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法律英语

实用教程

COURSE BOOK FOR PRACTICAL LEGAL ENGLISH

含 MP3 有声读物



华东理工大学出版社
EAST CHINA UNIVERSITY OF SCIENCE AND TECHNOLOGY PRESS

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前 言

《法律英语实用教程》是为高等院校学生在修完教育部规定的公共英语教学时数后,进一步学习与法律有关的英语基础知识而编写的。本书旨在通过本教材的教学实践,培养学生熟悉、使用法律英语文书材料,提高学生在法律方面的英语应用能力,为其以后从事法律工作打下一个良好基础。

该教材共十个单元,每个单元分为三个部分。第一部分为“阅读理解”,旨在培养增强学生阅读法律方面英语材料的能力。所选课文材料均来自国外法学素材,其内容与法学专业核心课程相关。其后有五项练习:1. 理解题,题型为回答问题或正误辨别;2. 词语配对;3. 词组翻译,用英汉和汉英互译形式;4. 语法练习,每一单元选一个语法进行练习,以选择或填空形式;5. 句子翻译,英汉/汉英句子互译。

第二部分为“案例探讨”,旨在让学生了解一些国内外的典型案例,选编一至两个和课文内容有关的案例摘要,后用回答问题的形式来熟悉了解案例的内容。

第三部分为“文书套写”,旨在培养学生参照范文拟写和翻译各种常用法律文书的能力。分别选用上诉状、起诉书、合同书、协议书、委托书、公证书等各种法律文书的基本

格式。本部分练习要求学生根据所给样本和汉语原文用英语完成简要法律文书。

本教程主编为童路明、副主编王仁元。具体编写分工如下：第一部分：童路明（第一单元）、武丽玢（第二单元）、贾迎花（第三、四单元）、姚善英（第五单元）、王仁元（第六单元）、尹春晨（第七、八单元）、夏美琴（第九、十单元）；第二部分：童路明；第三部分：陈晓芳。编写体例由童路明、王仁元负责确定，童路明最后统稿。

由于编者水平有限，不足之处在所难免，欢迎同行多赐指教。

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Unit One



Part I Reading and Understanding

Law and Law Courts

Wherever people live together in communities, there will always be disputes. Among animals, conflicts result in victory for the stronger or quicker. But human beings believe that in a dispute the one who is right should win. Sometimes the problem is so complicated that it can be settled only in a law court.

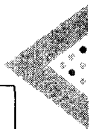
A law court is a meeting place set up by the

government for the just and peaceful settlement of disputes and for the enforcement of law. Courts and methods of carrying out justice¹ have changed as society has changed. Over the centuries the changes have been very great.

In the past, people in Europe often settled disputes in ways that seem extremely cruel and unfair to us. One method was called the cold-water ordeal². The accused person was tied and put into water. If he sank, he was considered innocent. If he floated, he was considered guilty and was punished. Another method was called hot-water³ ordeal. The accused person put his hand in boiling water and pulled out a stone. If his hand showed no injury after three days, he was considered innocent. In still another method, the accused had to swallow a big piece of food without choking on it⁴.

From these barbaric methods, however, developed through the centuries the present system of trials in courts of law.

Courts handle two kinds of disputes: civil and criminal, but it is not always easy to tell the difference between the two. In general, a civil case is a dispute between two private citizens. The court must decide which one is right. A criminal case is a dispute between an individual and the whole community. A policeman claims that the person has broken a law or committed a



crime that harms the community. The court must decide if the person is guilty of this crime.

Laws are rules that define people's rights and responsibilities towards society⁵. They are agreed on by society and made official by governments⁶.

Some people look on laws with fear or hatred. Laws seem to limit a person's freedom to do many things he would like to. Though laws may prevent us from doing things we wish to do at the moment, laws also stop others from doing things that might harm us. Laws make everyone's life safer and more pleasant. Without laws, we could not hold on to our property. We could not go to bed at night expecting to wake up in the morning and find we had not been robbed. No stores in which we buy food, clothes, and other necessities could stay open and sell to us. Our banks would not be safe places for our money. Social life would be impossible without laws to control the way people treat each other. But unless laws are enforced they cannot protect us.

Law enforcement has four steps: arrest of a suspect; decision about his guilt or innocence; sentencing and punishment. Primitive tribes in ancient times settled the question of guilt or innocence quickly. Sometimes they used torture. More common were trials by fights between the accused and the injured or his representative. The winner was thought innocent, because primitive people

believed that gods helped the innocent. Primitive societies used many punishments. For personal injuries it was common to act according to the rule “an eye for an eye, a tooth for a tooth.” If a man knocked out someone’s tooth, his own tooth would be knocked out in return. Today, capital punishment for murder is based on this idea: if a person kills someone, he must pay with his own life.

New Words

community [kə'mju:nɪtɪ] <i>n.</i>	社区
dispute [dɪs'pjʊt] <i>n.</i>	争论, 争议
conflict ['kɒnflɪkt] <i>n.</i>	抵触; 冲突
* jury ['dʒʊəri] <i>n.</i>	陪审团
settlement ['setlmənt] <i>n.</i>	解决
* enforcement [ɪn'fɔ:smənt] <i>n.</i>	执行; 施行
justice ['dʒʌstɪs] <i>n.</i>	判决; 正义; 惩处
extremely [ɪks'tri:mli] <i>ad.</i>	非常地
* ordeal [ɔ:'di:l] <i>n.</i>	神裁法(古条顿族施行的判罪法)
accuse [ə'kju:z] <i>v.</i>	指控
innocent ['ɪnəsnt] <i>a.</i>	无罪的
guilty ['gɪltɪ] <i>a.</i>	有罪的
injury ['ɪndʒəri] <i>n.</i>	损害, 伤害
* swallow ['swɒləʊ] <i>v.</i>	吞下

* choke [tʃəʊk] v.	噎塞
* barbaric [bɑ: 'bæri:k] a.	野蛮的, 残暴的
trial ['traɪəl] n.	审判
civil ['sɪvl] a.	民事的
criminal ['krɪmɪnl] a.	刑事的
citizen ['sɪtɪzn] n.	公民, 平民
individual [ˌɪndɪ'vɪdʒʊəl] n.	个人, 个体
claim [kleɪm] v.	声称, 主张
commit [kə'mɪt] v.	犯(罪), 干(错事)
crime [kraɪm] n.	罪, 罪行
define [dɪ'faɪn] v.	规定
responsibility [rɪs'pɒnsə'bɪlətɪ] n.	责任, 义务
hatred ['heɪtrɪd] n.	仇恨, 憎恨
property ['prɒpəɪtɪ] n.	财产, 所有物
necessity [nɪ'sesəɪtɪ] n.	必需品
* enforce [ɪn'fɔ:s] v.	执行
suspect [səs'pekt] n.	犯罪嫌疑人
sentence ['sentəns] n.	判决, 宣判
primitive ['prɪmɪtɪv] a.	原始的, 早期的
* tribe [traɪb] n.	部落
* torture ['tɔ:tʃə] n.	拷打, 折磨
murder ['mɜ:də] n.	谋杀, 凶杀

Phrases and Expressions

- carry out 贯彻, 执行
be guilty of 犯……罪

agree on 同意(确定或一件事)

look on with 看待

prevent/stop ... from doing 阻止……干某事

hold on to 抓住不放

Notes

1. carrying out justice 执行判决
2. ordeal 古代的一种判罪法。被告接受某种体罚以视其结果,该结果被认为是神的判决。
3. cold/hot-water 冷/开水审判法
4. ...to swallow a big piece of food without choking on it 顺利吞下一大块食物
5. Laws are rules that define people's rights and responsibilities towards society. 法律是对人们的权利和社会义务进行裁定的规则。
6. ... made official by governments 由政府正式制定

<p>Proverbs</p>	<ul style="list-style-type: none"> • Regard for the public welfare is the highest law. 关注公众利益的法律是最高法律。 • There is no general rule without some exception. 任何法律都不能面面俱到。
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