

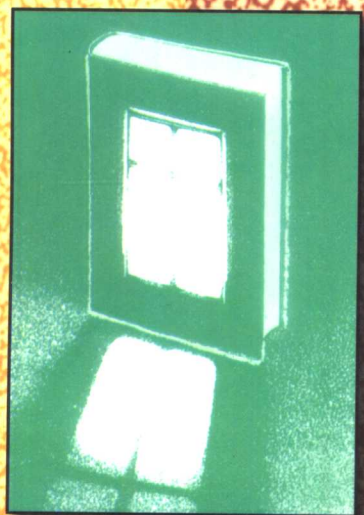
法 律 之 旅 丛 书

英汉对照 法律英语导读

Introductory Guide to English Language of Law
(English-Chinese Edition)

(上 册)

• 王金玲 主编



西苑出版社

本书编译的法律英语背景选材广泛且形式多样，每篇课文单元由英语背景材料、单词与词汇、单元提问以及中文参考译文等四部分构成，以期在内容上既涵盖较多的法律部门，又能方便读者学习法律英语。

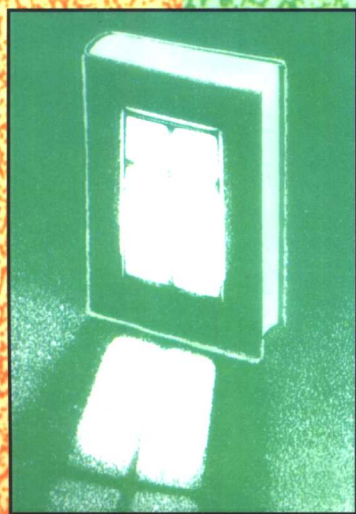
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- ☆ Selection of Background Information from a Vast Sea of Materials in Diverse Forms;
- ☆ Four Parts of Each Unit: English Background Information, Words and Expressions, Answer Questions and Chinese Translations for Reference;
- ☆ Containing Contents of Various Legal Subjects and Convenient for Mastering Language of Legal English.

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序 言

随着我国改革开放和依法治国进程的推进,世界向中国走来,中国也向世界走去,法律和法律制度越来越重要,经济和贸易呈现出全球一体化蓬勃发展潮流,涉外法律事务和涉外经济活动日趋活跃,掌握法律英语对于许多人士来说显得至关重要。

法律英语特殊就在于内容相关司法制度、法律规范和法律习惯。如果对英语语言中大量有关法律和法律制度的专门术语,比如“法人”、“自由裁量”、“抵押权”、“背书”、“定金”、“物权”、“调解”等法言法语,了解和掌握不好,在涉外经济活动和涉外法律事务交往中就可能裹足不前。为此,必须充分认识到学习法律英语的特殊作用,巩固和运用法律英语的技能和手段也就富有积极的现实意义。

当然,编译法律英语导读一书工作确实相当艰难。在选取背景资料方面,如何达到内容的覆盖性和典型性,使各门法律学科内容均能够有一定的反映,并考虑到读者群体层次不同,以及编译导读的实用性特点。于是,编译工作的首先是对大量法律英语背景材料严格筛选,并在筛选时尽可能地不破坏原素材的自然语景。比如,在选取合同法部分,其中二篇内容虽然论述有相似之处,但是取材风格和侧重点又有自己的特点,经过研究讨论,我们决定一并收选,做

到选取材料的兼容并蓄。接着,对所有单元材料进行整理、审编、翻译和加工。最后,经专家人士提出具体的意见和建议,形成本书基本阅读课程单元。

编译过程中,我们认识到,对于英美法系和大陆法系的理论、法规、术语等都需要做长期的研究和揣摩,各国的法律传统、历史文化、意识形态、经济制度以及语言习惯都存在差异,一部分法律英语词汇和词语具有特定的背景含义和用法,同时一词多义的情况也很多,翻译法律英语难以做到统一和规范,更何况我们掌握法律英语语言、词汇的技能和水平有限。因此,我们所做的努力只能是一种积极的尝试,提供的翻译文本只能供读者朋友参考,并真诚希望读者指正。

在编译过程中, John Simms (美)、Amy Jordan (美)、Chris Edward (澳)、Howard Marbouri (英) 等外国专家对收选基本素材提供了有力的支持; 中业律师事务所巩沙律师、中国政法大学李曙光先生、青岛大学马卫东先生给予了卓越的帮助; 陈少云、江雅云、王艳、刘强、李新义、李怀、李薄、钟理、张义、张百、向泊、陈钟艳、陈棋为、陈子正等参与校订和部分书稿整理工作,在此致诚挚的谢意。

王金玲

1999年2月28日

Preface

With the intensifying of China's reform and opening up as well as rapid progress made in realization of the rule by law, the world comes closer to China and China goes outside to the world. Law and the legal system have become more and more important, and there is developing a trend of globalization of economy and trade which results in more and more foreign-related legal affairs and economic activities. Therefore, it's imperative and important for many people to have a good command of English language of law.

The uniqueness of English language of law lies in its connection with the judicial systems, legal rules and legal practice of English-speaking countries. If English language of law is not learnt and mastered specially and systematically, especially for those technical legal terms such as "legal person", "discretion", "mortgage", "endorsement", "deposit", "rights over things", and "mediation", then you will be at a loss in foreign-related economic activities and legal matters. So it is necessary to understand the importance of learning English language of law. Mas-

tery and use of the language skills for English language of law has profound practical significance.

It's obvious that there is great difficulty in preparing and compiling a book like this. In selecting the background information from a vast sea of materials, we try to contain contents of different legal subjects in one hand hoping to expand its coverage to be typical and emphasize its practical usefulness on the other hand taking into consideration of the characteristics of the readers of this Book. To achieve this purpose, our first step is to select our reading materials from a large amount of legal texts, trying our best to maintain the language style of the original text. To take the contract law as an example, there are two articles dealing with the same subjects. But we decide to include both of them in this Book after careful study and discussion since they have their own characteristics with regard to their style of language and points of emphasis. Secondly, we put much of our efforts and time in working on the selected reading materials — compiling, editing and translating them into Chinese. Finally, we work out the different units of reading courses of this Book with suggestions of various experts of law and English language.

In preparing this Book, we feel the need to learn and study the legal theories, legal rules and legal terms of

both the Anglo — American Legal System and the Continental Legal System for a long time since the legal tradition, history, culture, ideology, economic system and language customs of various countries differ greatly from each other. Some legal phrases and terms have their specific meaning and usage, even with no corresponding expression in another language, and some have various different meanings, making it hard to unify and standardize the translations. In spite of the great care taken by the translators and editors to produce an accurate work, shortcomings and oversights are hardly avoidable, and criticisms from readers will be appreciated. What we are mainly doing is to cast a brick to attract jade — the Chinese translation offered is for reference only.

In preparation of this Book, we receive great help from several foreign experts in law such as John Simms and Amy Jordan from the United States, Chris Edward from Australia and Howard Marbouri from the United Kingdom. Without their hearty support this Book will not be published. Here we will also express our sincere thanks to Mr. Li Shuguang from China University of Political Science and Law, Mr. Ma Weidong from Qingdao University for their good suggestions and contributions to publication of this Book. Besides, worthy of mention is the contributions made by Wang Jinling, Jiang Yayun, Liu Qiang,

Wang Yan, Liu Qiang, Chen zhongyan, Chen Qiwei and
Chen Zizheng in compiling and editing. We offer our sin-
cere thanks to them, too.

Wang Jinling

February 28, 1999

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本书共设21单元, 比较全面地收选和介绍了英美等国家的侵权行为法, 合同法, 公司法, 货物买卖法, 贷款担保法, 财产法, 不动产法, 信托、遗产和遗嘱, 保险法, 知识产权法, 消费者保护法, 产品责任法, 税法, 以及民事、刑事诉讼法。

适用对象: 国家公务员, 司法工作者, 律师, 金融、经贸工作者, 以及广大院校法律与经济专业师生。

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This book contents of 21 units. It makes an overall selection of introduction to the laws of the common law system-mainly the laws of the UK, USA and Australia, including the law of torts, contract law, company law, the law of sales of goods, the law of securities loans, property law, real property law, trusts, estates and wills, insurance law, intellectual property law, consumer protection, production liability law, taxation law and civil and criminal procedure law.

Readers of this book: Public servants of the government, the judicial officers, attorneys at law, personnel of banks and other financial institutions and those who engaged in economy and trade, as well as teachers and students having an interest in law and economy.

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