

21世纪EAP学术英语系列丛书

丛书总主编 蔡基刚

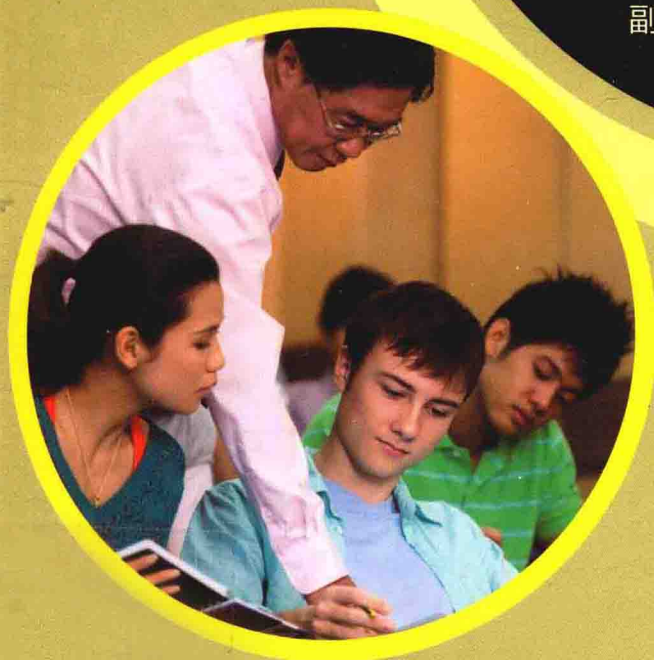
21st Century EAP Series

法学英语

(II) 第二版

本册主编 李 立 张 清

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 復旦大學出版社

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总 序

2010年10月,《国家中长期教育改革和发展规划纲要》正式颁布,向我国高校提出了“提高我国教育国际化水平。培养大批具有国际视野、通晓国际规则、能够参与国际事务和国际竞争的国际化人才”,并为达到此目的提出了一系列加快我国高等教育国际化的措施,包括“引进国外优秀教材”、“提高外籍教师的比例”、“吸引更多世界一流的专家学者来华从事教学和科研”等。在高等教育国际化背景下,大学生用英语进行专业学习的需求越来越普遍和迫切,具体表现在:选修全英语专业课程;听国外教授的专业讲座;用英语搜索专业文献;撰写实验报告、文献综述和小论文;参加专业领域内的国际研讨会;用英语宣读论文和进行讨论等。

我们调查发现,大学生在完成大学基础英语的学习后,要顺利过渡到用英语作为工具进行上述内容的专业学习还存在不少困难。为此,我们组织编写了这样一套《21世纪EAP学术英语系列丛书》,旨在培养学生所需要的学术英语能力,以便他们能够熟练地运用英语进行专业学习和研究。本书编写的主要特色如下:

一、以内容为依托

本书的理论基础是基于内容为依托的外语教学法(Content-based Instruction),简称CBI。其理论核心是:如果语言教学能基于某个学科知识或学科主题来进行,将外语学习同学科内容有机地结合起来,教学效率往往会大大提高(Kasper, 2000)。这是因为:1)关注内容可以把语言的焦虑感降到最低程度;2)内容学习大大增加了可理解的输入量;3)和专业相关,能极大地调动学生学习的兴趣和积极性。这一理念已为世界各国的外语教学所广泛接受和实践。英国文化委员会早在20世纪末的一项对全世界大型英语调查中就得出结论:“将来的英语学习不再是单纯的英语学习,将来的英语教学是越来越多地与某一个方面的专业知识或某一个学科结合起来”(刘润清, 1996)。

二、分科英语教学

前辈许国璋在1986年就指出:中学学普通英语,大学学分科英语,研究生学专业英语,这样,“中学6年,大学和研究生6年,12年培养出与麻省理工大学同行专家交流(听说读写)学术信息的专家。如:“学化学的,拿起普通化学的书就看;学文学的,能拿起一本普通文学史就看;学国际法的,能拿起一本国际法引论就看。且看了觉得有收获,这是学好分科英语的一个标志。”为此,我们按学科内容为依托,编写了如环境学英语、法学英语、工程英语、旅游英语等。分科英语虽和专门用途英语

(即专业英语)同一名称,但有很大的区别:分科英语的内容只是一种载体,目的是培养学生学术英语的能力,因此选材是学科的科普内容,来自一般书刊,而非专业书籍。也就是说,无论学生和教师都不需要有专门的专业知识背景都能读懂。而专门用途英语的学科内容就比较专业。

三、学术英语能力

本系列教材的目的是通过与各学科内容相关的载体来提高学生在专业学习和研究中所需要的学术英语能力,具体而言,如听专业英语讲课和学术讲座的能力、搜索和阅读专业英语文献的能力、撰写专业文献综述和学术论文的能力、参加专业领域内国际学术研讨会进行论文宣讲和讨论的能力等。教材围绕着培养这些能力的目标而展开,每个单元都设置了Search for Background Information, Listen to the Lecture, Read for Information, Write an Academic Essay, Make Your Presentation等固定板块。在这些板块中,学生不仅可以围绕每单元的学科内容学到各种学术英语能力,还能学到一些必要的学术规范知识。

四、教材的真实性

作为训练学生学术英语能力的分科英语教材,最大原则就是真实性(authentic),以便培养学生顺利应对真实学术界的能力。长期以来,我国学生的英语学习是处在一种伪环境中,教材中选用的课文在语言和内容上都受到了严格的控制,以适应不同级别的英语考试。结果学生学了近10年的英语,仍然无法应对真实英语世界。本系列教材坚持三个基本:1)基本上不对选为课文的原文在生词和结构等方面进行语言上的控制,目的是保持原生态。2)基本上不对原文进行内容方面的调整。同一主题,尽可能选择观点相异或相反的文章,以便给学生提供思考、比较和评价不同学术观点的机会。3)基本上不对输入量进行控制,如不少课文长度超过了一般大学英语教材1200词的上限。除了同一主题有至少两篇材料外,还提供主题相关的学术讲座,不仅长度基本上按原来的,而且大多数用演讲者原文,保留了不同地方的口音。

五、项目研究模式

项目研究法(Project-based Instruction, PBI)是以内容为依托的教学法中最为行之有效的一种模式。PBI教学理念就是让学生通过项目研究的方式来解决一个学科上的问题。在项目研究过程中,学生不仅能通过对相关学科内容的研究提高其学术英语能力,而且还能发展他们的自主学习能力、团队协作能力、分析和解决问题的能力以及批判性思维能力。本系列教材的安排就是要求学生根据课文单元的主题,并依据自己的学术兴趣选定研究课题,结成小组团队,开展学术性研究。要求学生们结合自己的项目,搜索和阅读一定数量的文献资料,记笔记,写出一定长度的文献综述,并进行课堂报告。我们还希望学生能够通过模仿,写出一篇1500词左右的小论文作为该项目的研究成果,并进行演示陈述作为口头成果。为此,教材还提供了一篇学术小论文作为样本。

本系列教材的对象是完成大学基础英语后的学生，为一个学期的学术英语课程使用，每周课2—4个学时不等。我们建议学生根据自己专业选择我们系列教材中的一种。已经出版和正在出版的有法学英语、环境学英语、工程英语、旅游英语、新闻英语、财经英语、商务英语、邮电英语、医学英语、航天英语、生物英语、计算机英语、心理学英语、历史英语、社会学英语、文学英语等。这是一套开放型的教材（我们欢迎更多的教师加入到编写队伍中来）。

这套开放型的新教材和传统大学英语教材不同，和专门用途英语（即专业英语）也有所区别。在高等教育国际化背景下的大学英语转型时期，我们相信这套教材将起到重要的作用。

蔡基刚

2012年2月11日

教材使用说明

本教材系《学术英语系列丛书》之一法学分册——《法学英语》Ⅱ（第二版）。该教材虽然叫法学英语，但是使用范围不仅仅局限于法学专业学生，可以广泛适用于人文社科类专业大学生。因为本教材编写的宗旨不在于系统地介绍法学的专门知识，而是通过日常生活中某些与法律相关的热点话题引导学生学习学术英语，以提升学生自主学习的能力，使学生逐渐过渡到能用英语学习相关专业课程。

本教材力争做到与第一册教材的承续，选取的材料延续了第一册话题的特点，依然为社会上有争议的热点话题，通过呈现学生热议的话题，充分调动学生学习学术英语的兴趣，培养学生在相关语境中运用英语进行口头和书面的交流能力，并为将来的专业学习打下基础。

本教材共分六个单元，每单元涉及一个社会或法律热点问题，包含五方面内容：寻找信息部分、视听、课文A及课文B、练习部分及技能部分。具体说明如下：

寻找信息部分：该部分列出了所涉法律话题相关的关键术语及相关背景知识点，需要学生根据提供的相关网址，进行自主学习，通过网络查询理解相关主题。

视听部分：包含三个练习，内容与单元主题相关，主要为对话、访谈或辩论形式，总长度在8—10分钟左右，作为学生学习课文的热身练习，学生在开始视听材料之前，最好先熟悉书中提供的词汇和术语，预习背景材料中的相关知识，以帮助听力理解。

课文部分：课文A和课文B都与每个单元的主题相关，有利于学生围绕相关主题进行深入的思考和讨论。学生在阅读课文时，须逐渐学会归纳段落大意，总结全文，分析两篇文章之间的关系，并结合我国社会实际问题，展开讨论。对于文中所涉背景知识，特别是一些案例，要充分利用互联网查找背景资料、阅读材料，进行相关讨论、辩论，培养思辨能力及口头表达能力。

练习部分：包含语义、句法及语篇方面的练习，涉及口语、写作及翻译技能，书中所设计的练习，多为法律词汇或术语，要求学生强记强背，使用文中学习的法学术语和学术语言进行写作和辩论，增强法律英语语感。

技能部分：本册书主要介绍了如何写学术论文(Writing Skills: How to Write an Academic Paper)，转述技能(Paraphrasing Skills)以及翻译技能(Translation Skills)。此外，本教材还附有一本词汇手册，供学生学习使用。

本教材的突出特点是：

1. 选材兼具知识性与趣味性，所涉内容均为当今热点话题，不涉及较深的专业知



Unit 1 Same-Sex Marriage 001

1. Search for Background Information 001
2. Discuss the Words' Meaning 003
3. Listen to the Debate 006
4. Read for Information 007
 - Text A Same-Sex Marriage, Civil Unions, and Domestic Partnerships 008
 - Text B Anti-Gay vs. Pro-Marriage 012
5. Practice for Enhancement 017
6. Writing Skills: How to Write an Academic Paper (I) 020

Unit 2 Graffiti 024

1. Search for Background Information 024
2. Discuss the Words' Meaning 026
3. Listen to the News Reports 030
4. Read for Information 031
 - Text A What Is Street Art? Graffiti, or Public Art 031
 - Text B Graffiti Laws: Outdated, Impractical and Unfair 036
5. Practice for Enhancement 040
6. Writing Skills: How to Write an Academic Paper (II) 043

Unit 3 Death Penalty 046

1. Search for Background Information 046
2. Discuss the Words' Meaning 048
3. Listen to the Debate 051
4. Read for Information 053
 - Text A Death Penalty and Sentencing Information 053
 - Text B Is the Death Penalty Fair? 057
5. Practice for Enhancement 062
6. Writing Skills: How to Write an Academic Paper (III) 066

Unit 4 Gun Control 068

1. Search for Background Information 068
2. Discuss the Words' Meaning 070

- 3. Listen to the Speech 073
- 4. Read for Information 074
 - Text A Mothers Against Guns 075
 - Text B Gun Control 079
- 5. Practice for Enhancement 083
- 6. Paraphrasing Skills (I) 086

Unit 5 Informed Consent and Patients' Rights 089

- 1. Search for Background Information 089
- 2. Discuss the Words' Meaning 090
- 3. Listen to the Dialogue and Monologue 094
- 4. Read for Information 096
 - Text A Disclosure of Financial Interests 096
 - Text B Cosmetic Surgery and Informed Consent: Legal and Ethical Considerations 099
- 5. Practice for Enhancement 106
- 6. Paraphrasing Skills (II) 109

Unit 6 Advertisement and Celebrity 112

- 1. Search for Background Information 112
- 2. Discuss the Words' Meaning 113
- 3. Listening to the Dialogue and Monologue 116
- 4. Read for Information 119
 - Text A Celebrities in Advertising 120
 - Text B False Advertising and Celebrity Endorsements: Where's My Script? 124
- 5. Practice for Enhancement 130
- 6. Translation Skills 133

Appendix 1 Sample Academic Essay 139

Appendix 2 Glossary 147

Unit 1

Same-Sex Marriage



1. Search for Background Information

1.1 Find the information on the Internet about the following terms from texts or about the subject.

A) ballot initiative

B) referendum

C) homosexuality

D) sexual perversion

E) Proposition 8

F) Defense of Marriage Act (DOMA)

G) domestic partnership

H) civil unions

I) Constitutional Amendment

J) The First Amendment

K) gay rights movement

L) Goodridge v. Department of Public Health

M) Lawrence v. Texas

N) Gay & Lesbian Advocates & Defenders (GLAD)

O) Gay & Lesbian Alliance against Defamation (GLAAD)

Web resources

http://ballotpedia.org/wiki/index.php/Ballot_initiative

<http://en.wikipedia.org/wiki/Referendum>

<http://www.answers.com/topic/homosexuality>

<http://medical-dictionary.thefreedictionary.com/Sexual+Perversions>

<http://www.policymic.com/articles/31064/prop-8-definition>

http://en.wikipedia.org/wiki/California_Proposition_8

<http://legal-dictionary.thefreedictionary.com/Defense+of+Marriage+Act+of+1996> [http://](http://en.wikipedia.org/wiki/Domestic_partnership)

en.wikipedia.org/wiki/Domestic_partnership

<http://www.answers.com/topic/civil-union>

<http://www.house.gov/Constitution/Amen.html>

http://www.law.cornell.edu/constitution/first_amendment

<http://civilliberty.about.com/od/gendersexuality/tp/History-Gay-Rights-Movement.htm>

<http://supreme.justia.com/cases/federal/us/539/558/case.html>

http://www.pbs.org/wnet/supremecourt/future/landmark_lawrence.html

http://www2.law.columbia.edu/faculty_franke/Gay_Marriage/Goodridge%20Decision%20edited%20Fundamental%20Right.pdf

<http://www.glad.org>

<http://www.glaad.org>

- 1.2 Report the information you have found to the class in the form of an oral presentation with or without PowerPoint within two minutes.



2. Discuss the Words' Meaning

- 2.1 Read the sentences below and use context to write the definitions of the underlined words.

e.g. **persuade:** to make someone decide to do something, especially by giving them reasons why they should do it, or asking them many times to do it

I reasoned with him for hours, but I couldn't persuade him to change his mind.

1. **proponent:** _____
He is a keen proponent of gay marriage, and he took an active part in gay rights movement.
2. **commitment:** _____
They have actively participated in the implementation of government policies and reforms with a strong sense of mission and commitment.
3. **citizenship:** _____
The privileges and freedoms inherent in self-government are balanced by the duties and responsibilities of citizenship.
4. **undermine:** _____
Offering advice on each and every problem will undermine child's feeling of being independent.
5. **momentum:** _____
The gay rights movement is really gaining momentum when more and more supporters join in.
6. **discriminatory:** _____
The immigration laws have been blatantly sexually discriminatory against black women.
7. **overturn:** _____
The convicted criminals have a right to appeal the verdicts in the next days, but the supreme court rarely overturns decisions.
8. **replicate:** _____
Apple sets an example of meteoric success that virtually no other companies will be able

to replicate.

9. **bar:**

They seized his passport and barred him from leaving the country.

10. **unconstitutional:**

The Republicans defeat Obama's health care bill by persuading the courts that mandatory health insurance is unconstitutional.

11. **withstand:**

We need to build a new foundation strong enough to withstand future economic storms and support lasting prosperity.

12. **cease:**

The trees desire stillness but the wind will not cease.

13. **rebuke:**

When the Rockets lost their ball, a lot of Yao's opponents jumped out and rebuked him for his miss.

14. **compelling:**

A state could not contravene the freedom of contract unless there were obvious and compelling reasons for exercising the police power.

15. **procreate:**

For any living creature, the evolutionary game involves obtaining resources to live long enough to procreate and rear its youngs.

16. **affirm:**

Both sides affirm their determination to continue their co-operation in the field of environmental protection on the basis of their agreement.

17. **grant:**

He was granted his freedom on the condition that he left the country.

18. **revision:**

These Terms of Use shall apply with equal force to any and all such updates or revisions.

19. **denomination:**

Christians of all denominations, including the Protestant denomination that rejects the doctrine or the Trinity, attended the conference.

20. **delegate:**

If you're unable to attend, a substitute delegate is always welcome at no extra charge.

21. **expel:**

Schools shall respect the minor students' right to receive education and may not arbitrarily expel any minor students from schools.

22. **assumption:**

They have taken a wrong turning in their assumption that all men and women think alike.

23. **multi-faceted:**

Although her job is multi-faceted, she handles different kinds of problems in an easy way.

24. **formulate:**

I was impressed by the way he could formulate his ideas clearly in public.

25. **dilemma:**

He was faced with the dilemma of whether or not to return to his country.

26. **inclined:**

I am inclined to think that the ancient Greeks understood this better than we do.

27. **adoption:**

The childless couples are eager to have children and desperate for the adoption of those orphans.

28. **monogamous:**

Swans are monogamous birds. They are loyal to their only sexual partner during their lives.

29. **thrive:**

The company became very successful in the U.S. during the war. Today it continues to thrive all over the world.

30. **attest:**

The convicted is a dangerous person. Police records attest to his long history of violence.

2.2. Find more words of each word family. The first one has been done for you.

Base form	Other related forms in the word family
advocate	e.g. advocatory, advocacy, advocator, advocacy, advocative
minimal	
regard	
restore	
intervene	
accurate	
convince	
convert	
deny	
transform	
ignore	
diverse	
discriminate	
relative	
reject	

2.3 Explain the meaning of the following roots or combined forms. Add at least five similar derivatives with their Chinese definitions.

	Roots or combined forms	Meaning	More derivatives with Chinese translation
e.g.	bene-	good	benediction 恩赐; benefaction捐助; beneficial有益的; beneficiary受惠者; beneficence 善行, 仁慈, 慈善; benefit 利益; benevolent仁慈的
1	abs-		
2	cata-		
3	circum-		
4	dia-		
5	fore-		
6	mono-		
7	pro-		
8	se-		



3. Listen to the Debate

3.1 Listen to the first part of the debate and answer the following questions.

Difficult words and expressions

panel /'pænəl/ <i>n.</i>	(进行公开讨论或作决策的) 专门小组
submit /səb'mɪt/ <i>v.</i>	服从
whim /wɪm/ <i>n.</i>	突然的念头; 幻想
palatable /'pælətəbl/ <i>adj.</i>	合意的
bigot /'bɪgət/ <i>n.</i>	抱偏见的人
orchestrate /'ɔ:kɪstreɪt/ <i>v.</i>	精心策划
phenomenal /fɪ'nɒmɪnəl/ <i>adj.</i>	显著的
backlash /'bæklæʃ/ <i>n.</i>	激烈反应, 反击
polygamy /pə'ɪgəmi/ <i>n.</i>	一夫多妻, 一妻多夫, 多配偶制

1. What is the hot-button topic of the debate?

2. Why did Proposition 8 spark outrage?

3. Who are in support of same-sex marriage in the panel?

4. As a follower of Jesus Christ, what's Jim's point of view?

5. What is Mr. Mayor Gavin's view on the equality for gay and lesbian community?

3.2 Listen to the second part of the debate and take notes according to the questions in the left column.

Questions	Notes
1. Where are the four million voters ignored and imposed to accept same-sex marriage?	
2. According to Joel, what is the community upset about in the defeat?	
3. As a product of gay marriage, what does the female audience think of her home?	
4. According to Joel, what should people know about the campaign in front of Mormon temples?	
5. Do they get common ground on the issue of same-sex marriage?	

3.3 Listen to the whole debate again and write a short summary of the debate according to your answers and notes.

3.4 Exchange your summary with your partner and be ready to read to the class.



4. Read for Information

4.1 Read Text A and answer the following questions.

1. What are the different assumptions regarding the institution of marriage?

2. Why is New York considered to be new momentum of national gay-rights movement?
3. What does President Obama think of the Defense of Marriage Act?
4. Why is “civil unions” an intermediate step?
5. Illustrate three denominations against same-sex marriage in Text A.

Text A

Same-Sex Marriage, Civil Unions, and Domestic Partnerships

1 For over a decade, the issue of same-sex marriage has been a **flashpoint** in American politics, setting off waves of competing legislation, lawsuits and ballot initiatives to either **legalize** or ban the practice and causing **rifts** within religious groups. The legalization of same-sex marriage in the United States has become a relatively recent goal of the gay-rights movement, but over the last few years, gay-rights organizers have placed it at the center of their agenda, steering money and muscle into dozens of state capitals in an often uphill effort to persuade lawmakers.

2 **Proponents** of same-sex marriage have long argued that the institution of marriage is a unique expression of love and **commitment** and that calling the unions of same-sex couples anything else is a form of second-class **citizenship**; they also point out that many legal rights are tied to marriage. Those opposed to same-sex marriage agree that marriage is a **fundamental** bond with ancient roots. But they draw the opposite conclusion, saying that allowing same-sex couples to marry would **undermine** the institution of marriage itself.

3 Most states have shown caution in changing the status quo. But Washington, D.C., Connecticut, Iowa, Massachusetts, New Hampshire and Vermont issue marriage **licenses** to same-sex couples. And in June 2011, New York lawmakers voted to legalize same-sex marriage, making New York the largest state where gay and lesbian couples will be able to wed and giving the national gay-rights movement new **momentum** from the state where it was born. Days later, the Rhode Island State Senate approved a bill allowing civil unions, despite fierce opposition from gay rights **advocates** who called the legislation **discriminatory**.

4 Beyond symbolism, gay-rights advocates said that New York had provided them with a new political model. The movement's success in New York and