gentry. Without the consent of the gentry to the King and the Grand Duke had no right to impose taxes, nor gather the militia to declare war, nor grant any other statutes relating to the nobility. This situation was unique in Europe at that time.

The gentry of Rzeczpospolita had also another peculiarity – the equality of all the representatives of the noble status. S. Kutsheba noted [3, c. 59] that it had been due to the fact that "when the state formed the state of nobility the notion of race still existed". After the adoption the coats of arms (which meant the adoption in terms of nobility) ancestral links intensified. The whole generations were taken in the composition of the gentry not only particular families. So the gentry's rights and freedoms economically supported socially weak people whose only sole support was the belonging to a particular race. Noblemen needn't have had to have land to get the title.

That system seemed to be the fairest for the gentry and every attempt to change something was accepted as an attempt to set dictatorship. The most famous ideologist of the "Golden Liberty" was the commandant of the Lviv Andrew Maximilian Fredra [4] (1620–1679) who 1660's read a treatises in its defense. In particular, considering the benefits of the traditional Rzeczpospolita unanimously adopted resolutions (*liberum veto*) he wrote that otherwise if the decisions had been made by the majority of the votes "the majority of the worse would crow over the majority of the better" and the country would have suffered greater harm.

Some scientists figuratively compared the state system of Rzeczpospolita with a chorus where "not only the royal alto but a lot of "free" voices cohesively support one melody".

So it can be noticed that the gentry highly assessed the present state system. They believed that state to be perfect and every attempt of reforming considered to be a harmful action and the break of their rights.

Over time "Golden Liberty" gained an absolute character. They were considered as a base of relations between the gentry and the country. Every attempt to reform the set system the gentry thought to be an act against their privileges and was blocked. Being scared of changes the gentry thought that the Sejm should have not only pursue their own policy but also deter the changes on the part of the king. In short, the risk was seen only in the adoption of new, harmful for those system regulations. In practice, the best way to prevent them was stopping the meeting of the Sejm by *liberum veto*. The right for one nobleman to disrupt the Sejm during the meeting became a symbol of noble freedom. Starting from 1652, "when the right was used by the Trotsky Ambassador Vladislav Sitsynski (although breakdowns occurred earlier in 1605, 1615, 1637) and by the end of the rule of Sasovo (1763) more than a half of the opened Sejms were disrupted [4]. The disruptions of the Sejms revealed a nasty disease of the gentry parliamentary.

Very soon the right of "liberum veto" became abused. It started to be a formidable tycoons' weapon who were seeking after hegemony under the weakened central government. But none of their groups was strong enough to take all the power into their hands. So they united with the gentry and were hoping for preserve the balance of power through the liberum veto as a brake, as a way to block unwanted decisions. The state of equilibrium of forces just helped idealization installed image, the desire to keep it intact.

Another important characteristic of the gentry democracy was the right to create confederations. A confederation was not recognized by the King. It was called Rokash and was an official form of armed struggle against the government. During the 17 century confederations rose in the Commonwealth dozens of times - whether to revolt against the monarchy and achieve their demands, or to support it. Achieving their political goals confederations drew into public life wide circles of the gentry and the army. And illustrious lords besides the number of the serving nobility had various military units that were sometimes stronger than the state army. For example, "Slutsky Jerome Prince Radziwill Florian (1715–1760) held the 6000 regular army and as many Cossacks and shooters. In order to prepare officers for his army Radziwill opened in his residences in Slutsk and Nyasvizh special cadet corps, and his brother Jerome said Florian Hetman Michael Casimir founded in Nyasvizh his own military academy. The presence of such a force in the ambitious oligarchs led to the decentralization of power and risks of political anarchy in the Commonwealth" [4].

Gradually gentry democracy turned into an aristocratic oligarchy. Groups of large magnates who owned a strong reputation in the state were formed. These groups included the gentryklientela magnates.

Disorder undermined the already weak state. In such circumstances, the nobility was demoralized. Gifted with all the privileges, dominating over the whole society, the gentry, as the state, was experiencing apathy and degenerates. For general internal disorder new particularism revolted again which paralyzed weak Rzeczpospolita. A huge multinational state is one outwardly seemed to be more united. It had already been eroded by internal antagonisms for a long time and politicians' mistakes only deepened them. It was very hard to change something because as it has been mentioned the magnaterii and Catholic clergy resisted the reforms.

In the last third of the XVIII century an opportunity of internal reforms appeared in Rzeczpospolita. Many of the reforms of the state system were taken as a result of the so-called four-year Sejm. However, the reform of the political system could not be implemented to a certain extent, it was too late. Just in a few years Rzeczpospolita ceased to exist as an independent state and was divided between Russia, Prussia and Austria.

#### REFERENCES

1. Вішнеўскі, А.Ф. Гісторыя дзяржавы і права Беларусі : вучэб. дапам. / А.Ф. Вішнеўскі, І.У. Вішнеўская. – Мінск: Тэтра-Сістэма, 2005. – 192 с.
2. Галечанка, Г. Развіццё шляхецкай дэмакратыі ў Вялікім княстве Літоўскім у XVI–XVIII ст. / Г. Галечанка ; пер. з рус. А. Шаланда // Герольд Litherland. – 2001. – № 3. – С. 85 – 102.
3. Кутшеба, С. Очерк истории общественно-государственного строя Польши / Пер. с польского и вступительная статья Н.В. Ястребов. – СПб. : А.С. Суворина, 1907. – 231 с.
4. Сагановіч, Г. Нарыс гісторыі Беларусі ад старажытнасці да канца XVIII ст. / Г. Сагановіч. – Мінск : Энцыклапедыкс, 2001. – 412 с.

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#### THE SUBJECT OF CRIMINAL LIABILITY IN THE REPUBLIC OF BELARUS

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*The subject (perpetrator) is one of the obligatory elements of a crime. Actually, without his participation, a forbidden act cannot be committed. Criminal law defines the subject of a crime as the person who is able to bear criminal responsibility for the commission of forbidden acts stipulated by the penal code. Nevertheless, as the practice demonstrates, not every perpetrator bears criminal responsibility, because not everyone can do this. It is, therefore, necessary to consider what characteristics determine the ability of the perpetrator to bear criminal responsibility, who stipulates these characteristics, and what is their scope.*

The characteristics of the subject of a crime have been defined in the penal code of the Republic of Belarus (PC RB) of 1999 in chapter 5 of division II titled, "Terms of criminal responsibility". They are listed in art. 27 of the PC RB, which says that "only a person who is accountable, and who has reached the age specified