

高等政法院校规划教材

33

法律英语教程

司法部法学教材编辑部编审

沙丽金 林 萍 编写

中国政法大学出版社

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Course Book of Legal English

(修订本)

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说 明

为了适应我国社会主义现代化建设和实施依法治国方略对法律人才的需求,全面提高法律人才的素质,根据高等政法院校新的教学方案,我们对原来教材分别作了审定和重新修订。

这批教材以邓小平理论为指导,吸收国内外法学教育的新成果,坚持理论联系实际的原则,力求系统、准确的阐述各学科的基本原理、基础知识,努力做到科学性、系统性和实用性的统一。

《法律英语教程》是该系列之一,由李荣甫教授主审,沙丽金、林萍编写。全书共 32 课,分四个阶段,供二年使用,按语言的难易程度,适当考虑专业特点进行编排。

由于时间仓促,编者水平与经验有限,教材中不妥之处在所难免,希望广大读者批评指正。

责任编辑 尹雪梅

司法部法学教材编辑部

1998 年 11 月

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Lesson 1 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 justice 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 ordeal. 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 the hot-water 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 it.

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 society. They are agreed on by society and made official by governments.

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.

(607 words)

New Words

- community[kəmjuːniti] n. 社会,
dispute[disˈpju:t] n. 争论, 争端
conflict[kənˈflikt] n. 抵触, 冲突
complicated[kəmˈplikeitid] a. 错综复杂
jury[ˈdʒuəri] n. 陪审团
settlement[ˈsetlmənt] n. 调停, 解决
enforcement[ɪnˈfɔːsmənt] n. 执行, 施行
justice[ˈdʒʌstis] n. 公平
extremely[ɪkˈstriːmli] ad. 非常
ordeal[ɔːˈdi:l] n. 神审判法
accuse[əˈkjuːz] v. 指控, 告发
innocent[ˈɪnəsnt] a. 无罪的, 清白的
guilty[ˈɡilti] a. 有罪的
injury[ˈɪndʒəri] n. 损伤, 伤害
swallow[ˈswələu] v. 吞食
choke[tʃəʊk] v. 哽住
barbaric[bɑːˈbærik] a. 野蛮的, 残暴的
trial[ˈtraɪl] n. 审判
handle[ˈhændl] v. 处理
civil[ˈsɪvl] a. 民事的
criminal[ˈkrɪmɪnl] a. 刑事的

case[keis] n. 案子
 private[ˈpraɪvɪt] a. 私人的
 citizen[ˈsɪtɪzn] n. 公民, 平民
 individual[ˌɪndɪvɪdʒuəl] n. 个人, 个体
 claim[kleɪm] v. 声称, 主张
 commit[kəˈmɪt] v. 犯, 干(错事)
 crime[kraɪm] n. 罪, 罪行
 define[dɪˈfaɪn] v. 规定
 responsibility[rɪsˌpɒnsəˈbɪlɪtɪ] n. 义务
 official[əˈfɪʃəl] a. 官方的, 正式的
 hatred[ˈheɪtrɪd] n. 憎恨
 freedom[ˈfriːdəm] n. 自由
 property[ˈprɒpəti] n. 财产, 所有物
 necessity[nɪˈsesɪti] n. 必需品
 control[kənˈtrəʊl] v. 控制, 操纵
 treat[tri:t] v. 对待, 处理
 enforce[ɪnˈfɔːs] v. 执行
 arrest[əˈrest] n. 逮捕, 扣留
 suspect[səsˈpekt] n. 嫌疑犯
 sentence[ˈsentəns] v. 判决, 宣判
 primitive[ˈprɪmɪtɪv] a. 原始的, 早期的
 tribe[traɪb] n. 部落
 torture[ˈtɔːtʃə] n. 折磨, 痛苦
 murder[ˈməːdə] n. 谋杀, 凶杀

Terms and Expressions

the enforcement of law 执行法律

settle disputes 解决争端

the cold-water ordeal 冷水审判法

the accused person 刑事被告

civil case 民事案件

criminal case 刑事案件

break a law 犯法

commit a crime 犯罪

rights and responsibilities 权利和义务

capital punishment 死刑

Notes

1. ordeal: 神裁判法。是古时的一种判罪法。使被告经受某种体罚以视其结果,该结果被认为是神的判决。
2. ...an eye for an eye, a tooth for a tooth: 以眼还眼,以牙还牙。此句出自《圣经 旧约》的《出埃及记》中第 21 章第 24 条杀人之例。即: eye for eye, tooth for tooth, hand for hand, foot for foot.

Grammar Highlights

句子(sentence)是用以表达一个比较完整的独立的概念,句子开头第一个字母要大写,句子末尾要有句号、问号或感叹号。按其基本结构可分为五种句型。

Basic Sentence Patterns 基本句型:

1. 主 - 动 - 主补: Her duties are many; her powers are few.
这种句型里的动词为连系动词(link verb), be 动词是最常见

的连系动词，除此以外还有：

a) become, come, fall, get, go, grow, run, turn 等表示“变得，成为”的动词；

The criminal's face turned red.

b) continue, hold, keep, lie, remain, stand, stay 等表示“保持着某一状态”的动词；

He remained single.

No stores in which we buy food, . . . could stay open and sell to us.

c) appear, look, seem 等表示“看起来，好象”的动词；It looks good.

d) feel, smell, sound, taste 等表示“实感”的动词；What the client said sounds reasonable. 但这些动词也可用作及物动词或不及物动词。

2. 主 - - 动 The system has worked well;

3. 主 - - 动 - - 宾：He can deliver the Queen's message.

英语中，多数动词既可作及物动词(transitive verb)，也可用作不及物动词(intransitive verb)。下面是几个容易混淆的及物动词和不及物动词：

a). lay/lie; The lawyer laid the document on the table./ The document was lying on the table.

b). raise/rise/arise; Heavy rain raised the river stage./ The river stage was rising./ A new problem has arisen.

c). adopt/adapt; They adopted the child./ You must adapt yourself to the change.

d). used to/be used to; I used to swim in winter./ I am used to the busy life as a lawyer.

e). sit/seat; The criminal was sitting at the table./ The judge

seated herself in the chair.

f). wait/await; I am waiting for your answer. / I await your answer.

4. 主 - - 动 - - 间宾 - - 直宾:

间接宾语指人, 直接宾语指物; 可带双宾语的动词有: accord, allow, assign, award, bring, cause, deal, deny, do, fetch, give, grant, hand, leave, lend, offer, owe, pass, pay, post, promise, read, recommend, refuse, render, return, sell, send, show, sing, take, telephone, teach, tell, throw, wish, write, build, buy, call, catch, choose, cook, cut, find, fix, get, keep, make, order, prepare, reach, reserve, save

间接宾语后移时, 必须在它的前边加 to, for 等介词。

加介词 to 表示间接宾语是动作的接受者;

如: No stores in which we buy food, clothes, and other necessities could stay open and sell to us.

加介词 for 表示间接宾语是动作的受益者; 如: Can you bring this for me?

间接宾语为代词时, 必须紧跟在动词后面, 如果直接宾语和间接宾语都是代词, 直接宾语一般放在前面; Please give it to her.

5. 主 - 动 - 宾 - 宾补:

所谓宾语补足语即是句子中的宾语是该宾语补足语的动作用的执行者或承受者;

如: The judge declared him not guilty and set him free.

Exercise

Comprehension of the Text

Choose the best answer for each of the following

1. Law courts are established by the government for the following purposes except.
 - A. the just settlement of disputes.
 - B. the analysis of disputes.
 - C. the enforcement of law.
 - D. the peaceful settlement of disputes.
2. What is talked about in the third paragraph?
 - A. Methods used to settle disputes.
 - B. Attitude (态度) to disputes.
 - C. Time spent on disputes.
 - D. Material used to settle disputes.
3. While handling a civil dispute, courts must decide
 - A. whether the person is guilty.
 - B. whether the person is honest.
 - C. which person is right.
 - D. which person has committed a crime.
4. In the criminal case, the dispute takes place between
 - A. two people.
 - B. two communities.
 - C. a person and the police.
 - D. a person and the community.
5. From the seventh paragraph, we can know

- A. the roles of laws.
 - B. the source of laws.
 - C. the future of laws.
 - D. the shortcomings (缺点) of laws
6. How many steps are there in the law enforcement?
- A. Three
 - B. Five
 - C. Two
 - D. Four
7. In ancient times, the question of guilt or innocence was often solved by
- A. law
 - B. arrest.
 - C. fights between the accused and the injured.
 - D. meetings held by the accused and the injured.
8. Social life can be guaranteed (保证) by
- A. punishment
 - B. laws
 - C. people
 - D. wars

Vocabulary

- I. Choose the definition from Column B that best matches each word in Column A

A	B
1. harm	a. a general public
2. commit	b. not guilty of a crime
3. community	c. fairness
4. barbaric	d. the act of causing great pain in order to forcesomeone to give information
5. complicated	e. do something considered wrong
6. necessity	f. very cruel
7. justice	g. cause injury or damage

- | | |
|--------------|----------------------------|
| 8. torture | h. solve |
| 9. settle | i. something that you need |
| 10. innocent | j. hard to solve |

II. Fill in the blanks with the words or expressions given below.

Change the form if necessary

- | | | | | |
|-----------|-----------|----------|----------|----------|
| carry out | choke | hatred | conflict | accuse |
| break | primitive | suspect | handle | innocent |
| result in | just | consider | agree | look on |

- It is _____ to be the best method to deal with the case.
- I met the new manager today and found that we _____ on basic policies (政策).
- They couldn't, or they wouldn't, _____ the rule.
- Water went down his throat and he started to _____.
- He _____ his partner of having broken his word.
- We intend to _____ our full policy.
- Nations must not settle their differences by armed _____.
- We should all work together to create a _____ society.
- I have lived there so long I _____ the place as my home.
- Who _____ the marketing in your company.
- She is full of _____ for the driver who killed her child.
- He is _____ of the crime.
- Man made himself _____ tools from sharp stones

and animal bones.

14. The _____ is being held at police station for questioning.

15. His angry words _____ a fight.

III. Study the following pairs of words and use them correctly in the given sentences

1. define / definition

1) The powers of the courts are _____ by law.

2) The club must give a clear _____ of its goals.

3) The Constitution _____ the powers of the president.

2. enforce / enforcement

1) The teacher will _____ the rules of the school.

2) The _____ of the law should be strict.

3) It isn't always easy for the police to _____ speed limits.

3. necessary / necessity

1) He doesn't have the _____ skills for the job.

2) They lack (缺乏) the money even for basic food and heating—the _____ of life.

3) Is it _____ for all of us to be present (出席) at the meeting in the afternoon.

4. guilt / guilty

1) The police worked day and night to prove the man's _____.

2) The _____ of the accused man was in doubt.

3) In the eyes of the law, she was not yet _____

5. injure / injury