

ENGLISH

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国际商务英语系列

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英语

法律英语

LAW ENGLISH

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内 容 提 要

本书旨在满足有一定英语水平的读者学习地道的、规范的涉外经济法律英语,并能直接地、准确地掌握有关国家的经济立法。本书课文均选自 20 世纪 80 年代和 90 年代英美有代表性的经济法教科书和权威著作。所涉及的内容比较全面,其中有合同法、专利法、代理法、反倾销法、海商法、保险法、公司法、银行法和商务仲裁等方面的法律。既有大陆法系国家的经济立法,也有英美法系国家的经济立法。每篇课文注释详尽,不仅有必要的词汇解释和例句,而且提供了有关法律的背景,有助于读者理解原文。课文后的练习紧扣课文。本书最大的特点之一是课文后配有必要的案例。这有利于读者掌握、运用课文所阐述的有关法律,身临其境,自己当一次法官,判一个案例。

本书可供具有大学二年级英语水平的对外经济贸易、国际金融,特别是国际经济法学生选用,也可供具有相当英语水平的涉外工作者、司法工作者和其他涉外法律工作人员自学与参考。

法律英语

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序 言

随着我国改革开放和社会主义市场经济体制的建设,商务英语越来越受到人们的重视。

商务英语(Business English 或 English for Business)是专门用途英语(English for Specific Purposes 或 English for Special Purposes, 简称 ESP)的一种。国外有的学者认为,专门用途英语是与某种特定专业、科目或目的相关联的英语。它有两个明显特点:一是有明确的特殊目的,应用于特定的职业领域;二是有特殊的内容,即专门化的内容。从这个意义上说,商务英语也就是对已在从事或将要从事商务行业的专业人才所教授或应用的专门用途英语。

国内专家学者中有人不同意商务英语或专门用途英语的提法,他们认为英语就是英语,没有商务英语、科技英语之分。对此,不妨可以姑存一说。但是,在英语国家确有商务英语、科技英语以及专门用途英语之说。商务英语成为一门学科,起始于 60 年代后期,至今有 20 多年历史。包括英语国家在内的西方国家商学院或大学商科专业普遍开设商务英语课程(在英国,仅教授商务英语的语言学校就有 100 多所)。有关商务英语的教材、辞书、研究论著、考试项目更是层出不穷。因此,商务英语实际上已发展成为一个独特的领域。

当然,商务英语绝对不是作为一种独立的语言而存在的,它是英语语言属下的一个专门用途学科。不论商务英语如何发展,它都不会、也不应该违背英语语言的基本规律。实际上,对学生而言,他们基础英语的根底如何,对学好商务英语起着决定性的作用。“根深才能叶茂”,没有英语语法、词法、句型等扎实的根基,商务英语的“枝叶”就不可能“茂盛”。因此,商务英语教学应始终坚持以英语语言训练为基本宗旨。但是,商务英语又毕竟有其自身的特点,它绝不是贸易、金融、法律等诸多方面专门词汇的堆砌,而自有其许多独特的语言现象(包括词汇、用语、语言结构等),独特的文体风格,等等。可以说,英语基础好,为商务英语的学习创造了最为重要的条件;但这并不等于说英语基础好的人就自然掌握了商务英语。我们在实践中经常可以看到,有些人虽有较高的英语水平,但由于没有受商务英语的培训,在涉外商务交往中仍然“词不达意”,难以与外方沟通,业务技巧也不能施展,真好比“隔行如隔山”。此外,既称商务英语,它又与所涉及的相关商务专业知识密切相关。很难想象一个根本不懂国际金融知识的人会很好地掌握金融英语,也很难想象一个没有任何国际经济法知识的人会自如地运用法律英语。商务专业

知识对商务英语的渗透性,也决定了商务英语是需要经过专门学习或训练才能掌握的。

商务英语发展到今天,已是一个相当大的概念。仅以我国为例,商务英语在我国最早出现的只是一门外贸英语函电课程。这门课对培养和培训我国的外贸人才起到了重要作用。学生毕业后认为这门课是到工作岗位后最有“实用价值”的课程之一,用人单位也往往把毕业生的外贸英语函电水平作为录用的重要标准。因此,它已成为我国高等学校中国际贸易或其他相关专业开设的必修课。但是当今国际贸易已有相当大的发展,一门外贸英语函电已远远不能满足实际工作需要,它实际上只是涉及国际货物贸易的一门英语课程。根据关贸总协定(GATT)乌拉圭回合最后文件,仅就国际贸易而言,就包含了货物贸易、服务贸易和技术贸易三个方面。何况,国际商务涉及的学科要多得多,包括国际贸易、国际金融、国际经济法、国际企业管理、涉外会计等多个领域。商务英语是一个涉及上述各领域的专门用途英语体系。

近几年来,我国高等学校以及企业界对商务英语的教学与研究越来越关注。北京、上海等地高校先后召开了有关的研讨会,就是很好的探索。在我国深化改革,扩大开放,社会主义市场经济体制逐步建立的今天,我们需要大批合格的国际商务人才,对他们商务英语水平的要求也日益提高。在这种情况下,我们要更加重视并加强对商务英语的教学和研究。上海对外贸易学院为此专门组织编写了这套国际商务英语系列教材,希望以此作为一种探索,进一步提高教学和科研水平,同时也希望与国内外的同行切磋交流,取长补短,共同提高。

衷心期待国内外同行及读者的批评帮助。

王兴孙

于上海对外贸易学院

前言

随着我国改革开放政策的深入,涉外经济活动也越来越频繁,依法经商、依法办事已成为对外贸易活动和市场经济发展的重要前提。为了满足具有一定英语水平的读者,尤其是主修和研究国际经济法的读者的需求,提高他们在法律英语方面水平,使之学到地道的、规范的涉外经济法律英语,并能直接地、准确地掌握有关国家的经济立法,我们编写了本书。

目前,在我国高等院校中法律英语方面的教科书还为数不多,与其他一些国际经济法教材相比,本书有以下几个显著特点:

1. 新颖性:课文均选自20世纪80年代和90年代英美有代表性的经济法教科书和权威著作,语言地道,法律术语准确。

2. 系统性:本书所涉及的内容比较全面,既有大陆法系国家的经济立法,也有英美法系国家的经济立法;既有一般法律知识,如法律和法制,也有外资工作者必须掌握的法律知识,如合同法、专利法、代理法、反倾销法、海商法;更有法学工作者应该了解和掌握的一些重要法律,如保险法、公司法、银行法和商务仲裁等方面的法律。

3. 配套性:每篇课文注释详尽,既有必要的词汇解释和例句,又提供了有关法律的背景,有助于读者理解原文,便于自学。课文后的练习有问答题和是非题,紧扣课文,便于教学,也有助于自学者掌握课文。完形填空不仅要求能掌握所学的法律内容,而且要求用词准确,有一定的水准梯度。

4. 实用性:本书最大的特点之一是课文后配有案例。这有利于读者运用掌握课文所阐述的有关法律,身临其境,自己当一次法官,判一个案例。其次,参考译文可以帮助读者更好地理解原文。

本书篇幅适中,可供具有大学二年级英语水平的对外经济贸易、国际金融,特别是国际经济法师生选用,也可供具有相当英语水平的涉外工作者、司法工作者和其他涉外法律工作人员自学与参考。

在编写本书过程中,得到了我校法学院赵涯、顾毓英、于爱敏和胡晓莉同志给予的支持和帮助,卢敏和周潞平等同志为本书电脑打字。编者在此一并向他们表示衷心感谢。

本书共有 15 课。课文 1、3、7、12 和 14 由吴云娣编写,课文 6、8、9 和 10 由陈洁编写,课文 2、4、5、11、13 和 15 由龚文祥编写。

由于本书编写时间仓促,编者水平有限,恳请广大法学界人士和读者批评指正。

编者

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1 The Nature of Legal Systems and Law

Introduction

You are about to embark on a study of the subject of law. You may be surprised to discover that the search for an accurate, all-encompassing definition of law has gone on for thousands of years and will not end as long as people continue to think about the subject. Today researchers are studying legal systems throughout the world to make them work better for all of us. While you may not have an exact definition of law in mind as you pick up this textbook, you certainly are affected by law each and every day.

Every nation in the world has a legal system, and law touches¹ each of us as we go about the business of participating in society. If we are to be effective citizens and participate fully in society, it becomes important for each of us to have a knowledge about and a concern for law.

The Importance of Law

Legal systems have always been an important part of every society. In thousands of instances each day, the legal system helps us resolve conflicts, punish individuals who violate societal norms, and solve some of our most pressing problems. Indeed, as our society becomes more complex, we tend to rely more heavily on law to guide our conduct.

Just as individuals look to² the law as a guide in their personal affairs, so do business people look to the law in their business activities. In the United States today there are more than two million corporations doing business. Many of these corporations are so large that what they do has an impact on the entire world. Examples of firms with a worldwide reach are Ford Motor Company³ and American Telephone and Telegraph Company. As large as these firms are, they look to the law to help structure⁴ their operations. Even though there may be significant differences in the laws of the countries in which these firms do business, the firms' managers expect certain rules imposed by society to be followed in doing business. Without some shared expectations about how people will behave—as spelled out by a society's legal system—how could a business person expect to run an organization, even for a day?

What Is Law

Anthropologists, philosophers, historians, sociologists, and political scientists are only a few of the kinds of scholar who have tried to give an accurate definition of the term "law". A practicing lawyer would probably give yet another definition. Your own idea of law might include legal craftsmen, such as judges, police, bailiffs, and lawyers; the places where these craftsmen work, such as courts and jails; and the endless stream of books they refer to, such as Black's Law Dictionary, the criminal codes⁵, and the Uniform Commercial Code⁶. Indeed, each of these

is a part of the legal system in the United States. But this is not the whole picture⁷. The historical background of law plays a large part in our understanding.

Aristotle built upon the Greek notion that the world was ordered by cosmic law or, to use his term, natural law⁸. He simply meant that there is a law higher than that which is made by mortals—a kind of ideal law. Aristotle tried to connect moral principles and legal principles.

As part of their philosophies of law, Aristotle and Saint Thomas Aquinas shared a belief in a transcendent law given to society. Both men saw a relationship between moral justice and law. Others also have worked with the concept of natural law. To pursue this perspective on the law somewhat further, you might examine the works of Emmanuel Kant or John Locke. But if this perspective is unsatisfactory, your thoughts may be closer to those of Friedrich Karl von Savigny.

Savigny was instrumental in developing the historical school of jurisprudence⁹. This school of thought suggests that law evolves as a result of a particular nation's entire history; that lawyers or judges simply interpret the historical direction of the nation. Even legislators, Savigny would suggest, merely put into words that which is embedded in the larger web of a given nation's history. The name that Savigny gave this expression of the spirit of the people is *Volksgeist*. Critics of the historical school of jurisprudence in general and of Savigny in particular ask whether law simply reflects the common consciousness of the nation, as he suggests, or helps to mold the future.

The most important feature of Savigny's work for our purposes is that it marked a move away from traditional generalizations about law toward a more careful pattern of study of society. Indeed, contemporary social scientists are indebted to¹⁰ Savigny for his work. Students interested in learning more about the historical school of jurisprudence might look into the writings of Sir Henry Maine, another legal philosopher of similar persuasion. He believed that one could analyze various historical stages of legal development.

Why Is Law Investigated

There are a number of different ways of viewing law, each of which has a particular strength or weakness. Yet contemporary legal scholars are always searching for new and workable models of law that might be useful in organizing and analyzing the information that they are continually uncovering. Why are social scientists dissatisfied with the traditional models?

Today's rapidly changing world presents us with issues that were rare or unheard of only a few years ago. This is particularly true in the world of work. In our society, people are calling upon business to have a heightened sense of social responsibility, and law is ever more frequently the vehicle used to move business people in the desired direction. Products liability cases reflect this trend.

We have all been disappointed by products at some time in our lives. Some of us have found unusual substances in soft drink bottles or have been hurt by machines that contained defective parts. For many years consumers had little recourse against companies that put defective or harmful products on the market.

In recent years, the buying public has demanded that this burden be lifted¹¹ in instances where a particular product is unreasonably dangerous to the consumer, so people have turned to law to resolve this difficulty. The legal system has responded to this social pressure by increasing business responsibility. In more than 60 percent of our states, those who sell products that will reach the consumer virtually unchanged are responsible for injury if the product is defective, even if due care was used in manufacturing the item.

Clearly, law is not a set of unchanging rules; rather, it changes to reflect movements in our society and, at times, even leads the way for change.

How Is Law Perceived

As we discussed above, there are a number of different ways of understanding what is meant by the term "law". In this section we present a view shared by a significant number of contemporary writers about the subject. We begin by learning certain fundamental concepts.

Norm¹²

A norm is a standard shared by members of a group about how they should behave. We all adhere to standards of behavior that we learned as members of a family, a town, and our society as a whole. Many of us have learned these standards so well that we do not even consciously think about them unless we deviate from the norm.

Recently a music group called Motley Crue created quite a stir when they violated a norm by wearing exaggerated makeup and having unusual hair styles. Many people consider such actions outrageous and look upon them with scorn. Other simple examples of norms are that people should have three meals a day, that dogs in fire stations should be dalmatians¹³, and that nurses should wear white uniforms while working in hospitals.

The kind of norms just mentioned are largely "informal". That means that although they define how a person should behave, they are really casual in that enforcement is not usually strict and punishment for deviation is minor. The norm dictating that forks be placed on the left side of a plate is another informal norm. Although you might raise some eyebrows or be chastised for failing to follow the correct procedure, you probably would receive, at worst, nothing more than a serious reprimand.

Norms may be very "formal," and deviation may be punished severely. Any number of standards for performance fit into this category. As a society we do not approve of one person taking another's life, nor do we approve of embezzlement, forgery, and arson. In each case society has defined the norm in legal words, in something we call the "criminal code". Violations of the code bring punishments ranging from fines to loss of one's own life.

Norms and Freedom of Choice

The term sanction¹⁴ may be used to describe the techniques for maintaining social control over the members of a group. As was suggested above, a violation of a society's criminal code can bring a sanction ranging from a fine to loss of one's own life.

Psychologists tell us that there are also rewards. When a person does something particularly good, he or she is rewarded. Children know that if they do certain chores they will be rewarded

by their mother or father. A sales employee knows that achieving a certain level of sales in a month will mean receiving a bonus, which is a reward. An employee who works hard all year long may expect a reward in the form of a raise in pay or a promotion.

Basically, people are free to choose how they behave. Whether you wear a sport jacket and tie to school or a sweatshirt and blue jeans is a matter of your own choice. Not all people choose to follow the norms prescribed by their peer group or by society. A course in psychology would probably help you begin to understand the reasons for that kind of decision. Here it is important to note that all of us have a range of choices from which we may choose our behavior. If we choose within the norms, we are rewarded; a choice outside the norms results in a sanction.

Conflict Between Norms

Difficult choices arise when the norms of one group of people come into conflict with¹⁵ society's formal norms. In certain groups — particularly among young people — individuals are pressured to conform to norms that advocate drinking or the use of drugs. The larger society has norms that severely punish such behavior; hence, there is a potential for conflict.

The strains can be great in business as well. A company may be able to maximize profits by polluting the atmosphere instead of purchasing expensive pollution control equipment, and many firms have a norm dictating that managers should try to maximize the company's profits. Even so, in the United States today, many norms have developed that apply powerful sanctions to firms that destroy the environment. Managers may find themselves in a terrible bind, torn between competing norms.

Law¹⁶ as a Form of Norm

Some social scientists argue persuasively that law can exist in any number of situations. For example, in a family, parents "make laws" that children must obey; in a company, the personnel director makes rules that employees must obey. In fact, whenever a group gets together, law may appear. These laws, which are not supported by the official sanctions of the government, are called "private laws"¹⁷ and are generated in "private legal systems".

This text, however, takes the position that law is one type of norm or, more specifically, that norms established by the official leaders of society may be characterized as law. We will limit our discussion to the study of the U. S. legal system — those norms established by any part of our government — and we will not discuss private legal systems, except to note that they are actively studied by people interested in the sociology of law.

Legal Systems

Once you understand the concept of law, you can imagine a number of different ways of putting together the laws of a particular society. Lawmakers can put together laws to create a very democratic or a very autocratic society. For example, in the United States the system of government allows individual citizens to participate extensively in creating laws. On the other hand, in Iran the legal system was dominated for years by the whims of its leader Ayatollah Khomeini. In fact, there are an enormous number of different ways to construct a legal system.

Karl Llewellyn (1893-1962) developed what he called the law-government continuum to

的

- 33. scorn *n.* 轻蔑, 鄙视
- 34. dalmatians *n.* 达尔马提来狗
- 35. dictate *vt.* 发号施令地规定, 命令
- 36. reprimand *n.* 训斥, 申斥; 谴责
- 37. embezzlement *n.* 盗用, 挪用(公款); 侵吞(财物)
- 38. forgery *n.* 伪造; 假冒, 伪造(签字)等
- 39. arson *n.* 放火(罪), 纵火(罪)
- 40. violator *n.* 违法者, 违反者
- 41. sanction *n.* (使法律行为, 准则等)有约束力的
- 42. chores *n.* 家庭杂务, 日常零星活

* * * * *

- 1. legal system 法制
- 2. effective citizen 合格的公民
- 3. to guide one's conduct 指导某人行为
- 4. societal norms 社会规范
- 5. pressing problems 紧迫问题
- 6. to look to sth. 盼望, 指望, 展望
- 7. to have an impact on sth. 对……有影响
- 8. spell out 讲清楚, 详细地说明
- 9. a worldwide reach 全球性范围
- 10. American Telephone and Telegraph Company 美国电话电报公司
- 11. Uniform Commercial Code 美国统一商法典
- 12. Cosmic Law 宇宙法则
- 13. natural law 自然法
- 14. practising lawyer 执业律师
- 15. legal craftsman 法律界人士
- 16. the criminal codes 刑法典
- 17. to build upon 逐步建立, 逐步建设
- 18. moral principle 道德准则

- 43. bonus *n.* 红利, 奖金
- 44. peer *n.* 同等地位的人, 同辈; 同事
- 45. blue jeans 牛仔衣
- 46. potential *n.* 潜在性, 可能性
- 47. strain *n.* 压力
- 48. maximize *vt.* 使增加(或扩大)到最大限度, 充分利用
- 49. persuasively *ad.* 有说服力地
- 50. generate *vt.* 引起, 导致
- 51. autocratic *a.* 独裁的, 专制的
- 52. whim *n.* 突然产生的念头, 异想天开的念头
- 53. construct *vt.* 组成, 构成
- 54. infinite *a.* 无限的, 无穷的

- 19. legal principle 法律准则
- 20. transcendent law 先验法
- 21. school of thought 思想学派
- 22. historical school of jurisprudence 历史法学派
- 23. to call upon/on 呼吁, 号召; 要求
- 24. be indebted to 受惠的, 蒙恩的; 感激的
- 25. the buying public 顾客, 买方
- 26. adhere to 坚持
- 27. to raise some eyebrows 竖起眉毛(表示惊奇, 怀疑)等
- 28. be chastised 严厉批评, 申斥, 责备
- 29. at worst 在最坏的情况下; 充其量
- 30. to fit into 适合
- 31. to approve of 同意, 批准
- 32. to come into conflict with 和……冲突; 和……争论
- 33. private law 私法
- 34. the law-government continuum pole 法律—政府统一体

Notes

- 1. Every nation in the world has a legal system, and law touches each of us as we go about the

business of participating in society. 世界上每个国家都有法制, 当我们参与社会事务时, 法律涉及到我们每一个人。

touch 谈及, 涉及; 关系到

What you say does not touch the point at issue. 你说的话没有涉及到争论点。

We touched many topics in our talk. 我们在会谈中触及了许多问题。

2. Just as individuals look to the law as a guide in their personal affairs, so do business people look to the law in their business activities. 正如人们指望法律作为他们私事的指导一样, 商人也指望法律作为他们商业活动的指导。

to look to sth as a guide 指望……作为指导

Don't look to him for help. 别指望他的帮助。

3. Ford Motor Company 福特汽车公司

Henry Ford 亨利·福特(1863—1947。美国汽车制造商, 于1903年创办福特汽车公司。1994年全美500家大企业排名第二位。)

4. As large as these firms are, they look to the law to help structure their operations. 尽管这些公司很大, 他们仍指望法律帮他们规范经营管理。

As large as these firms are = As these firms are large
as conj.

Young as he was, he played tennis well. 尽管他很年轻, 但网球打得很好。

Gentle as her words were spoken, there was no mistaking that she was displeased. 尽管她的话说得很温和, 但谁都看得出她生气了。

structure vt. 安排

He looks to others to structure time for him. 他老指望别人来替他安排时间。

5. the criminal codes 刑法典(刑法规定何种行为在何种情况下, 伴随何种主观或其他因素就被认定为犯罪, 即规定应承担受到起诉惩罚责任的行为及其应受到何种惩罚的法律的总和。大陆法系国家的刑法, 一般采用单行法的形成, 即称为“刑法典”。)

6. Uniform Commercial Code 美国统一商法典(参见第2课注释5)。

7. This is not the whole picture. 这不是全部的情况。

8. Aristotle built upon the Greek notion that the world was ordered by cosmic law or, to use his term, natural law. 亚里士多德逐步建立了宇宙法主宰世界的希腊法律观, 用他的话来说是自然法主宰世界。

Aristotele 亚里士多德(384—322 BC, 古希腊哲学家和科学家, 柏拉图的学生, 亚历山大大帝的教师, 雅典逍遥学派创始人, 著作涉及当时所有的知识领域。)

natural law 自然法(它区别于实在法或制定法, 是存在于宇宙中的永恒法, 其核心是“正义”和“理性”, 是一切法的根源。)

9. Savigny was instrumental in developing the historical school of jurisprudence. 萨维尼对历史法学派的发展颇有裨。

historical school of jurisprudence: A school of thought suggesting that law evolves from a nation's history.

10. Indeed, contemporary social scientists are indebted to Savigny for his work. 确实, 当代社会科学家都受惠于萨维尼所做的一切。

be indebted to 受惠的, 蒙恩的; 感激的

We are indebted to men of science for many of our comforts. 我们在生活中能享受许多舒适的设施皆受惠于科学家。

11. In recent years, the buying public has demanded that this burden be lifted in instances where a particular product is unreasonably dangerous to the consumer, so people have turned to law to resolve the difficulty. 最近, 买方公众要求消除某一产品对消费者有不合理的危险性的烦恼, 于是人们求助于法律来解决这一难题。

this burden be lifted = this burden should be lifted

在某些动词, 如 demand, suggest, order, propose 等动词后, 宾语从句需用虚拟语气。

12. norm 规范 (a group's standard of behavior, 指导人们做什么和怎样做的行为规则或标准, 为一部分或全部社会成员所接受, 包括道德规范和法律规范。可由个人自愿接受, 或由外在的强制力保证其实施。)
13. dalmatian 达尔马提亚狗 (一种白色黑斑或棕斑的短毛大狗)
14. sanction 制裁 (a group's technique for controlling its members. 它指对不符合某种规范的行为的处理, 如法律制裁、社会制裁等等。就法律制裁而言, 包括剥夺财产 (罚金)、剥夺自由 (监禁)、剥夺名誉 (褫夺公职)、剥夺健康 (体罚) 和剥夺生命 (死刑)。)
15. Difficult choices arise when the norms of one group of people come into conflict with society's formal norms. 当群体的选择和社会的选择发生冲突时, 选择就变得困难。
to come into conflict with sb. 与某人发生冲突
to come into conflict over sth. 与某事发生冲突
They came into sharp conflict over the wording of the contract. 他们就合同的措词发生了激烈的争执。
16. Law 法律 (Norms established by the official leaders of society; also those interest recognized and secured by society. 由社会官员制定的规范, 也是社会承认和保护的利益。)
17. private law 私法 (大陆法系国家把所有法律规范分成公法和私法两个部门, 私法是指处理个人之间关系的法律原则或规则, 包括民法、商法等。)

Exercises

I. Answer the following questions:

1. What is the importance of law?
2. Can you give the definition of law?
3. Why can lawmakers put together laws to create a very democratic or a very autocratic society?
4. Can you cite some examples to show "informal" norms?
5. Is there any conflict between norms?

II. True(T) or False(F)?

- ___ 1. The search for an accurate, all-encompassing definition of law is certainly not an easy thing.
- ___ 2. As our society becomes more complex, law is of no use to us.
- ___ 3. Not only individuals but also business people look to the law as a guide in their

personal affairs and business activities.

- ___ 4. The definition of the term of "law" is differently given by different kinds of people.
- ___ 5. Law is a set of rules unchanged.
- ___ 6. People are free to choose how they behave, so it doesn't matter if they choose within or outside the norms.
- ___ 7. "Private laws" are not supported by the official sanctions of the government.
- ___ 8. Since legal system exists in every nation, the law governing business transactions is identical.

III. Put the following phrases into English:

- | | |
|------------|-------------|
| 1. 合格的公民 | 6. 同意, 批准 |
| 2. 宇宙法则 | 7. 种族背景 |
| 3. 在……起作用的 | 8. 法律—政府统一体 |
| 4. 法学的历史流派 | 9. 指望 |
| 5. 有缺陷的产品 | 10. 行为准则 |

IV. Cloze:

A court is a tribunal established by government to hear and ___ 1 ___ matters properly brought before it, to give redress to the injured or enforce punishment ___ 2 ___ wrongdoers, and to prevent wrongs. A court of record is ___ 3 ___ in which the proceedings are preserved in an official record. In a court not of record the ___ 4 ___ are not officially recorded.

Each court is empowered to decide certain types or ___ 5 ___ of cases. This power is called jurisdiction. A court may have original or appellate jurisdiction, or both. A court ___ 6 ___ original jurisdiction has the authority to hear a controversy when it is first brought into ___ 7 ___. A court having appellate jurisdiction, on the other hand, has authority to review the judgment of an inferior court.

The jurisdiction of a court may be general, as distinguished ___ 8 ___ limited or special. A court having general jurisdiction has power to hear and decide all controversies involving ___ 9 ___ rights and duties. A court of limited or special jurisdiction has authority to hear and decide only those cases that fall ___ 10 ___ a particular class, such as cases in which the amounts ___ 11 ___ below a specified sum.

Courts are frequently classified in terms ___ 12 ___ the nature of their jurisdiction. A criminal court is ___ 13 ___ that is established for the trial of crimes, which are regarded ___ 14 ___ offenses against the public. A civil court, on the other hand, is authorized to hear and decide issues ___ 15 ___ private rights and duties and also noncriminal public matters. In like manner, courts are ___ 16 ___ as equity courts, juvenile courts, probate courts, and courts of domestic relations, ___ 17 ___ the basis of their limited jurisdiction.

Each court has inherent power ___ 18 ___ establish rules necessary to preserve order in the court or to transact the business of the court. An infraction of these ___ 19 ___ or the disobedience to any other lawful order, as well as a willful act ___ 20 ___ to the dignity of the