

21世纪EAP学术英语系列丛书

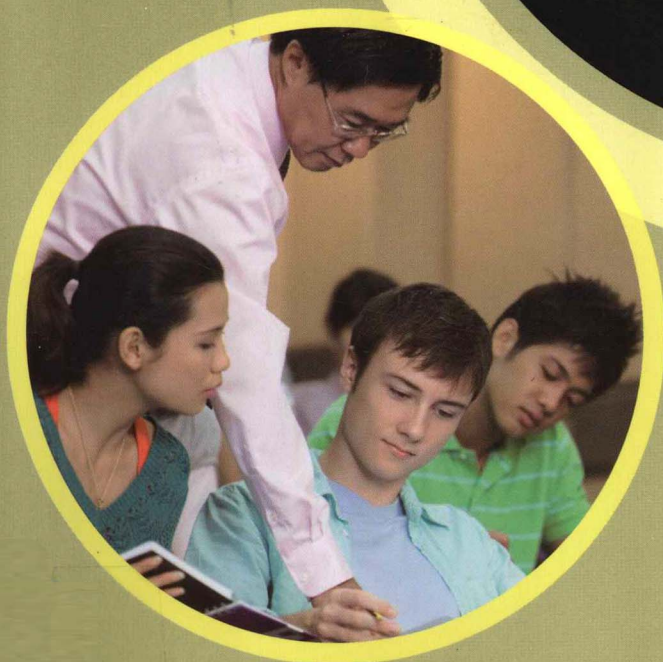
丛书总主编 蔡基刚


21st Century EAP Series

法学英语

(II)

本册主编 李立



 复旦大学出版社

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本册主编 李 立

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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

本书系《21世纪EAP学术英语系列丛书》法学分册(Ⅱ),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。此外,让学生学习法律英语基础专业词汇,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的运用能力,为今后用英语学习法律和从事实际工作奠定基础。

本教材共分六个单元,每单元涉及一个热点法律问题,包含四方面内容:讲座、课文A、课文B和练习部分。具体说明如下:

讲座部分:包含三个练习,内容与单元主题相关,主要为讲座或辩论形式,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。

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,归纳段落大意,总结全文,分析两篇文章之间的关系,并结合我国实际法律问题,展开讨论。对于文中所涉背景知识,特别是案例,要充分利用互联网进行查找背景资料、阅读材料,书写案例摘要,进行相关辩护,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。

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。书中所设练习,多涉及法律词汇或术语,要求学生强记强背,多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。

本教材的突出特点是:

1. 打破了以往法律英语教材的编排体系,选材既有知识性又有趣味性,所涉内容均为当今热点话题,不需要师生有很强的专业知识准备,提高了学习者的学习积极性。

2. 着重突出法律学术语言,培养学生阅读法律学术文章的能力。同时对于书中所设案例,本书提供了相应链接,有利于开展第二课堂,鼓励学生追根溯源,阅读相关法庭案件等法律文件,了解司法、立法英语语言特点,培养语感,提高相应语言能力,使法律英语课效果最大化。

3. 所设练习丰富全面,形式多样,除延用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、语篇等多方面的相关语言知识技能。

4. 此外, 本书还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, 对学生英语写作能力的提高具有重要意义。

本教材第一、二单元由李立编写, 第三、四单元由张清编写, 第五、六单元由齐筠编写。复旦大学蔡竹君负责技能部分的编写。李立负责全书的统稿工作。值得一提的是, 本书编写者同时具有英语及法学教育背景, 且长期从事法律英语的教学与研究。

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5月21日于北京



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Unit 7

Same-Sex Marriage



1. Search for Background Information

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

A) ballot initiative

B) status quo

C) constitutional amendment

D) referendum

E) Proposition 8

F) Defense of Marriage Act (DOMA)

G) domestic partnership

H) civil unions

I) homosexuality

J) gay rights movement

K) Goodridge v. Department of Public Health

L) Gay & Lesbian Advocates & Defenders (GLAD)

M) Gay & Lesbian Alliance against Defamation (GLAAD)

N) judicial review

O) due process

Web resources

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

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

<http://www.whatisprop8.com/>

[http://ballotpedia.org/wiki/index.php/California_Proposition_8,_the_%22Eliminates_Right_of_Same-Sex_Couples_to_Marry%22_Initiative_\(2008\)](http://ballotpedia.org/wiki/index.php/California_Proposition_8,_the_%22Eliminates_Right_of_Same-Sex_Couples_to_Marry%22_Initiative_(2008))

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

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

<http://www.answers.com/topic/due-process#ixzz1VosYpooS>

<http://www.easytodoelectricity.info/>

<http://www.low-carbon.net.cn/baike/index.php?edition-view-18-1>

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

<http://news.bbc.co.uk/2/hi/science/nature/8278973.stm>

- 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. **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:** _____
Ladies and gentlemen, don't take advice without a critical analysis. All of the advices are intended to benefit the proponents, not the opponents.
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:** _____
The mountain of bad loans did not portend an economic slowdown, undermine public finances or derail economic growth.
5. **momentum:** _____
The runner's momentum carried him more than thirty feet over the finish line.
6. **discriminatory:** _____
Campaigners have argued that mandatory retirement when a person reaches a certain age is discouraging and discriminatory.
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:** _____
The new virus must be able to replicate in humans and cause serious illness.
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:** _____
The arbitration tribunal has the power to affirm the validity of a contract, as well as unsettled procedural issues in arbitration.
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 of 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. **ordinance:** _____
The ordinance prohibits the sale of fireworks within city limits.
23. **probate:** _____
It is necessary for the executors of the will to obtain probate from the court so that they have authority to deal with the deceased assets.
24. **reciprocal:** _____
Although I gave him many presents, I received no reciprocal gifts from him.
25. **eligible:** _____
American-born Chinese with at least one permanent resident parent would also be eligible for permanent residency.
26. **confer:** _____

The new corporate leaders often fly to Washington to confer with government officials on national policy.

27. **exemption:** _____
Students whose families are financially difficult may apply for subsidy or reduction and exemption of the tuition fee.

28. **construe:** _____
Without knowing the whole story, his remarks would be wrongly construed.

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, advocation, advocative
minimal	
regard	
restore	
intervene	
prohibit	
convince	
convert	
deny	
transform	
ignore	
diverse	
discriminate	
relative	
reject	

2.3 Explain the meaning of the following affixes or roots. Add at least five similar derivatives with their Chinese definitions. The first one has been done for you.

	Affixes/Roots	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>	专家组
outrage /'aʊtreɪdʒ/ <i>n.</i>	愤怒; 暴行
submit /səb'mɪt/ <i>v.</i>	使服从; 主张; 呈递
palatable /'pælətəbl/ <i>adj.</i>	美味的; 愉快的
polygamy /pə'liɡəmi/ <i>n.</i>	一夫多妻; 一妻多夫; 多配偶制

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

- Why did Proposition 8 spark outrage?

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

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

- 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 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 it to the class.

Skills for Listening to Lectures (1)

How to do homework for a lecture

Lectures are a major source of your academic studies and research. You will get information no less than reading essays and articles. To listen to an academic lecture effectively, however, you may do some homework beforehand. The following are some tips.

1. Find out the topic of the lecture to be delivered.
2. Research and read the topic-related sources or the assigned material.
3. Familiarize yourselves with the subject and list out questions if possible.
4. Sort out subject-specific words and terms the lecture may use.
5. Check the meaning and pronunciation of the terms and words.