

21世纪大学实用行业英语系列



# 法律英语基础教程

## A Basic Course of English for Law

杜金榜 主审  
郭万群 主编



Introduction to Law  
Legal Systems  
Procedural Law  
International Law  
Contract Law  
Corporate Law  
Tort Law and Intellectual Property

Intellectual Protection Law

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21世纪大学实用行业英语系列

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# 法律英语基础教程

## A Basic Course of English for Law

主 审：杜金榜

主 编：郭万群

副主编：王 沛 赵保庆

编 者：张秋芳 王红强 曹喜梅 袁文英

赵保庆 王 沛 郭万群

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郭万群 主编

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## 内容提要

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《法律英语基础教程》是复旦大学出版社“21世纪大学实用行业英语系列”中的一本，该套教材于2009年荣获“华东地区大学出版社第八届优秀教材学术专著二等奖”。本教材由广东外语外贸大学法律语言学博士生导师杜金榜教授审定，编写由法律英语方面的专家和经验丰富的一线高校教师合力完成，是法律英语入门教材，供普通本科院校和水平较高的高职高专院校的法律、英语、国贸等专业师生及其他法律英语爱好者学习使用。全书共10个单元。每单元包括Warming-up, Text A, Text B, Text C和Suggested Readings & Activities五部分内容。在编写原则上，从ESP教学实际出发，立足中国法律语境，以学生为中心，突出情境化学习和任务型教学。在教学理念上，坚持“听说领先”的教学原则，以“阅读教学”为突破口，“听说读写译”多能并重，练习和活动任务丰富多样。在材料的选编上，力求选材多样新颖、内容实用、难易适当。在教材体系上，努力打造立体化、数字化、网络化教材体系，包括纸质出版物、CD-ROM光盘和网络化教学服务平台。

# 前 言

《法律英语基础教程》是复旦大学出版社“21世纪大学实用行业英语系列”之一,该套教材于2009年荣获“华东地区大学出版社第八届优秀教材学术专著二等奖”。本教材由广东外语外贸大学法律语言学博士生导师杜金榜教授审定,编写由法律英语方面的专家和经验丰富的一线高校教师合力完成。它是一本法律英语入门教材,供普通本科院校和水平较高的高职高专院校的法律、英语、国贸等专业师生及其他法律英语爱好者学习使用。

## 编写体例

全书共由10个单元组成,内容涉及法学概论、法律体系、程序法、国际法、合同法、公司法、侵权法、知识产权法、环境保护法、刑法等。

每单元包含三篇课文,Text A是主课文,用于精读,课文后附有丰富多样的练习;Text B是副课文,用于泛读;Text C是实用性法律英语阅读材料,如案例、法律、法规等。

每单元主课文之前是 **Warming-up**, 包括 **Listen & Do**, **Surf & Learn**, **Look up & Write down** 三项任务。**Listen & Do** 根据听说优先原则,要求学习者听完一段情景对话,完成相应的热身练习。**Surf & Learn** 简要介绍单元主题,引导学习者开展基于网络的学习活动。**Look up & Write down** 要求学生查阅本单元 Text A、Text B 中出现的重点法律词汇。

每单元最后是 **Suggested Readings & Activities**, 为学习者提供了有价值的课外阅读文献和网址,并结合单元主题设计了针对性的合作学习活动。

## 编写原则

### (1) 遵循特殊用途英语的教学原则

在整体设计中兼顾语言形式与法律学科内容。在语言方面,既要反映“法律英语”的特点,又要体现语言的发展趋势,特别是英美法系“法律

英语平易化运动”(Plain English Movement)。鉴于法律英语课程通常在“大学英语”修完的基础上开设,本教程在语言教学目标上将重点放在“法言法语”的建构上。在内容方面,鉴于法律体系的复杂性,本教材编写中坚持全球思维方略,坚持以学习者为中心,立足中国法律语境,充分考虑学习者专业、选修目的等因素,确保语言材料的针对性、可接受性和可选择性。

### (2) 遵循真实性和实用性相结合的原则

真实性原则是英语教材编写的基本原则之一。在选材上充分体现语言材料的“原汁原味”,并力求符合学生的英语语言能力和知识结构;在编写体例和学习任务设计中,坚持以真实性为驱动。同时,坚持实用性的编写原则,学为所用,以高职高专和普通本科学生毕业后可能从事的职业或遇到的生活场景为中心,落实任务型教学原则。

### (3) 遵循情境化学习原则

本教程每单元开头的第一项热身活动就是 Listen & Do,听力的内容是情境对话。对话围绕单元主题,既能反映每单元的主题要素,又能联系中国语境下的工作、生活现实。为了充分贯彻情境化学习的理念,我们特意设计了一个人物关系网,使每个单元的情景对话在人物塑造上有一定的连续性。该人物关系网包括7名主要成员,他们的姓名缩写就是 JUSTICE。他们分别是:

J: Justin, 教师, 男, 中年, 汉语名“郭亮”, 英语教授, 兼职律师;

U: Urban, 男, 大学二年级法律专业学生, 汉语名“张犇”, 小名“阿犇”, 法律英语课代表;

S: Sally, 女, 大学二年级英语专业学生, 汉语名“陈莉”, 张犇在学校英语角结识的好友;

T: Tan Ping (谭萍), 女, 中年, 某律师事务所律师, 陈莉的母亲, 也是郭亮老师的中学同学;

I: Ivory, 女, 大学二年级法律专业学生, 汉语名“刘茜”, 张犇的同班同学;

C: Chen Jian (陈剑), 男, 中年, 某高级人民法院法官, 陈莉的伯父, 郭亮老师所在学校的兼职教授;

E: Edmond, 男, 大学二年级英语专业学生, 汉语名“李湘”, 陈莉的同班同学。

#### (4) 遵循全球视野下的中国语境原则

在课文选材、练习设计诸方面, 我们采取“全球思维、地方行动”的立场, 不求全面但求实用; 课文选材以大学英语二级水平(或高等学校英语应用能力 B 级)为基准, 练习设计多样化, 注意选择学以致用用的内容。每个单元都尽可能有体现中国语境的课文、练习或者课外探究性任务。

#### (5) 遵循信息技术与学科学习相结合的原则

本教程旨在打造立体化、数字化教材体系。首先, 书后附有 CD-ROM 光盘一张, 包括词汇总表(Glossary)、每单元“情景对话”、Text A 及其后单词的录音(mp3 格式)。其次, 编者还创建了法律英语网络教学平台以满足基于网络的教学活动。

### 编写分工

本教程的编者都是法律英语专家和经验丰富的高校教师, 具体分工如下:

郭万群: 总体策划, 负责 Unit 1 和 Unit 2 的编写及全书的统稿、修订工作;

王 沛: 负责 Unit 10 的编写和部分单元的校对及修改工作;

赵保庆: 负责 Unit 9 的编写和部分单元的校对及修改工作;

王红强: 负责 Unit 3 和 Unit 6 的编写工作;

张秋芳: 负责 Unit 5 和 Unit 7 的编写工作;

曹喜梅: 负责 Unit 8 的编写工作;

袁文英: 负责 Unit 4 的编写工作。

全书由广东外语外贸大学法律语言学博士生导师杜金榜教授审定。

本教材在策划和编写过程中, 复旦大学出版社有关领导给予了大力支持; 中原工学院通过教材建设立项给予了资助; 中原工学院外国语学院关成勇老师利用宝贵的暑假时间, 通读了全书并提出了部分修订意见。在此一并表示衷心的感谢!

我们热诚地欢迎使用本教材的教师和学习者对书中的不足之处予以指正,以便再版时修订。

郭万群  
2009年仲夏  
绿城阳光四季园



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## Unit 1

## Introduction to Law



## Warming-up



## Listen &amp; Do

**Situation:** Just as the new semester begins, Urban and Ivory come together to Professor Justin's office. They have a free discussion with Professor Justin about the new course "Legal English".

**Task:** Listen to the dialogue of this unit and try to complete the following sentences according to what you have heard from the CD-ROM attached to your textbook.

- [1] Professor Justin says legal English is challenging but \_\_\_\_\_.
- [2] The aim of the "plain legal language" movement is to make the legal language \_\_\_\_\_ and \_\_\_\_\_ to be understood by common people.
- [3] The first unit of the textbook deals mainly with such basic knowledge as the \_\_\_\_\_ of law and the \_\_\_\_\_ of law.
- [4] Unit Nine is about the \_\_\_\_\_, which is the dream of many students.
- [5] The course aims at improving students' legal \_\_\_\_\_ as well as legal \_\_\_\_\_.



## Surf &amp; Learn

This unit aims at a general understanding of the basic legal concept of law. In addition, Text C gives an

本单元的主题是关于法律英语中最基本的法律定义、法律来源等内容, Text C 还介绍了法律

introduction of the origins and features of legal English. To understand the definition and grasp the sources of law, the learners are supposed to try every means, especially the Internet. The Internet-based learning would be more effective if the learners could cooperate with each other more frequently.

英语的渊源及特点。这些都是法律英语学习中最基础的内容,建议学习者通过各种途径,特别是互联网,加深对法律概念的理解和掌握,充分认识法律英语的特点及其学习方法。同学们可以通过网络在线合作,探索知识,增强技能。

Useful Websites: <http://en.wikipedia.org>  
<http://www.google.com>

### Web Skills:

(1) Visit Wikipedia, type your question or key word into the search space before touching <ENTER>, and you will have a new page which could, more often than not, satisfy your needs. And you could deepen your learning by opening relevant hyperlinks.

(2) Visit Google, type "definition:" followed by your legal word and Google will turn out a series of definitions of the word.

### 网络技巧:

(1) 登陆维基百科主页,在检索框里输入问题或者关键词,回车即可。在跳出的页面,在线浏览学习,加深对有关概念的理解;也可以通过超链接,拓展知识面。

(2) 登陆谷歌主页,在检索框里输入“definition: 英语单词”(注:在 definition 后面的冒号与检索词之间没有空格),在跳出的页面就有一系列解释可供参考学习。



### Key Words to Look Up

affidavit	arrest	breach	case	contract
defendant	felony	jury	lawsuit	lawyer
legislation	legislature	misdemeanor	offender	plaintiff
pleading	prosecutor	statute	sue	testify
tort	will			



## What Is Law?



### Pre-reading Questions

1. What do you think law is?
2. Do you think law is far away from our daily life? Why or why not?
3. What's the dividing line between law and ethics?
4. Have you ever encountered the law in your life? If yes, please share your experience with your classmates.

[1] Although “the law” may seem to be abstract and far away from everyday life, it actually is a framework for much of what you do. Perhaps you get a traffic ticket or want a local store to replace a defective shaver you purchased. Perhaps you have been called for jury duty<sup>①</sup> or must testify as a witness to<sup>②</sup> an accident. Perhaps you want to stop a road-widening project near your home or must see that the provisions of a will are carried out. Each of these involves the law. What is law then?

[2] Law is the set of rules that guides our conduct in society and is enforceable through public agencies. Our relations with one another are governed by many rules of conduct — from important concepts of ethics and fair play to minor etiquette matters such as which fork to use and how to introduce strangers to one another. We obey these rules because we think they are right or simply because we desire the approval of others. If we do not follow these rules, others may treat us differently — from giving us a

① 英美法系采用陪审员制度，陪审团(jury)即宣誓就特定的事项予以判决和裁定的团体，尤指受法院的传唤，宣誓后就提交给法院的案子予以听证并给出裁定的团体。

② 作证(to testify as a witness to)是每个公民应尽的法律义务。比如，你见证了某个交通事故，当警察向你调查取证时，你就有义务说明事实真相。

disapproving glare to completely excluding us from the group. Generally, our government is not involved in expressing disapproval for disobedience of these kinds of rules.

[3] Some rules of conduct, however, are considered so important that they are enforced through the government. Traditionally, the most serious breaches of society's rules are labeled crimes, and people who commit crimes may be arrested, prosecuted, and punished by officials paid by the government. Crimes are kinds of misconduct considered so harmful that the society employs public officers to try to prevent the misconduct and to punish those who engage in it. The prosecution of a crime is a lawsuit between the people of a state in their collective capacity (represented by a prosecutor and called the State) and the offender. Murder, rape, assault, theft, and fraud are categories of misconduct that have been considered crimes. Serious crimes (for example, rape, burglary, theft of valuable property, and deadly assault) are called felonies; lesser crimes (for example, minor assaults, shoplifting, petty thefts, and traffic offenses) are called misdemeanors<sup>①</sup>. Punishments are more severe for felonies than for misdemeanors.

[4] The North Carolina General Assembly<sup>②</sup> (the state legislature) has divided felonies into classes from A through I for punishment purposes. Class A is the most serious felony classification and results in the severe punishment. North Carolina's only Class A felony is first-degree murder<sup>③</sup>. Class H and I felonies include offenses such as stealing a firearm and stealing an ATM card. Misdemeanors also are divided into classes for punishment purposes: A1, 1, 2, and 3. Class A1 misdemeanors, which are typically assaults, are the most serious.

#### [5] Illustration: A Misdemeanor

Simpson and Smith, in a bar on a Friday night, begin to argue. Simpson punches Smith and gives him a black eye. The police arrest Simpson for

---

① 法律英语中有诸多成对词,请予注意。比如: felony (重罪), misdemeanor (轻罪); plaintiff (or prosecutor) (原告), defendant (被告); criminal law (刑法), civil law (民法)。

② The North Carolina General Assembly: 北卡罗来纳州议会, 州立法机关。

③ first-degree murder: 一级谋杀。在美国,多数州都有一级谋杀、二级谋杀之别。一级谋杀指的是故意的、有预谋的杀害(an unlawful killing that is both willful and premeditated)。

simple assault, a misdemeanor carrying a punishment of up to sixty days in jail.<sup>1</sup> The exact punishment depends on whether Simpson has any prior criminal record.<sup>2</sup>

**[6] Illustration: A Felony**

The next night at the same bar, Smith's friend Baxter encounters Simpson's brother, knocks him down, and knifes him, causing a deep wound. The police charge Baxter with assault with a deadly weapon causing serious injury.<sup>3</sup> This is a felony carrying a punishment of up to seventy-four months in prison. Again, the exact punishment depends on whether Baxter has a prior criminal record.

[7] Disagreements among people and some kinds of misconduct toward others are considered less threatening to society as a whole and are not labeled as crimes. Yet such matters are important enough that our society provides a government forum — the courts — for resolving them. These disputes are called civil lawsuits and are handled in civil court. Most incidents of unintended physical harm by one person to another (called torts) and most contract disputes may be heard in civil court, and a decision is made there as to whether the defendant has acted wrongly.<sup>4</sup> Unlike crimes, these disputes are between individuals (sometimes corporate individuals). The government is not a “prosecutor” in these lawsuits — it merely provides a forum in which two parties can handle a dispute.<sup>5</sup> A government body (for example, a town or a state) can be either a defendant or a party seeking relief in a civil lawsuit. The way in which civil cases are resolved is an important aspect of the “law” and helps determine our legal responsibilities to one another.

**[8] Illustration: A Tort**

Reed runs his car through a stop sign and hits Jones, who is crossing the street. Jones's leg and arm are broken. Jones sues Reed for the tort of injuring her by negligent operation of the car.<sup>6</sup> She requests that Reed pay her medical bills and compensate her for pain and suffering.<sup>7</sup>

**[9] Illustration: A Contract**

Bell agrees to paint Jackson's house for \$2,500. Bell finishes the job, but Jackson refuses to pay more than \$1,750. Bell sues Jackson for



breaching their contract, asking that Jackson be ordered to pay the \$2,500 agreed on.<sup>8</sup>

[10] Our society pays a great deal of attention to the law as it is used in our courts to deal with crime or resolve disagreements. Even so, law is probably more significant in our everyday lives as the set of rules that helps us shape our relationships with one another (through contracts, marriages, and wills, for example) and avoid conflicts and disagreements. In the second illustration above, Bell made a contract with Jackson to paint Jackson's house for a set amount of money.<sup>9</sup> Had both parties fulfilled their obligations, they would not have had to go to court.<sup>10</sup> In this manner, law defines the types of agreements we can make with each other; it also allows us to enforce the terms of these agreements through the courts when necessary.

[11] Laws also describe rules government bodies may establish for regulating certain behavior and activities. These types of rules typically do not fall clearly into the categories of either criminal or civil law. They include such matters as regulation of food safety in supermarkets and restaurants, building codes, how subdivisions may be developed, air and water pollution, hunting, and marriage license requirements. Law also defines how government bodies and personnel should perform their responsibilities. Government officials who fail to act lawfully may lose their jobs or be punished in some other manner.



## New Words & Expressions

defective [dɪ'fektɪv]	adj.	有缺陷的
shaver ['ʃeɪvə]	n.	剃须刀
jury ['dʒʊəri]	n.	陪审团
testify ['testɪfaɪ]	v.	作证
enforceable [ɪn'fɔ:səbl]	adj.	可强行的,可实施的
ethics ['eθɪks]	n.	道德规范
etiquette [eti'ket, 'etiket]	n.	礼节
disobedience [dɪsə'bi:diəns]	n.	违抗,不服从