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法学英语读本

法律出版社

ENGLISH READINGS
for Senior Law Students

法学英语读本

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法律出版社出版 新华书店发行

一二〇二工厂印刷

787×1092 毫米 32 开本 印张 20 字 4,300,000

1985年2月第一版 1985年2月第一次印刷

印数0,001—7,700

书号6004·710 定价2.95元

前 言

我们选编了这部供政法院系高年级学生和法学工作者使用的英语读本，目的是使具有英语基础知识又有相当专业知识水平的读者，借助这部读本，在较短时间内能提高阅读英语法律专业书籍的水平。

本书共选编了十五课课文。从第一课到第五课是根据 W·Z·福斯特(William Z·Foster)的“美洲政治史纲”(Outline Political History of the Americas)一书，并参照北京外国语学院印发的有关该书的节录而编排的。其中叙述从美洲的发现到美国革命这一段美国历史背景，内容连贯，文字通俗易懂，词汇用语也是一般性的，为的是让读者有个复习巩固英语基础知识的阶段。从第六课以后的课文是直接从英美大学法律系的教科书中节录下来的，内容有：美国法院组织、美国法院民事案件诉讼程序和部分刑事诉讼程序、美国刑法教科书中有关刑事犯罪与民事侵权行为、刑法的目的，以及英国教科书中有关严格履行合同的一般原理、社团法人、抢劫与敲诈勒索犯罪等章节。后十课的课文中使用的词汇和用语大部分都是法律专业书籍中常见常用的，为的是使读者多接触和掌握专业性的词语。除了其中的标题有些更动以外，内容一律保持原样，以便读者逐步领略和熟悉英美法学家书写的原文。各课后

面列有单词表,附有比较详细的课文注释、课文理解练习,以及与课文内容有关的英译汉练习和相应的答案。另外我们集中介绍若干语法要点和语法练习,连同第六课到第十五课的课文汉译,放在书后,供读者备用。

本书经余叔通、周仁、张尧等同志看过部分章节,提出不少宝贵意见;在整理稿件阶段,王晓玲、王遵结等同志在技术上给予大力协助,特此致谢。编辑法律专业的英语读本,对编者是一种新的尝试,限于水平,缺点错误一定不少,希望读者和同行给予批评指正,我们将不胜感谢。来信和意见可寄交北京学院路41号中国政法大学编者收。

编 者

一九八二年二月

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Texts

课 文

1. The Indians and the Americas

(Historical Background of the United States)

From time immemorial, the Western Hemisphere had been the home of the Indian peoples. They had lived in scattered places all over the two continents from Alaska to Cape Horn before Columbus "discovered" America in the fifteenth century. ¹The numbers of the Indians at that time have been estimated by various historians at from 14 millions to 40 millions. ² They were divided into a great number of tribes ³ speaking different languages and dialects and varying in colors from almost black through copper, to pale olive.

The Indians' economies differed as widely as their languages and colors. ⁴They ranged from nomadic tribesmen to highly developed village Indians. But on

the whole their social system was that of tribal communalism. ⁵Its basis was common ownership of the land, whether the tribe made its living by hunting, fishing, herding, farming, or by a combination of all these occupations. ⁶

The Indians had a strong sense of honor and were fair in dealing with ⁷ one another and with outsiders. There was none of the frightful poverty, neglect of the aged, exploitation of children, and general misery that have been the Indians' lot since their land was conquered by the capitalist nations which were supposed to be more "civilized". ⁸

There is much dispute as to where the Indians originally came from. ⁹ The prevailing view has it that the Indians came from Asia about 25,000 years ago. ¹⁰ It has been estimated that the sea level was then about 225 feet lower than it is today. ¹¹ So the Indians could have crossed on solid land from Siberia to Alaska. ¹² From the latter area the new-comers are supposed to have gradually fanned out all over the Western Hemisphere. ¹³

Separated by the two great oceans, the Indians and the people of the other hemisphere knew nothing about each other and had no contact whatever with each other ¹⁴ until the day Christopher Columbus sighted land after a long, adventurous voyage across the Atlantic.

On October 12, 1492, Columbus stepped ashore on the island he later named San Salvador, in the Bahamas. It was one of the great moments in world history. The discovery of America gave an enormous stimulus to the advance of history. It helped to undermine decaying feudalism and speed up the growth of capitalism in Europe. It widely expanded man's economic and political concepts and gave him a greatly changed outlook upon the world he lived in.¹⁵

Columbus, of course, was not the first to "discover" America. There were the Indians there at the time of his arrival.¹⁶ Moreover there were many stories about earlier navigators who had "discovered" the Western Hemisphere before Columbus. Among these supposed discoverers were a group of Chinese priests who are said to have landed on the Pacific coast of North America about the year 458. It was Columbus's discovery, however, that ended the isolation of the Western Hemisphere, and linked it economically, politically and culturally with the rest of the world.

In Columbus's time there were many forces at work which made the discovery of America inevitable.¹⁷ The most important factor was the rapid growth of mercantile capitalism in Europe. The European merchants went all over the known world to develop trade. No adventure was too risky for them.¹⁸ With their robberies and wars, they were hardly to be distin-

guished from pirates.¹⁹

In 1453 the Turks captured Constantinople. This event shut off the trade route from Europe to the Middle and Far East. To find a new route to India, Cathay (China) and Cipango (Japan) became an urgent need for the merchants and traders of Western Europe.

Columbus, who was an Italian navigator, thought it possible to reach Cathay by sailing due west.²⁰ After failing to get financial help from Italy, England and Portugal, he went to Spain, where he won the support of²¹ the Spanish king and queen, and the merchants of Palos. He was equipped with three ships, the biggest of which was only about 111 feet long and of 100 tons burden. The total cost of his first voyage has been estimated at from \$5,000 to \$7,000. He made four voyages to the West Indies. But until the day of his death, he believed firmly that he had found the route to the Indies or the lands of the east, and the people he had seen there were Indians.

He was followed by many navigators, not only Spanish and Portuguese, but also Italian, French, English and Dutch. It was after Amerigo Vespucci, an Italian sailing in the interests of Spain, that the two continents were named.²² In 1507 a German professor published a map of the New world on the basis of²³ Vespucci's voyage and called it "America".

It was indeed a great and rich world. In the Ameri-

cas there are all those resources necessary for agricultural and industrial development, fertile lands, seas teeming with fish,²⁴ great forests, all the essential metals and minerals, huge coal and oil deposits, and rivers rich in water-power resources.

Sword and cross in hand, the ruling classes of Europe fell upon this rich world greedily. Only fifty years after Columbus's first voyage, the Spanish and the Portuguese had overrun the vast land of what is now called Latin America.²⁵ The colonization of the present-day United States and Canada by the English and the French went somewhat slower, but with the same barbarity.²⁶ Indian society and culture were destroyed. Whole Indian tribes were slaughtered. Negroes were shipped from Africa to the New World and forced to be slaves. Working people of all races were ruthlessly exploited and oppressed.

Beginning with the arrival of Columbus, American history is a long and horrible story of the enslavement and exploitation of the laboring people by the landowners and capitalists. It is also a record of an endless and indomitable struggle of the toiling masses against this ruthless exploitation and oppression.

New Words and Expressions

immemorial (,imi'mɔ:riəl) a. 不能记忆的,古老的,

太古的

from time immemorial 自古以来

Western Hemisphere 西半球

scatter (ˈskætə) v. 散布, 分散

continent (ˈkɒntinənt) n. 大陆, 陆地

Alaska (əˈlæskə) n. 阿拉斯加 (州)

Cape Horn (keɪp hɔ:n) n 合恩角 (智利)

Columbus (kəˈlʌmbəs) 哥伦布 (Christopher Co-
lumbus, 1451-1506, 意大利航海家)

Canada (ˈkænədə) n 加拿大

discover (disˈkʌvə) v. 发现

America (əˈmerikə) n. 美洲

estimate (ˈestimeɪt) v. 估计

historian (hisˈtɔ:riən) n. 历史学家

vast (va:st) a. 浩瀚的, 庞大的

territory (ˈteritəri)n. 领土, 国土, 地区

data (ˈdeɪtə) (datum的复数) n. 资料, 材料

divide (diˈvaɪd) v. 分, 划分

tribe (traɪb) n. 部落

dialect (ˈdaɪəlekt) n. 方言

vary (ˈvɛəri) v. 改变, 变更, 变化, 不同

olive [ˈɒli:v] n. 橄榄, 茶青色
 economy [i(:)ˈkɒnəmi] n. 经济
 range [reɪndʒ] v. 排列成行, (在一定范围内)变动
 nomadic [nouˈmædɪk] a. 游牧的
 tribesman [ˈtraɪbzmən] n. 部落的一员
 tribal [ˈtraɪbəl] a. 部落的, 宗族的
 communalism [ˈkɒmjʊnəlɪzəm] n. 地方自治主义,
 公社制社会结构
 basis [ˈbeɪsɪs] n. 基础, 主要成分
 ownership [ˈəʊnəʃɪp] n. 所有制, 所有权
 herd [hɜ:d] v. 放牧
 combination [ˌkɒmbɪˈneɪʃən] n. 结合, 联合
 occupation [ˌɒkjʊˈpeɪʃən] n. 职业, 占领
 sense of honor 自尊心
 deal with 交往, 做买卖
 outsider [ˈaʊtˈsaɪdə] n. 外人, 局外人, 外行
 frightful [ˈfraɪtful] a. 可怕的, 非常的
 neglect [nɪˈglekt] n. 忽视, 忽略
 exploitation [ˌeksplɔɪˈteɪʃən] n. 剥削
 misery [ˈmɪzəri] n. 苦难, 痛苦
 lot [lɒt] n. 命运
 as to 关于, 至于
 prevailing [priːˈveɪlɪŋ] a. 流行的, 占优势的
 level [ˈlevl] n. 水平面, 平面
 solid [ˈsɒlɪd] a. 固体的, 坚固的
 siberia [saɪˈbɪəriə] n. 西伯利亚 (苏)
 latter [ˈlætə] a. 后面的

new-comer [ˈnju:kʌmə] n. 新来者
 fan out 散开
 separate [ˈsepəreɪt] v. 使分开, 使分离, 分开, 分离
 sight [saɪt] v. 看见
 contact with 接触
 adventurous voyage [ˈvɔɪdʒ] 冒险航行
 Atlantic [ətˈlæntɪk] n. 大西洋
 ashore [əˈʃɔ:] ad. 上岸, 登岸, 在岸上
 San Salvador [sænˈsælvdɔ:] n. 圣·萨尔瓦多岛
 Bahama(s) [bəˈhɑ:mə(z)] n. 巴哈马群岛
 enormous [ɪˈnɔ:məs] a. 巨大的
 stimulus [ˈstimjʊləs] n. 刺激, 刺激物
 undermine [ˌʌndəˈmain] v. 削弱……的基础, 破坏
 decaying feudalism 衰落的封建主义
 speed up 加速
 expand [ɪksˈpænd] v. 扩大, 展开
 concept [ˈkɒnsept] n. 概念, 观念
 outlook [ˈaʊt-lʊk] n. 观点, 视野, 看法, 眼界
 navigator [ˈnævɪgeɪtə] n. 航海家
 priest [pri:st] n. 僧人, 和尚
 Pacific [pəˈsɪfɪk] n. 太平洋
 isolation [ˌaɪsəˈleɪʃən] n. 隔离, 孤立
 link [lɪŋk] v. 联系, 连接
 at work 在起作用, 在工作
 discovery [dɪsˈkʌvəri] n. 发现
 inevitable [ɪnˈevɪtəbl] a. 必然的, 不可避免的
 factor [ˈfæktə] n. 因素, 要素

mercantile (ˈmə:kəntail) a. 商业的, 贸易的
 merchant (ˈmə:tʃənt) n. 商人
 adventure (ədˈventʃə) n. 冒险, 冒险活动
 risky (ˈriski) a. 危险的, 冒险的
 robbery (ˈrɒbəri) n. 抢劫, 掠夺, 抢劫案
 hardly (ˈhɑ:dli) ad. 几乎不
 distinguish (disˈtɪŋɡwɪʃ) v. 区别, 辨别
 pirate (ˈpaɪərit) n. 海盗
 Turk (tɜ:k) n. 土耳其人, 突厥人
 capture (ˈkæptʃə) v. 夺得, 俘获
 Constantinople (ˌkɒnstəntiˈnɒʊpl) n. 君士坦丁堡
 (现称Istanbul 伊斯坦布尔)
 shut off 关闭, 切断, 截断
 route(ru:t) n. 路线, 航线
 India (ˈɪndjə) n. 印度
 Cathay (kæˈθei) n. 中国
 Cipango (siˈpæŋɡou) n. 日本
 urgent (ˈʌ:dʒənt) a. 紧急的, 急迫的
 trader (ˈtreɪdə) n. 商人
 Italian (iˈtæljən) a. 意大利的
 due (dju:) ad. 正向
 financial (fiˈnænsjəl) a. 财政的, 金融的
 Italy (ˈɪtəli) n. 意大利
 Portugal (ˈpɔ:tʃugəl) n. 葡萄牙
 Spain (speɪn) n. 西班牙
 Palos (ˈpɑ:lous) n. 帕洛斯 (西)
 equip (iˈkwɪp) v. 装备, 配备, 供给