

法律英语系列教材

法律英语核心教程

Core Course
of English for Law
Reference Book

辅导用书

■ 杜金榜 主编 谢静 副主编
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对外经济贸易大学出版社

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序 言

杜金榜、张新红两教授主编的《法律英语核心教程》即将问世，嘱我为序。我感到十分高兴，竭诚向读者推荐。我国已经加入世界贸易组织，涉外法律人才的需要必将日益增加。对外经济贸易大学出版社宓智瑛副总编组稿、策划的这套教材的出现是“及时雨”，必将受到广大读者的欢迎。

在专门用途英语（English for Specific Purposes）中，法律英语是最具特色的一种。从法律用语到法律文件，都有鲜明的特点，要求严格的、规范的、正式的语体。如果说专门用途英语必须经过“专门的”训练才能学到，那么法律英语应该是属于“最专门的”一种；就是以英语为母语的人也未必具有这样的知识。这就是说，为我国读者编写的法律英语的教科书必须从选材、编注、练习体系设计等方面精心安排。这套教材的编者们在法律英语的教学方面积累了许多行之有效的宝贵经验，在编写中从我国学生的特点出发，既注意到读、写、说、译等语言技能的培养，又注意到法学知识的输入。既强调教材体系的连贯性，又强调知识的循序渐进性，覆盖了法学的基础知识、国际经济法、法律专题讨论等领域。这就保证了学生既学到英语，又学到法律知识。从本书的编写说明中可以看出，目前这套教材仅是法律英语系列教材的一本，还会继续有《法律英语听说教程》、《法律英语阅读教程》、《法律英语写作教程》、《法律英汉翻译教程》等问世。这套系列教材的出版将会大大地有利于法律英语专业学生的培养，我们翘首以待。

法律语言学（forensic linguistics）是在各民族和国家之间的关系日益紧密的基础上发展起来的一门新兴的语言学科，具有很强的生命力。语言在商贸谈判和法律诉讼中往往具有举足轻重的地位。我们经常说“在法律面前人人平等”，但是语言不沟通，平等就难以维持。我热切地希望编者们能够把法律语言学的一些新进展消化和融合到这套教材里面，千锤百炼，使之成为一套更实用、更先进、更科学的教程。

是为序。

桂诗春

编写说明

为适应《法律英语核心教程》读者的需要，本套教材一、二、三册的辅导材料合为一册出版。鉴于版面所限，本书仅提供各个单元的参考答案。对于无法提供准确参考答案的习题，如讨论和写作等，我们也尽量提供了提示；使用者不必拘泥于这些提示，可根据具体需要进行调整。

另外，我们为教材使用者建立的网站已更新为（<http://www.beschool.net/corecourse/index.html>）。

请读者通过网站与本系列教材的编者交流。

编 者

2003年8月 于广州白云山脚下

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法律英语核心教程
辅导用书

UNIT 1

Introduction to Law

Text I What Is Law

COMPREHENSION

Questions about the Text

1. T 2. F 3. T 4. T 5. T 6. T 7. T 8. T
9. T 10. T

Vocabulary

- a. 5 b. 12 c. 2 d. 1 e. 9 f. 4 g. 18 h. 16
i. 14 j. 12 k. 20 l. 11 m. 6 n. 3 o. 17 p. 7
q. 15 r. 8 s. 10 t. 19

Paraphrase

1. The question “What is law?” is always an important topic in legal thinking and research. Still more efforts have perhaps been devoted to defining and explaining this legal term than other terms in sociology and jurisprudence.
2. When we define law, we must remember Julius Stone’s caution, that is, “law is an abstract term which requires the definer to make his definitions as meaningful, useful and relevant as they can be to those who use the definitions, though he is free to decide the level of abstraction.”
3. In Weber’s opinion, when a person’s official role is to implement the law, then this law has the coercive and authoritative power of the state.

4. It is Weber's belief that a conventional order is distinctive from the law in that the former doesn't employ persons whose exclusive role is to implement the said normative force.
5. These definitions of law are meant to inform us that law can be distinguished from other normative systems in societies whose governmental, legislative and judicial agencies are well sophisticated.

EXERCISES

Blank Filling

- | | | | |
|----------------|--------------|--------------------|----------------|
| 1. sanctions | 2. coercion | 3. enacts, enforce | 4. induced |
| 5. implemented | 6. evicted | 7. litigation | 8. legitimate |
| 9. penal | 10. embodies | 11. justify | 12. adjudicate |

Grammar

A. Articles

1. A 2. B 3. B 4. C 5. D 6. C 7. A 8. A
9. D 10. B

B. Numerals

1. 历史已经进入了 90 年代。
2. 阅读文章的长度逐渐加大, 前几单元每篇文章大约 500 字, 后几单元文章的长度已增加到前面的三倍。
3. 第二部分的三个章节需要重写。
4. 那座城市距这里大约 16 到 20 英里。
5. 他比你更有男子汉气概得多。

C. Partial translation

1. annulled the economic sanctions
2. make restitution
3. the shopkeeper was innocent
4. conjure up a picture
5. Lu Xun couldn't help conjuring up
6. Stop complaining about him

7. she decided to make a complaint in the court of law
8. regardless of past setbacks and failures
9. by contrast with Harry's
10. in that it helps us to rectify our mistakes

Cloze

- | | | | | |
|--------|-------|------------|---------|-----------|
| 1 can | 2 any | 3 whenever | 4 which | 5 more |
| 6 that | 7 may | 8 will | 9 those | 10 except |

Translation

1. 双方或多方之间存在争议，或者当事人为各自己实施的行为或打算实施的行为的后果寻求指导时，就有必要把法律应用到各种具体的事实情形之中。
2. 在美国，行使立法和执法功能的是联邦和州政府的立法、行政、司法三个权力分支以及政府领导下的各级行政机构。
3. 人们对法律这一概念的理解也许包含了诸如法官、警察、法警和律师等法律从业人员，包含了诸如法庭、监狱等从业场所，也包含了诸如《布莱克法律词典》、刑法典和《美国统一商法典》等法学巨著。
4. As a rule for conduct, both customs and laws are forms of social ideology, inseparable from people's practical experience. Law is not only a set of rules for conduct, but also a means to specify duties and promote social justice.
5. Law is a rule for conduct enacted or acknowledged by the state, enforced by state coercion, specifying rights and duties, and thus universally applicable in society.

Topics for Discussion

1. It is difficult to define the term "law" because law is related to and closely interwoven with so many aspects of our life and it can mean so many different things to different people. Law experts can not agree with one another in terms of the real sense of the term because they often approach this difficult phenomenon from essentially diverse perspectives.

2. See Paragraphs 4 & 5 for a detailed distinction between these terms.
3. No. Many laws also confer rights to citizens besides prescribing obligations.
Yes, such as the Labor Law which states laborers' obligations as well as their rights.
4. Weber's definition of law, taking a sociological perspective, is perhaps the most influential among those provided by legal theorists such as Hoebel, Radin, Cardozo, Holmes, Selznick and Akers, but it is not without deficiency. For instance, as already pointed out by some legal theorists, his definition fails to properly address the following issues. For one thing, Weber places too much emphasis on coercion and ignores other considerations that may induce individuals to obey the law. For another thing, his use of a special staff in the definition of law limits the use of the term law in cross-cultural and historical contexts. It is Donald Black whose clarification and modification of Weber's conceptualization of the term have made it more comprehensive and acceptable.
5. Beyond the national level, there can be multinational and international institutions such as the European Union (multinational) and the United Nations (international).

Text II Functions of Law

Questions

1. If there were no law, there would be much destruction of life and property and temporary reigns of terror. Instead of increasing personal freedom, a state of anarchy virtually destroys personal freedom for all but the most powerful and savage of individuals. Were there no rule of law, there would be just disorder, death and chaos in our society.
2. A balance should be struck between anarchy and totalitarianism so that the positive things that law can do for us are not strangled by the tyranny of the "law and order" offered by the totalitarian state.
3. Law solves disputes by bringing a disputed matter before a justice of the

peace and settles the dispute quietly by rules of law on which all agree.

4. Law provides peace and order in society by creating an environment in which people can work and invest and pursue pleasure with a reasonable expectation that their activity is worth the effort. Without an orderly environment based on and backed by law the normal activities of life would be lacerated with chaos.
5. Laws protect us and our property by punishing those who steal and do bodily harm and by permitting crime victims to sue for monetary damages. The law has created police and sheriffs' departments, district attorneys' offices, courts, jails, and death chambers to deter and punish the criminal and to help people feel secure.
6. Besides those functions already mentioned, laws and the institutions and programs may, through corporate endeavors, provide for the general welfare, such as providing for the common defense, educating young people, putting out forest fires, controlling pollution, and caring for the sick and aged.

UNIT 2

Sources of Law

Text I Sources of English Law

COMPREHENSION

Questions about the Text

1. The sources of English law are: Community law, legislation, delegated legislation, case law, legal textbooks, and custom.
2. Community law.
3. Regulations, directives and decisions.
4. Public Acts affect the public generally; private Acts only affect a limited sector of the populace, either particular people or people within a particular locality.
5. The parliament.
6. Legislation is a country's written law made by the parliament; delegated legislation is law made by some person or body to whom parliament has delegated its general law making power.
7. Judges.
8. The House of Lords.
9. Because when the court is unable to locate a precise or analogous precedent it may refer to legal textbooks for guidance and assistance.
10. It has to satisfy stringent test.

Vocabulary

a - 1	b - 13	c - 6	d - 14	e - 5	f - 9
g - 10	h - 12	i - 15	j - 11	k - 2	l - 3

m-9

n-4

o-8

Paraphrase

1. Delegated legislation has to be considered as a source of law in addition to general Acts of Parliament, but it is subordinate to general Acts of Parliament.
2. When statute law does not cover a particular area or when the law is silent generally it will be necessary for a court that decides cases relating to such an area to determine what the law is. When the court determines the applicable law, it inescapably and unarguably creates law.
3. As the highest court in the land, the House of Lords can create or extend the common law. Its active stance is shown by a relatively contemporary example in which it overruled the longstanding presumption that a man could not be guilty of the crime of rape against his wife.
4. The romantic view of the common law is that it represented those common customs that have been incorporated by the judiciary into the sources of law.

EXERCISES**Blank Filling**

1. legislative
2. proportional
3. obligatory
4. establishment
5. eminence
6. altered
7. representative
8. customary
9. increasingly
10. distinct

Error Correction

1. is → are
2. worth → worthy
3. deciding → decided
4. to drive ^ on
5. tell → tells