



中央财政支持地方高校发展专项资金资助项目 系列教材

监狱矫正实用英语教程

蔡一军 / 主编

Jianyu Jiaozheng Shiyong
Yingyu Jiaocheng

中国法制出版社
CHINA LEGAL PUBLISHING HOUSE



中央财政支持地方高校发展专项资金资助项目 系列教材

监狱矫正实用英语教程

主 编 蔡一军

副主编 李 滇 王曼婷

中国法制出版社
CHINA LEGAL PUBLISHING HOUSE

图书在版编目 (CIP) 数据

监狱矫正实用英语教程 / 蔡一军主编. —北京:

中国法制出版社, 2015. 1

中央财政支持地方高校发展专项资金资助项目系列教材

ISBN 978 - 7 - 5093 - 5662 - 3

I. ①监… II. ①蔡… III. ①犯罪分子 - 监督改造 - 英语 - 高等学校 - 教材 IV. ①H31

中国版本图书馆 CIP 数据核字 (2014) 第 214419 号

责任编辑: 陈兴 任乐乐

封面设计: 蒋怡

监狱矫正实用英语教程

JIANYU JIAOZHENG SHIYONG YINGYU JIAOCHENG

主编/蔡一军

经销/新华书店

印刷/三河市紫恒印装有限公司

开本/710 × 980 毫米 16

版次/2015 年 1 月第 1 版

印张/ 14.5 字数/ 125 千

2015 年 1 月第 1 次印刷

中国法制出版社出版

书号 ISBN 978 - 7 - 5093 - 5662 - 3

定价: 45.00 元

北京西单横二条 2 号

邮政编码 100031

网址: <http://www.zgfzs.com>

市场营销部电话: 66033393

值班电话: 66026508

传真: 66031119

编辑部电话: 66071862

邮购部电话: 66033288

(如有印装质量问题, 请与本社编务印务管理部联系调换。电话: 010 - 66032926)

作者简介

蔡一军，男，法学博士，华东政法大学法学流动站博士后，上海政法学院刑事司法学院副教授，国家留学基金委公派法国里昂二大联合培养博士，主要研究方向为刑罚学、比较刑法学。从事刑法学研究以来，主持、参与国内外研究课题10余项，其中省部级以上课题4项；参编、参译著作4部。在《当代法学》《法制与社会发展》《人民日报（海外版）》等核心刊物公开发表论文20余篇，其中有些论文为《人大报刊复印资料》《新华文摘》等刊物全文转载或转摘。

李真，女，法学博士，嘉兴学院讲师，主讲课程为法理学、公务员法等课程。主持和参加省厅级科研、教改等项目5项，在核心期刊发表论文10余篇；参编著作、教材2部。

王曼婷，女，上海政法学院在读法学硕士。西安财经学院文学学士，英语八级。

前 言

本教材是上海政法学院央财建设项目中教材建设立项课题成果。上海政法学院监狱学专业作为上海市教育高地和国家特色专业一直致力于高层次监狱干警的培养,随着我国对外交流的不断增多和国际化程度的不断加强,外国人在华犯罪服刑已经成为了理论关注的司法现象和趋势。在此背景下,外籍犯的管理和矫治工作也已经对监狱干警外语能力提出了新的课题和挑战。为此,我们精心收集和准备了大量的外文资料和数据,并仔细挑选和梳理相关资料,并以此为基础形成了此部教材,为相关双语课程提供了有益支撑。

教材由蔡一军副教授任主编,李滇博士任副主编,各章的撰写分工如下:李滇负责编写前言、第一章、第二章、第四章、第五章;蔡一军编写第七章、第八章、第九章,第十章和第十一章;王曼婷负责编写第三章、第六章和第七章。各位作者完成初稿后,由蔡一军进行了文字修改与技术处理,并最终定稿。

由于能力所限,加之撰写时间比较匆忙,不当之处难免,敬请广大读者,尤其是监狱实践的一线干警不吝赐教。

我们要感谢上海政法学院刑事司法学院的领导,正是在他们的支持下,将本教材列为央财项目的教材项目,这是对我们的有力支持。感谢中国法制出版社的编辑们,正是他们的大力协助和努力,才使得本教材迅速出版。感谢上海政法学院2013级研究生李昌对教材的认真校订。真诚希望能持续得到各方面的大力支持,继续为我国监狱人才的培养事业做出绵薄贡献。

目 录

第一章 Prisoners 罪犯	(1)
Text A Foreign Prisoners	(3)
Text B The Foundations of Prisoners' Rights	(9)
Text C Alternatives to Litigation	(15)
第二章 The History about Correction 矫正的历史	(21)
Text A The Early History of Correctional Thought and Practice	(23)
Text B The Age of Reason and Correctional Reform	(29)
Text C The History of Corrections in America	(35)
第三章 Rationales of Corrections 矫正的原则	(41)
Text A The Purpose of Corrections	(43)
Text B Criminal Sanctions	(49)
Text C Evaluation of Criminals in Accordance with the Law	(55)
第四章 Prison Management 监狱管理	(61)
Text A Managing the Correctional Organization	(63)
Text B Governing Prisons	(69)
Text C Discipline of Prisoners	(75)
第五章 Prison Condition 监狱环境	(81)
Text A The Prison Condition	(83)
Text B The Way to Clean out of Prison Violence	(89)
Text C Values and Economy of Prisons	(95)

第六章 Correctional Personnel 矫正人员	(102)
Text A Characteristics of Prison Officers	(105)
Text B Assignment of Work	(111)
Text C The Types of Work in the Prison	(117)
第七章 Women Inmates and Correction 妇女与矫正方法	(123)
Text A Issues of Women Inmates	(125)
Text B History of Women in Prison	(131)
Text C Mothers and Their Children	(138)
第八章 Juvenile Criminals and Correction 青少年罪犯与矫正	(144)
Text A The Juvenile Correctional Process	(146)
Text B Problems of Juvenile Justice	(152)
Text C The History of Juvenile Justice	(158)
第九章 Correction Method 矫正方法	(164)
Text A Treatment on Foreign Prisoners	(166)
Text B Educational and Vocational Programs about Treatment	(172)
Text C Psychological Programs	(178)
第十章 Alternatives to Imprisonment 监禁刑的替代方法	(184)
Text A Administration of Probation	(186)
Text B The History of Probation	(192)
Text C The Intermediate Sanction	(197)
第十一章 The Current and Future of American Correction	
美国矫正的现状与未来	(203)
Text A Corrections Today and Tomorrow	(205)
Text B Personnel and Methods	(211)
Text C Changing Corrections	(217)
Reference	(223)

第一章 Prisoners 罪犯

背 景

美国联邦最高法院曾经指出，美国囚犯并不完全丧失宪法上所规定的保护，“宪法与美国的监狱之间并无铁壁隔绝。”因此，除保证执行正常的禁闭纪律和防止干扰所必要的限制，或者对在狱的全体成员以及一般公众的权利和人身安全提供合理保护所必要的限制之外，美国囚犯保留自由公民的权利。这成为确定美国囚犯权利的基本原则。在美国囚犯享受的全部权利中诉讼自由占有特殊的地位。囚犯有权就司法上可被审理的任何争端提起诉讼，有权不受阻碍地向法院提出申诉。囚犯有权准备和保留法律文件，有取得法律包括律师辩护或代理的权利；有权享受常规的和紧急的医疗照顾，包括智力健康方面的诊断和治疗；囚犯可以接受合法邮寄的杂志和书籍以及其他书面材料，可以会见亲属、教师、朋友和熟人。其中，为保证囚犯能够获得法律帮助，监狱应当为律师制定合情合理的会见政策，提供适合这种会谈的场所设备，对律师的来信也只能在囚犯面前才能打开和检查。囚犯有权奉行特殊的宗教习俗与礼节，包

括禁食和特殊的吃饭时间等。监狱供应的给养食品应当与囚犯的宗教信仰相一致。囚犯享有较为完整的财产权，包括对不动产或动产的取得、继承、出售和其他方式的处置。囚犯不因被定罪而丧失已取得的领取年金的权利。各州保险部门要求有关的保险公司向囚犯提供各种保险。另外，在囚犯日后就业时，不得仅因其过去被定罪而施加种种障碍。

Text A Foreign Prisoners

New Words

1. detainee n. 被拘留者
2. Malaysia n. 马来西亚
3. drug-trafficking n. 贩毒
4. accustom v. 使习惯
5. resort to 求助于
6. custodial adj. 注：21 世纪英汉大辞典释义：监护的、照管的、保管人的；网络释义：监督
7. embassy n. 大使馆
8. compatriot n. 同胞
9. estrange vt. 使疏远
10. diplomatic adj. 外交的

When it comes to the term of foreign prisoners, there are a variety of meanings. Basically, it refers to a prisoner who has a foreign nationality. However, it also means “foreign-born prisoner” or “foreign detainee”. Among all countries, it is not rare that a number of foreign prisoners are in correctional institutions. A research has shown that the number of foreign prisoners seems to increase gradually. In addition, according to the statistic data, Malaysia is the nation which has the highest proportion of foreigners in its prison, and the report indicates that 21% of the total inmates are foreign prisoners. Although there have many classifications about foreign prisoners, the most prevailing one is that offenders with the particular purpose of violating the law, are migrating from one country to another. As to the type of offence, it is obvious that drug-abuse is increasing rapidly. With regard to nationality, larceny is the most frequent crime committed by foreigners in Japan. While, in Sri Lanka, the most typical crime is child-abuse. As for Thailand, numerous offenders have being committed to drug-related crime, especially the drug-trafficking.

Stepping on a completely different land, foreigners usually have to adapt themselves to many difficulties, especially when they are not familiar with the local language. The trouble of communication causes more frustration, anxiety and pressure. It is found that most foreigners have problems to communicate with officers in prison. Therefore, foreigners need more time to accustom themselves to the rules and disciplines in prison. Gradually, these prisoners become estranged from others and they resort to filing objections to authorities to express their dissatisfaction in prison. As long as they enter prison, it becomes important

that all kinds of information are available to the inmates. Translating what these prisoners perceive in prison such as rules and tasks into their mother language will be helpful for communication. Unlike native prisoners, foreigners may encounter other issues during the prison life. First, they have special life style which is totally different from local inmates such as culture, food, and religion. With the goal of effective treatment, particular and necessary facilities have to be available to satisfy the need of religious practice, food limitation and health care. Second, it is not easy to acquire information for foreign prisoners because criminal justice agencies are different from their own countries. Therefore, it leads to be risky for them to protect their basic rights, such as the possibility of parole. In the light of this, it gets hard for officers to apply treatment programs in an effective way. Only under that condition can they obtain the sufficient information, the rehabilitative and custodial measurement can be arranged for inmates. Lastly, the foreign prisoners have no way to get legal aid and are short of legal information. Another phenomenon is that most of them seldom have family or friends visits and have no opportunity to contact with the outside world. Once they receive visits, it is possible that diplomatic representatives can ensure their basic human rights. It is a great advantage to assist foreigners by their embassies, because this assistance is extended by their compatriots and has connection with their own countries.

It is quite apparent that the review and improvement of procedures and policies are necessary for all countries. These are not only relative to justice and security of foreigners but important for treatment programs of correctional institutions. Estranged from mother countries, foreign

prisoners sometimes inevitably fall into trouble and frustration. Further, for individual circumstances, the specific problem also varies constantly in prison. If the officer does not take care of these problems, foreigners must suffer from serious damage both physically and psychologically. In regard to supervision, care, custody, providing specific help for various needs of foreign prisoners is an effective measurement.

Exercise

I. Questions:

1. What is the definition of foreign prisoners?
2. Please describe the difficulties that foreign prisoners face.
3. What do you think is the best way to solve the problems of foreign prisoners?
4. What are the reasons causing the difficulties?
5. How important is the procedure in this process?

II. Translation:

1. When it comes to the term of foreign prisoner, there are a variety of meanings. Basically, it refers to a prisoner who has a foreign nationality. However, it also means “foreign-born prisoner” or “foreign detainee”. Among all countries, it is not rare that a number of foreign prisoner are in correctional institutions.

2. Stepping on a completely different land, foreigners usually have to adapt themselves to many difficulties, especially when they are not familiar with the local language.

3. Translating what these prisoners perceive in prison such as rules and tasks into their mother language will be helpful for communication.

4. With the goal of effective treatment, particular and necessary facilities have to be available to satisfy the need of religious practice, food limitation and health care. Second, it is not easy to acquire information for foreign prisoners because criminal justice agencies are different from their own countries.

5. Another phenomenon is that most of them seldom have family or

friends visits and have no opportunity to contact with the outside world. Once they receive visits, it is possible that diplomatic representatives can ensure their basic human rights.

6. 罪犯被监禁在监狱中除了达到惩罚的目的之外, 还为了罪犯的矫正, 以便其刑罚执行完毕后不再犯罪。

7. 并不是每一个罪犯在监狱中都能够很好地进行改造, 甚至有些罪犯还会在监狱中继续犯罪。

8. 对于激情犯罪和有预谋的犯罪, 我们应该区别对待。因为激情犯罪其人身危险性较小, 再犯可能性也很低。

9. 罪犯在进行适当劳动改造的同时, 对罪犯进行适当的人格教育, 也会在监狱矫正中起到一定的积极作用。

10. 研究资料表明, 监狱矫正的效果并没有人们想象中的那么好, 很多罪犯在监狱中的犯罪技术反而得到了一定的提高, 出狱后仍然实施犯罪。

III. Matching:

criminal	prison guard
jail	carry out
correct	conditional release
jailer	offender
cell	ward
execute	prison
release on parole	commute a sentence
reduce a penalty	adjust

Text B The Foundations of Prisoners' Rights

New Words

1. confer v. 授权
2. participate in 参加; 参与
3. grant v. 授予; 同意; 承认
4. manipulate v. 操作, 控制
5. maintenance n. 保持; 维护
6. petition n. 请愿; 祈求; [法] 诉状
7. applicable adj. 适用的 applicable to 适用于
8. surveillance n. 监督
9. guarantee n. 保证
10. supreme court 最高法院

In the United States, there are four foundations to uphold the rights of people who are in correctional institutions. As follows, (1) the U. S. Constitution (2) the constitution of the state (3) state statutes and regulations (4) federal statutes and regulations. In fact, most rights during the correctional process are listed by the U. S. Constitution. Although state constitutions is as powerful as the U. S. Constitution, they confer different rights. In addition, legislatures also participate into granting rights to inmates and to manipulating corrections departments to apply these rules which can protect inmates. The decision of federal statutes, of course, is valid in federal correctional institutions.

The Constitution of the United States

When people are convicted of a crime and sentenced to prison, the constitutional rights of these people in U. S. , to a certain degree, are not deprived completely. But, sometimes, the courts have stressed that some rights are limited when restrictions are relative to relevant of legitimate government. Three specific interests have been emphasized by courts: (1) rehabilitation of inmates (2) the maintenance of institutional security (3) the maintenance of institutional order.

The order means rules in institutions; the security refers to the control of inmates; the rehabilitation refers to programs necessary for the health, the treatment of inmates.

State Constitutions

The courts of each state actually are accredited to announce correctional conditions and practices in violation of the state and the federal constitutions. But, many state prisoners are not willing to resort to federal courts, in that they believe that courts of the states are more