

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

( I )

本册主编 李立 张清



 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其中的

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

本书系《21世纪EAP学术英语系列丛书》法学分册(I),作为法学专业学生的大学英语教材,专为法学院校学生、法学专业学生及其他对法学英语感兴趣的学生编写。本教材编写的宗旨不在于系统介绍法律的专门知识,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法学英语,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专业课程。此外,让学生学习与法律英语相关的一些基础专业词汇,熟悉法律英语语言特点,了解相关法律制度,提高对法律读本的阅读能力和法律语言运用能力,为今后用英语学习法律和从事实际工作奠定基础。

本教材共分6个单元,每个单元涉及一个热点法律问题,包含6个部分。具体说明如下:

**寻找信息部分(Search for Background Information):** 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,需要学生根据提供的相关网址,自主学习,通过网络查询理解相关主题。

**词汇学习部分(Discuss the Words' Meaning):** 该部分提供的生词是本单元课文及听力材料中涉及的生词,一些生词属于学术英语词汇(academic word list)。通过让学生分析句子语境以理解生词含义,掌握派生词形式,进行词根、词缀联想,培养学生的词汇策略,如查阅词典学习词汇,采用归纳、比较、分类、联想等方法学习词汇,根据不同语境灵活使用词汇等。

**听记对话/讲座/访谈/辩论部分(Listen to the Dialogue/Lecture/Interview/Debate):** 该部分提供一段长约5—8分钟的英文视频,内容为与单元主题相关的对话、讲座、访谈或辩论。设计的三个练习题,作为学生学习课文的热身练习。学生在开始听材料之前,最好先熟悉书中提供的词汇和术语,预先学习背景材料中的相关知识,以帮助听力理解。该部分的练习设计旨在培养学生记笔记的能力、获取信息要点的能力以及归纳总结和综合表达的能力,使他们将来听学术讲座时能做好笔记并能归纳信息要点。

**阅读文献部分(Read for Information):** 该部分提供了三篇与单元主题相关的学术文章,课文A、课文B和课文C,列出了相关专业术语及注释,提出了与课文内容密切相关的问题,帮助学生理解课文的主题,并围绕主题进行深入的思考和讨论。学生在阅读课文时,需理清文章脉络,明确文章的逻辑结构,对全文进行归纳总结,并在理解每篇文章的基础上,分析同一主题三篇文章的关系,并结合我国实际,对该法律问题展开讨论。对于文中所涉背景知识,特别是案例,可以充分利用互联网查找背景资料,阅读材料,书写案例摘要,进行相关辩论,培养学生在法律学科中应具备的思辨

能力及口、笔头表达能力,为今后检索文献资料并写文献综述打好基础。

**语言提高部分(Practice for Enhancement):**该部分在前几部分练习的基础上提供了词汇扩展练习,包括词性或词义相近或相反的单词及常用的词组搭配,培养学生理解辨析词汇的能力。该部分还包含语义、句法及语篇方面的练习,涉及口语、写作及翻译技能,旨在帮助学生熟练运用英语知识,为学术英语学习打下扎实的基础。

**学术论文写作部分(Write an Academic Essay):**该部分重在培养学生的学术写作能力。主要要求学生基于本单元所涉及的话题,利用写作技能写一篇小论文。鉴于学生为新入学的大学学生,要写出一篇完整的学术论文还是有很大难度的。但是可以通过此练习让学生掌握一定的写作技能,了解学术论文的一些规范,为将来撰写学术论文打下基础。

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,师生不需要有很强的专业知识储备,有利于提高学习者的学习积极性。

2. 着重突出法学学术语言,培养学生阅读法律学术文章的能力以及听学术讲座的能力和一定的学术写作能力。同时对于书中所涉案例,本书提供了相应链接,以利于开展第二课堂学习,鼓励学生追根溯源,阅读相关法庭意见等法律文件,了解司法、立法英语语言特点,培养语感,提高相应语言能力,使法学英语课效果最大化。

3. 所设练习丰富全面,形式多样。除沿用了传统法律英语教材中的回答问题及翻译题外,还设计了写文章小结、分析段落、词组搭配、句型转换等多种形式的练习,培养学生语义、句法、语篇多方面的相关知识技能。

4. 提供了一篇学术小论文样本。该小论文格式规范,并具有一定研究价值,含摘要、研究问题、文献回顾,并附有参考文献,对学生学术英语能力的提高具有重要意义。

本教材第一单元由张文娟编写;第二单元由高静编写;第三单元由刘艳编写;第四单元由张文红编写;第五单元由郝瑞丽编写;第六单元由谢芹编写;写作技巧部分由复旦大学蔡竹君编写。张清、田力男负责全书材料的审定、统稿、审校工作。本书的总策划为李立。本书的编写者均为长期从事大学英语及法律英语教学与研究的一线教师,熟悉教改思路。

本教材是中国政法大学作为教育部大学英语教学改革第三批示范院校项目成果之一,也是李立主持的教育部人文社会科学研究规划基金项目“法律英语学科规划研究”(项目批准号:11YJA740046)的阶段性成果。

书中如有失误或不妥之处,欢迎广大读者批评指正,以便不断修改完善。

编 者

2012年6月30日



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# Unit 1

## Plagiarism in Education



### 1. Search for Background Information

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

A) plagiarism

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B) academic integrity

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C) academic dishonesty

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D) quotation

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E) internal citation

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F) paraphrase

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G) credit (to give credit)

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H) common knowledge

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I) intellectual property

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J) copyright

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K) copyright infringement

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L) the Copyright Act of 1976

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M) plagiarism detection

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N) fraud

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O) cheating

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**Web resources**

- [http://www.plagiarism.org/plag\\_article\\_what\\_is\\_plagiarism.html](http://www.plagiarism.org/plag_article_what_is_plagiarism.html)
- <http://www.indiana.edu/~wts/pamphlets/plagiarism.shtml>
- <http://www.ccc.commnet.edu/mla/plagiarism.shtml>
- [http://www.njsbf.org/images/content/1/1/11085/Plagiarism07\\_final.pdf](http://www.njsbf.org/images/content/1/1/11085/Plagiarism07_final.pdf)
- <http://www.lib.usm.edu/legacy/plag/whatisplag.php>
- [http://en.wikipedia.org/wiki/Academic\\_integrity](http://en.wikipedia.org/wiki/Academic_integrity)
- <http://encyclopedia.thefreedictionary.com/Academic+dishonesty>
- <http://en.wikipedia.org/wiki/Copyright>
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- [http://en.wikipedia.org/wiki/Credit\\_\(creative\\_arts\)](http://en.wikipedia.org/wiki/Credit_(creative_arts))
- [http://en.wikipedia.org/wiki/Copyright\\_Act\\_of\\_1976](http://en.wikipedia.org/wiki/Copyright_Act_of_1976)
- [http://en.wikipedia.org/wiki/Plagiarism\\_detection](http://en.wikipedia.org/wiki/Plagiarism_detection)
- [http://en.wikipedia.org/wiki/Academic\\_fraud](http://en.wikipedia.org/wiki/Academic_fraud)

1.2 Report the information you've found to the class in the form of an oral presentation with or without Power Point 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. **widespread:** existing or happening in many places or among many people

Malnutrition in the region is widespread — affecting up to 70% of children under 5 years old.

1. **withhold:** \_\_\_\_\_  
During the trial, the prosecution was accused of withholding crucial evidence from the defense.
2. **condemn:** \_\_\_\_\_  
The film was condemned by some critics for its racial prejudice.
3. **address:** \_\_\_\_\_  
This is a book on environment protection, but in which the problem of the alternative energy sources hasn't been addressed.
4. **prevalence:** \_\_\_\_\_  
The prevalence of drugs in the city is alarming, which has led to disease and poverty.
5. **submit:** \_\_\_\_\_  
They submitted their reports to the Chancellor yesterday but got no reply yet.
6. **surveillance:** \_\_\_\_\_  
The police had kept the suspects under round-the-clock surveillance for 3 days before they took action to arrest them.
7. **ensure:** \_\_\_\_\_  
Please ensure that all the lights are switched off at night.
8. **fabrication:** \_\_\_\_\_  
She is a liar. Her story was nothing but a series of fabrications.
9. **duplicate:** \_\_\_\_\_  
This paper is a duplicate work already published elsewhere.
10. **overwhelming:** \_\_\_\_\_

The overwhelming majority of those present are in favour of the plan. What we need to do next is to carry it out.

11. **conducive:** \_\_\_\_\_

The soft lights and music were conducive to a relaxed atmosphere.

12. **inevitable:** \_\_\_\_\_

If the case succeeds, it is inevitable that other trials will follow.

13. **potential:** \_\_\_\_\_

As you are law majors, you are potential lawyers or judges.

14. **regurgitate:** \_\_\_\_\_

The mother bird flies back from the sea and regurgitates half-digested fish to feed its young.

15. **preeminent:** \_\_\_\_\_

Dickens was preeminent among English writers of his day. He is generally regarded as the greatest novelist of the Victorian period.

16. **insight:** \_\_\_\_\_

Shakespeare was a playwright of great insight into human nature.

17. **distinct:** \_\_\_\_\_

Although the twins look similar, their characters are actually quite distinct.

18. **pervade:** \_\_\_\_\_

Her novels are pervaded by sadness and pessimism. I prefer to read some comedies.

19. **sanction:** \_\_\_\_\_

The authorities now have an effective sanction against the killing of whales. This is one of the actions of the government to protect the marine animals.

20. **universally:** \_\_\_\_\_

It is a truth universally acknowledged that a single man in possession of a large fortune must be in want of a wife.

21. **approach:** \_\_\_\_\_

It is no use crying over spilt milk. What we should think about is how to approach the problem.

22. **assume:** \_\_\_\_\_

If you assume that something is true, you imagine that it is true, sometimes wrongly.

23. **subscribe:** \_\_\_\_\_

I heartily subscribe to the state's resolution and will try my best to work for it.

24. **infraction:** \_\_\_\_\_

I got a traffic ticket for crossing a red light. Motorists committing this infraction are heavily fined.

25. **precedence:** \_\_\_\_\_

In the royal family, the elder son has precedence over the younger one in succession to the throne.

26. **solidarity:** \_\_\_\_\_

The great friendship and militant solidarity between the peoples of our two countries are unbreakable.

27. **enforce:** \_\_\_\_\_

It is better not to make laws at all than poorly enforce them.

28. **flout:** \_\_\_\_\_

Meanwhile, corruption flourishes, and local officials openly flout environmental laws and regulations.

29. **disregard:** \_\_\_\_\_

There were more traffic accidents in the past year because safety rules were disregarded.

30. **flux:** \_\_\_\_\_

Education policy in the country remains in a state of flux which will take some time to settle down.

31. **alternative:** \_\_\_\_\_

You can be paid in cash weekly or by cheque monthly; those are the two alternatives.

32. **nuance:** \_\_\_\_\_

A lie detector watches the face of the suspect intently to catch every nuance of expression.

33. **paradoxical:** \_\_\_\_\_

It is paradoxical that such a rich country should have so many poor people living in it.

34. **arbitrary:** \_\_\_\_\_

The coach makes unpredictable, arbitrary decisions. His choice of players for the team seems completely arbitrary.

35. **admonishment:** \_\_\_\_\_

He kept flying in a paraglider in spite of his mother's severe admonishment for taking risk of his life.

36. **implicate:** \_\_\_\_\_

The minister's confession implicated numerous officials in the bribery scandal.

37. **protract:** \_\_\_\_\_

Delay always breeds danger. To protract a great project is often to ruin it.

38. **suspension:** \_\_\_\_\_

The athlete received a two-year suspension following a positive drug test. He couldn't take part in any official games in the next two years.

39. **orientation:** \_\_\_\_\_

They give their new employees a day or two of brief orientation in order to prepare them for their posts.

40. **convict:** \_\_\_\_\_

In 1977 he was convicted of murder and sentenced to life imprisonment.

## 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
violate	e.g. violated, violation, violative, violable, inviolable
hesitate	
transmit	
academy	
mobile	
secure	
distribute	
illustrate	
standard	
include	
select	
adequate	
instruct	
avail	
insist	
system	
apply	
origin	
perceive	
mental	
endure	

## 2.3 Explain the meaning of the following affixes or roots. Add at least five similar derivatives with their Chinese definitions. One example has been given to you.

	Affixes/Roots	Meaning	More derivatives with Chinese translation
e.g.	quire	to explore	inquire 询问; inquiry 追究; require 请求; acquire 获得; enquire 调查
1	fin		
2	pend		
3	ad-		
4	cede, cede		
5	-tract		
6	-scribe, -script		
7	-ology		
8	-sist		
9	duce, duct		
10	juven-		



### 3. Listen to the Dialogue

#### Difficult words and expressions

discipline /'dɪsɪplɪn/ <i>n.</i>	学科
conference /'kɒnfərəns/ <i>v.</i>	参加（电话）会议
documentation /,dɒkjumen'teɪʃən/ <i>n.</i>	文献资料
permission /pə'mɪʃən/ <i>n.</i>	许可，批准
curriculum /kə'rɪkjʊləm/ <i>n.</i>	课程；（学校等的）全部课程
discouraged /dɪs'kʌrɪdʒd/ <i>adj.</i>	灰心丧气的，沮丧的
parenthetical /,pærən'θetɪkəl/ <i>adj.</i>	插入成分的；补充说明的
collaborate /kə'læbərəɪt/ <i>v.</i>	协作，合作
knowledgeable /'nɒlɪdʒəbl/ <i>adj.</i>	知识渊博的；有见识的

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

- Why is the man unhappy with his students?  
\_\_\_\_\_
- What decision made by the majority of the committee does the woman dislike?  
\_\_\_\_\_
- What's wrong with Mrs. Ramos's guidelines according to the man?  
\_\_\_\_\_
- What mistakes did both the man's and woman's students make when citing sources from  
\_\_\_\_\_