

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

教师用书 (I、II)

I 册主编 李 立 张 清

II 册主编 李 立

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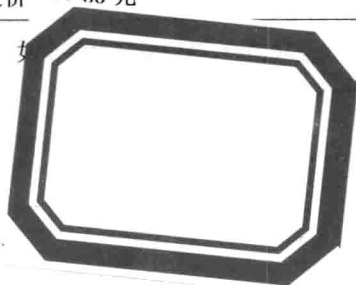
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必究

# 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

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# 法学英语教师用书

# I



# 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. 设计的练习丰富全面, 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、语篇等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; 第一、二、五单元的视频听力部分由中国政法大学外教Eric Hessler转写。张清、田力男负责全书的统稿、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

# 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:** an act or instance of using or closely imitating the language and thoughts of another author without authorization and the representation of that author's work as one's own, as by not crediting the original author. This includes information from web pages, books, songs, television shows, email messages, interviews, articles, artworks or any other medium.

According to the Merriam-Webster Online Dictionary, to "plagiarize" means:

- ☆ to steal and pass off (the ideas or words of another) as one's own;
- ☆ to use (another's production) without crediting the source;
- ☆ to commit literary theft;
- ☆ to present as new and original an idea or product derived from an existing source.

B) **academic integrity:** the moral code or ethical policy of academia. This includes values such as avoidance of cheating or plagiarism; maintenance of academic standards; honesty and rigor in research and academic publishing. Academic integrity is practiced in the majority of educational institutions, it is noted in mission statements and represented in honor codes, but it is also being taught in ethics classes and being noted in syllabuses. Many universities have sections on their websites devoted to academic integrity which define what the term means to their specific institution. Universities have moved toward an inclusive approach to inspiring academic integrity, by creating Student Honor Councils as well as taking a more active role in making students aware of the consequences for academic dishonesty.

C) **academic dishonesty:** Academic dishonesty or academic misconduct is any type of

cheating that occurs in relation to a formal academic exercise. It can include:

- ☆ plagiarism: the adoption or reproduction of original creations of another author (person, collective, organization, community or other type of author, including anonymous authors) without due acknowledgment.
- ☆ fabrication: the falsification of data, information, or citations in any formal academic exercise.
- ☆ deception: providing false information to an instructor concerning a formal academic exercise — e.g., giving a false excuse for missing a deadline or falsely claiming to have submitted work.
- ☆ cheating: any attempt to give or obtain assistance in a formal academic exercise (like an examination) without due acknowledgment.
- ☆ bribery (or paid services): giving certain test answers for money.
- ☆ sabotage: acting to prevent others from completing their work. This includes cutting pages out of library books or willfully disrupting the experiments of others.
- ☆ professorial misconduct: Professorial acts that are academically fraudulent equate to academic fraud and/or grade fraud.
- ☆ personation: assuming a student's identity with intent to provide an advantage for the student.

D) **quotation**: using someone's words. When one quotes, he should place the passage he is using in quotation marks, and document the source according to a standard documentation style.

E) **internal citation**: the practice of giving credit to an author, singer, or speaker by citing their words/ideas within your paper. Internal citations are sometimes called parenthetical citations because they're enclosed by parentheses. It's helpful to think of internal citations as a kind of "tag" indicating what you've borrowed from an author. For every sentence, phrase or idea you borrow you must "tag" it with an internal citation. Each internal citation is then listed alphabetically at the end of your paper.

F) **paraphrase**: a restatement of the meaning of a text or passage using other words. A paraphrase typically explains or clarifies the text that is being paraphrased. Paraphrase may attempt to preserve the essential meaning of the material being paraphrased. A paraphrase is typically more detailed than a summary.

In other words, to paraphrase is to use someone's ideas, but putting them in your own words. This is probably the skill you will use most when incorporating sources into your writing. Although you use your own words to paraphrase, you must still acknowledge the source of the information.

G) **credit (to give credit)**: In general, the term "credit" in the intellectual sense refers to an acknowledgment of those who contributed to a work, whether through ideas or in a more direct sense. In non-fiction writing, especially academic works, it is generally considered important to give credit to sources of information and ideas. Failure to do so often gives

- rise to charges of plagiarism, and “piracy” of intellectual rights such as the right to receive a royalty for having written.
- H) **common knowledge:** facts that can be found in numerous places and are likely to be known by a lot of people. When you use the language of ideas in your work, you should judge whether the source is common knowledge, if not, you should cite the resources. For example: “John F. Kennedy was elected President of the United States in 1960.” This is generally known information. You do not need to document this fact. However, you must document facts that are not generally known and ideas that interpret facts. For example: “According the American Family Leave Coalition’s new book, *Family Issues and Congress*, President Bush’s relationship with Congress has hindered family leave legislation.” The idea that “Bush’s relationship with Congress has hindered family leave legislation” is not a fact but an interpretation; consequently, you need to cite your source.
- I) **intellectual property:** intangible property that is the result of creativity. Under intellectual property law, owners are granted certain exclusive rights to a variety of intangible assets, such as musical, literary, and artistic works; discoveries and inventions; and words, phrases, symbols, and designs. Common types of intellectual property rights include copyrights, trademarks, patents, industrial design rights and trade secrets in some jurisdictions.
- J) **copyright:** a legal concept enacted by most governments, giving the creator of an original work exclusive rights to it, usually for a limited time. Generally, it is “the right to copy”, but also gives the copyright holder the right to be credited for the work, to determine who may adapt the work to other forms, who may perform the work, who may financially benefit from it, and other related rights. It is an intellectual property form (like the patent, the trademark, and the trade secret) applicable to any expressible form of an idea or information that is substantive and discrete.
- K) **copyright infringement:** a violation of the rights secured by a copyright, or the unauthorized use of works under copyright, infringing the copyright holder’s “exclusive rights”, such as the right to reproduce or perform the copyrighted work, spread the information contained within copyrighted works, or to make derivative works. It often refers to copying “intellectual property” without written permission from the copyright holder, which is typically a publisher or other business representing or assigned by the work’s creator.
- L) **the Copyright Act of 1976:** a United States copyright law and remaining the primary basis of copyright law in the United States, as amended by several later enacted copyright provisions. The Act spells out the basic rights of copyright holders, codified the doctrine of “fair use”, and for most new copyrights adopted a unitary term based on the date of the author’s death rather than the prior scheme of fixed initial and renewal terms. It became Public Law number 94-553 on October 19, 1976 and went into effect on January 1, 1978.
- M) **plagiarism detection:** also called “plagiarism screening” or “plagiarism prevention”.



It refers to the process of locating instances of plagiarism within a work or document. Detection can be either manual or computer-assisted. Manual detection requires substantial effort and excellent memory, and is impractical in cases where too many documents must be compared, or original documents are not available for comparison. Computer-assisted detection allows vast collections of documents to be compared to each other, making successful detection much more likely. The popular computer-assisted detection services (also called “plagiarism-screening service” or “plagiarism prevention service/resource”) include CrossCheck, Turnitin, etc.

**N) fraud:** an intentional deception made for personal gain or to damage another individual. The specific legal definition varies by legal jurisdiction. Fraud is a crime, and also a civil law violation.

**O) cheating:** Cheating can take the form of crib notes, looking over someone’s shoulder during an exam, or any forbidden sharing of information between students regarding an exam or exercise. Many elaborate methods of cheating have been developed over the years. For instance, students have been documented hiding notes in the bathroom toilet tank, in the brims of their baseball caps, or up their sleeves. Also, the storing of information in graphing calculators, pagers, cell phones, and other electronic devices has cropped up since the information revolution began. While students have long surreptitiously scanned the tests of those seated near them, some students actively try to aid those who are trying to cheat. Methods of secretly signaling the right answer to friends are quite varied, ranging from coded sneezes or pencil tapping to high-pitched noises beyond the hearing range of most teachers. Some students have been known to use more elaborate means, such as using a system of repetitive body signals like hand movements or foot jerking to distribute answers (i.e. where a tap of the foot could correspond to answer “A”, two taps for answer “B”, and so on). Cheating differs from most other forms of academic dishonesty, in that people can engage in it without benefiting themselves academically at all.

## 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.

Open.



## 2. Discuss the Words’ Meaning

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

1. **withhold:** to hold back; to refuse to hand over or give