

法律英语证书 (LEC) 全国统一考试指定用书

Legal English Terms  
(Bilingual)

# 法律英语

## 词汇双解

张法连 / 编著

中国法制出版社  
CHINA LEGAL PUBLISHING HOUSE

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# 前言

随着我国加入 WTO 和世界经济一体化进程的不断加快,国际交流合作日益加强,涉外法务活动空前频繁,法律英语的重要性日渐凸显。2008 年 5 月,法律英语证书(LEC)全国统一考试首次在中国政法大学成功举行,把法律英语的学习和研究推向了高潮。

法律英语是指法律界通用的专业英语,包括书面法律英语和法律英语口语。法律英语是法律语言中的一种,它属于应用语言学的范畴,是一种具有法律职业技能特征的的职业语言。词汇是语言的基本组成部分,它包括术语、俚语、行话等。英语词汇相当丰富,但不同的词汇有着不同的文体作用,不同的文体又要求用不同的词汇来表达。“法律语言部分地是由具有特定法律意义的词组成,部分地是由日常用语组成的。具有特定法律意义的词,在日常用语中即使有也很少使用”(戴维·沃克:《牛津法律大辞典》,光明日报出版社 1988 年版,第 155 页)。除了具有特定法律意义的词之外,很多在日常生活中普遍应用的词汇,一旦到了法律语境中,便具有了法律意义。难怪很多学生抱怨说法律英语难学:阅读一篇判例,要么碰到一些非英语的词汇,使人摸不着头脑;要么碰到很多普通的英语单词却在文中肯定有着不普通的含义,令人无法猜测。其实法律词汇、术语已经成为学习法律英语的首要障碍。所以,对于广大的法律英语爱好者来说,了解和研究法律英语的词汇特点,掌握一定量的法律英语词汇短语是学好法律英语的前提,具有十分重要的意义。

要学好法律英语,首先从法律英语的词汇短语入手。本书收录的约 2600 个词条都是美国法学专业和美国法律实践中经常用到的词汇和短语。为了让读者更直观全面的理解词语含义,每个词条后面都有英语释义。词无定译,因为中美法律文化的差异和法律制度的不同,书中部分美国法词汇的汉译颇费周折,其中的辛酸只有译者自己知道;即使经过反复推敲翻译出来的某些词汇短语,译者也并非完全满意,所以有些词译很值得商榷,希望广大读者不吝赐教。

感谢法律英语证书(LEC)全国统一考试委员会([www.lectest.com](http://www.lectest.com))指定此书为 LEC 考试复习参考书。参加本书编写工作的还有陶悦、李慧杨、姜芳和庄世昀。在编写此书的过程中,我们参阅了大量资料,恕不一一列出,在此谨对原作者表示衷心感谢。

书中不妥之处,敬请同仁指正。

张法连

2009 年 9 月于中国政法大学

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## A

**ABANDON**—to denote a complete giving up, especially of what one has previously been interested in or responsible for. In family law, it usually means to leave a spouse or child willfully and without an intention to return.

放弃或中止某项权利或义务，遗弃财产（永远不再主张）；家庭法上指离弃配偶或家庭成员

**ABANDONMENT**—the act of leaving a spouse or child willfully and without an intent to return. In the context of contracts, it is merely the acceptance by one party of the situation that a nonperformance party has caused.

（永远）离弃配偶或子女；合同的撤销（仅指合同一方接受另一方当事人所造成的不予履行合同之情形）

**ABATE**—to lessen, reduce or remove (esp. a nuisance); to lower the price.

减轻或全部及部分废除（常用于减价及税收、遗产或骚扰的减少等）

**ABATOR**—one who abates a nuisance.

排除妨害者

**ABDICATE**—to refuse or renounce a thing, a person in office to renounce it or give it up voluntarily.

放弃（某种权利或法定职位）

**ABDUCTION**—the action or an instance of forcibly taking a person or persons away against their will.

诱骗，绑架；挟持罪

**ABET**—to encourage or assist (someone) to do something wrong, in particular, to commit a crime or other offense.

煽动，怂恿，教唆他人犯罪；教唆罪

**ABILITY**—the capacity to perform an act or service; esp. the power to carry out a legal act.

法律行为能力

**AB INITIO**—a Latin term meaning “from the beginning”. For example, if something is said to be void ab initio, the thing was never created or valid to begin with. The term is often used in connection with contracts, estates, and marriages.

从一开始; 从头开始

**ABJURE**—solemnly renounce ( a belief, cause, or claim) .

发誓放弃, 公开放弃

**ABJURATION**—solemn repudiation, denial, abandonment, or renunciation by or upon oath. It is often the renunciation of citizenship or some other right or privilege.

发誓断绝; 公开放弃

**ABOLISH**—to do away with wholly, particularly to things of a permanent nature, such as institutions, usages, customs etc.

(完全) 废止, 取消 (制度、风俗、习惯等)

**ABORTION**—an intentionally - induced miscarriage as distinguished from one resulting naturally or by accident.

(人为的) 堕胎, 中止妊娠

**ABRIDGE**—(usu. be abridged) curtail (rights or privileges) .

(权利、自由等的) 剥夺

**ABROGATE**—formal repeal or do away with ( a law, right, or formal agreement) .

(正式经授权) 取消或废除 (下级机关颁布的法律、法规等)

**ABSCOND**—to leave hurriedly and secretly, typically to avoid detection of or arrest for an unlawful action such as theft.

潜逃 (尤指逃避逮捕), 逃跑

**ABSTENTIA**—absent; proceeding without the defendant present.

(审判等的) 缺席

**ABSOLVE**—to set free or release from some obligation or responsibility; to determine to be free of fault, guilt, or liability.

免罪, 免责, 免除惩罚

**ABSOLUTE TITLE**—a guaranteed title to the ownership of a property or lease.

绝对所有权

**ABSTAIN**—to hold oneself back voluntarily, especially from something regarded as improper or unhealthy.

自我约束以放弃某项权利或戒除某项不当或不健康行为

**ABSTRACT OF CONVICTION**—summary of the court's finding on a moving

violation. It is simply a shorthand note of the plea and the sentence. It is issued instead of a formal certificate of a judgment of conviction in some states. The person has indeed been convicted and sentenced and the abstract shows that conviction.

#### 判案简报

**ABSTRACT OF RECORD**—an abbreviated or partial record.

#### 案卷摘录

**ABSTRACT OF TITLE**—a summary giving details of the title deeds and documents that prove an owner's right to dispose of land, together with any encumbrances that relate to the property.

(证明房地产所有权的) 产权简史, 产业契据摘要

**ABUSE**—general term, covers all injurious use or treatment by word or act. It does not always connote a deliberate act.

虐待; 滥用 (泛指所有无意或有意的诽谤中伤行为, 滥用的一切权利等)

**ABUSE OF DISCRETION**—it occurs when a court does not apply the correct law or if it bases its decision on a clearly erroneous finding of a material fact. A court may also abuse its discretion when the record contains no evidence to support its decision.

#### 滥用自由裁量权

**ACCEPTANCE**—an unambiguous communication that the offer has been accepted.

#### 承诺 (合同)

#### **ACCESSION**—

1. the attainment or acquisition of a position of rank or power, typically that of monarch or president.

就职, 就任, 就位

2. the addition of something to personal property through the addition of labor.

财产的增附; 添附

**ACCESSORY**—someone who gives assistance to the perpetrator of a crime, without directly committing it, sometimes without being present.

同谋; 帮凶; 从犯

**ACCESS RIGHT**—a right, granted in an order or agreement, of access to visitation of a child.

(家庭法上离婚父母对不属于其监护子女的) 探视权, 探望权

**ACCOMPLICE**—a person who helps another commit a crime.

共犯; 同谋; 从犯



**ACCORD AND SATISFACTION**—compromise and settlement. A way to discharge a claim whereby the parties agree to give and accept something in settlement of the claim that will replace the terms of the parties' original agreement. Accord is the new agreement; satisfaction is performance of the new agreement.

和解与清偿（美国商法中的一个重要的法律程序）

**ACCUSATORIAL**—(esp. of a trial or legal procedure) involving accusation by a prosecutor and a verdict reached by an impartial judge or jury. Often contrasted with **INQUISITORIAL**.

控告者的；责问的

**ACKNOWLEDGMENT**—

1. a statement of acceptance of responsibility.

承认（对自己的行为承担法律责任）

2. the short declaration at the end of a legal paper showing that the paper was duly executed and acknowledged.

公证

**ACQUAINTANCE RAPE**—rape by a person who is known to the victim.

熟识者强暴；熟人强奸

**ACQUIESCENCE**—the implied consent to do an act. It can also be a person's tacit or passive acceptance or agreement without protest.

默认；默许

**ACQUISITION**—in the corporate context, refers to when one firm buys majority interest in another, but both retain their identities.

收购，购并（多指一个公司以收购某较小公司股份的方式进行接管或达到控股的目的，两个法人实体地位在交易之后仍可同时存在）

**ACQUIT**—free (someone) from a criminal charge by a verdict of not guilty.

判决无罪；宣告无罪；开释

**ACQUITTAL**—a judgment that a person is not guilty of the crime with which the person has been charged.

无罪裁定；无罪判决

**ACT**—represent (someone) on a contractual, legal, or paid basis.

1. (often as criminal act) a constituent element of a crime or tort.

（犯罪）行为

2. a written ordinance of Congress, or another legislative body; a statute.

法案；法令

**ACT OF GOD**—a natural catastrophe which no one can prevent such as an earthquake, a tidal wave, a volcanic eruption, a hurricane or a tornado.

不可抗力

**ACTION**—a legal process; a lawsuit.

诉讼

**ACTIONABLE**—giving sufficient reason to take legal action.

可控告的; 可诉的

**ACTUS REUS**—a Latin term that refers to a guilty act.

犯罪行为

**ADDITUR**—an increase by a judge in the amount of damages awarded by a jury.

增加赔偿金; 增额命令

**ADEMPITION**—the act of revoking a gift mentioned in a will by destruction, or selling or giving away the gift before death.

撤销遗赠

**ADHESION CONTRACT**—a contract balanced in favor of one party over the other that one can assume it was not entered into on equal bargaining grounds.

附意合同; 附和合同; 附加合同

**ACTIVE CASE**—pending case; not disposed of.

待审理案件

**AD DAMNUM**—the amount of the plaintiff's claim of damages in a civil case.

(民事诉讼中的) 索赔金额

**AD IDEM**—a Latin word of "meeting of the minds." if two parties to a contract understand the terms and conditions of a contract in the same manner, then it is said that the parties are "ad idem" on the terms and conditions.

法律(条件、意见等)契合; 一致

**ADJOURN**—to suspend indefinitely, or until a later stated time.

使中止; 使延期; 拖延; 推迟

**ADJOURNMENT**—the postponing or putting off of a case or session of court until another time or place.

延期审讯; 休会待续; 辩论中止待续

**ADJUDICATE**—to determine judicially.

判决; 宣判; 裁定; 审判

**ADJUDICATION—**

1. the act of a court in making an order, judgment, or decree.

(法院) 宣告

2. a judicial decision or sentence.

判决; 裁定

3. a court decree in bankruptcy.

破产之宣告

**AD LITEM—** (esp. of a guardian) appointed to act in a lawsuit on behalf of a child or other person who is not considered capable of representing themselves.

专为某一诉讼指定 (诉讼监护人)

**ADMINISTRATION—**the management and disposal of the property of an intestate, deceased person, debtor, or other individual, or of an insolvent company, by a legally appointed administrator.

遗产管理

**ADMINISTRATRIX—**a female administrator of an estate.

女遗产管理人

**ADMIRALTY—**the jurisdiction of courts of law over cases concerning ships or the sea and other navigable waters (maritime law).

海事法诉讼

**ADR—**alternative dispute resolution.

非诉讼程序

**ADMINISTRATIVE AGENCY REGULATIONS—**rules adopted by an administrative agency (such as the Department of State or the Department of Natural Resources) to govern matters under the jurisdiction of the agency.

行政规章; 行政法规

**ADMINISTRATIVE ORDERS—**orders issued by the State Supreme Court to regulate court procedures.

行政命令

**ADMINISTRATIVE REVOCATION—**the taking of a driver's license by the Motor Vehicle Division, through law enforcement agents and administrative law judges without involvement by the courts.

吊销驾驶执照 (由机动车管理部门或执法部门处理, 不需要法院的介入)

**ADMINISTRATOR—**

1. the chief administrative officer of a court (usually "court administrator").

法院的行政主管

2. a person appointed by a court to administer the estate of a deceased person. This person is referred to as a “personal representative” (if acting with court supervision), or an “independent personal representative” (if acting without court supervision). A female administrator is called an “administratrix”.

(法院指派的) 遗嘱执行人

**ADMINISTRATOR DE BONIS NON**—in cases where the administration of a decedent's estate is left unfinished due to the death, removal, or resignation of the personal representative, a court may appoint a new personal representative to complete the administration of the estate. In some jurisdictions, the new personal representative is called the “administrator de bonis non.”

新指派的财产管理人

**ADMISSIBLE EVIDENCE**—evidence that can be legally and properly introduced in a civil or criminal trial.

可采纳的证据; 可采信的证据

**ADMONISH**—to advise or caution. For example the court may caution or admonish counsel or a witness for improper courtroom conduct.

警告; 告诫

**ADOPTION**—the act by which a person takes the child of another into his or her family and makes the child, for all legal purposes, his or her own child.

收养

**ADULT**—a person who has reached the age of majority.

成年人

**ADULTERY**—voluntary sexual intercourse between a married person and a person who is not his or her spouse.

通奸; 通奸行为

**AD VALOREM**—(of the levying of tax or customs duties) in proportion to the estimated value of the goods or transaction concerned.

按价; 从价

**ADVANCE DIRECTIVE**—a written statement of a person's wishes regarding medical treatment, often including a living will, made to ensure those wishes are carried out should they be unable to communicate them to a doctor.

预先指示 (一份针对当事人万一在生理上不能沟通的时候所希望或者不希望获得的治疗方式的法律文件)

**ADVERSARIAL**—(of a trial or legal procedure) in which the parties in a dispute have the responsibility for finding and presenting evidence.

对抗性的; 敌对的

**ADVERSARY PROCEEDINGS**—an action contested by opposing parties.

对抗诉讼制度

**ADVERSARY SYSTEM**—the trial method used in the U. S. and some other countries. This system is based on the belief that truth can best be determined by giving opposing parties full opportunity to present and establish their evidence, and to test by cross-examination the evidence presented by their adversaries. This is done under the established rules of procedure before an impartial judge and/or jury.

对抗制 (在对抗制下, 被告方首先被假定是无辜的, 起诉方律师须举证证明自己的观点, 被告方对起诉方的证据进行反驳, 法官在认定事实和证据时处于次要地位)

**ADVERSE POSSESSION**—the acquisition of property by a trespasser whose occupation of the property is exclusive, open, and continuous for a statutory period.

时效占有, 无合法所有权之占有 (取得财产所有权的一种方法, 是指无法律根据而占有他人财产者, 根据法律规定的时间在一定条件下取得此项财产的所有权, 财产所有人在法定的期限内不行使权利即被丧失收回其财产的诉讼权利)

**ADVOCACY**—the act of pleading for or arguing in favor of something or actively supporting a cause or proposal.

讼辩; 辩护

**ADVOCATE**—a pleader in a court of law; a lawyer.

辩护人; 律师

**AFFIANT**—one who, being sworn, makes and signs an affidavit; a deponent.

宣誓者; 口供人

**AFFIDAVIT**—a written statement of fact that is verified by oath or affirmation.

宣誓书

**AFFILIATES**—business concerns, organizations, or individuals that control each other or that are controlled by a third party. Control may consist of shared management or ownership; common use of facilities, equipment, and employees; or family interest.

附属机构; 分公司; 关联公司

**AFFINITY**—the relationship that exists as a result of a marriage, between a wife and her husband's relatives, or a husband and his wife's relatives, as distinguished from relationship by blood.

姻亲关系



**AFFIRMATION**—a solemn and formal declaration that a statement is true. In certain cases, an affirmation may be substituted for an oath.

严肃、正式的肯定证词；不经宣誓而作出的正式证词

**AFFIRMATIVE DEFENSE**—apart from denying a charge or claim, a defendant may assert affirmative defenses such as insanity, self - defense or entrapment to avoid criminal responsibility, or assert the statute of limitations or bankruptcy to avoid civil liability.

积极抗辩

**AFFIRMED**—a decision by an appellate court stating that the decision of the trial court is correct.

维持原判

**AFFRAY**—the fighting of two or more persons in a public place to the terror of ordinary people.

聚众斗殴；斗殴罪

**AFTERMARKET**—it refers to the sale of something after it is originally placed on the market for sale. For example, in securities transactions, aftermarket refers to the situation in which an investor purchases a security from another investor rather than the issuer, after its original issuance in the primary market. It is also called secondary market.

二级市场；售后市场；发行后的市场

**AG**—attorney general.

首席检察官；司法部长

**AGE OF CONSENT**—the age at which a person's, typically a girl's, consent to sexual intercourse is valid in law.

法律认可年龄；法律承认年龄（一般指女子被认为可以发生性关系之年龄）

**AGE OF MAJORITY**—the legally defined age at which a person is considered an adult, with all the attendant rights and responsibilities of adulthood.

成年年龄；法定成年人年龄

**AGENT**—someone authorized to act for another person. The other person is known as the "principal".

代理商；代理人

**AGGRAVATED**—(of an offense) made more serious by attendant circumstances (such as frame of mind).

加重的

**AGREEMENT**—a typically legally binding arrangement between parties as to a course of

action.

(当事人之间有法律约束力的) 协议

**AID AND ABET**—to actively, knowingly or intentionally assist another person in the commission or attempted commission of a crime.

同谋; 教唆 (犯罪)

**ALIAS SUMMONS**—a second or subsequent summons issued after the originally issued summons expires without being served.

第二传票; 取代因无法送达或因其他原因失效的传票之传票

**ALIBI**—a Latin term meaning “in another place”. It is an excuse supplied by a person suspected of or charged with a crime, supposedly explaining why they couldn't be guilty.

不在犯罪现场; 犯罪发生时在其它地方

**ALIENABLE**—able to be transferred to new ownership.

可转让的

**ALIENATE**—transfer ownership of (property rights) to another person or group.

让与 (财产或财产的任何权益)

**ALIENATION**—the transfer of the ownership of property rights.

财产的转让

**ALIMONY**—a financial benefit paid by one spouse to the other, upon divorce, which enables the second spouse to maintain himself or herself.

(离婚或分居后, 男方付给女方的) 生活费; 抚养费

**ALIUNDE**—it means from another place or outside source. It is often used to refer to evidence given aliunde when meaning cannot be derived from a document or instrument itself.

来自其它方面; 非由本文件引申而得

**ALLEGATION**—a declaration, assertion, or statement of a party to a lawsuit, made in a pleading, and setting out what the party intends to prove.

控诉主张; 当事人在诉状中的肯定性陈述

**ALLOCUTION**—the right of a convicted defendant to speak on their own behalf before sentencing is pronounced. 认罪供词

**ALTERNATIVE PLEADING**—It refers to the legal practice of putting forth alternative theories of liability in a dispute.

选择性抗辩

**AMENABLE**—(of a thing) capable of being acted upon in a particular way; susceptible.

遵守；服从

**AMENDMENT**—in a legal context it refers to a change made by a legislative or parliamentary process.

法律的修正；修正案

**AMICUS CURIAE**—one who is not a party to a case but is interested in or affected by its outcome and is allowed by the court to introduce argument or evidence to assist the court in deciding the case.

法庭之友；法官的顾问（指案件当事人之外的个人、团体或政府机关对特定案件的事实或法律问题具有专业特长或独到见解，在法庭作出裁判（一般限于二审程序）之前就法院所面临的法律等问题向法院提供意见的制度。法庭之友向法庭提交意见的目的在于帮助法庭作出公正合理的判决，而提交的意见则表现为支持一方当事人的主张或完全从公共利益的角度出发而向法院提交法庭之友意见）

**ANCILLARY**—that which is part of but subordinate to some other proceeding.

辅助的；附属的

**ANCILLARY ADMINISTRATION**—administration of an estate in another jurisdiction where a decedent had property but where the decedent did not live.

附加遗产管理权

**ANCILLARY PROCEEDINGS**—a proceeding which is subordinate to the primary action.

附带诉讼

**ANCILLARY SUIT**—a lawsuit growing out of and supplementary to another suit, i. e., a suit seeking enforcement of a judgment.

附带起诉

**ANNOTATIONS**—brief summaries of cases interpreting statutes. These summaries are found in annotated compilations of statutes.

注释；评注

**ANNUL**—to make void or of no effect. To annul a judgment or judicial proceeding is to deprive it of all force and authority.

废除；撤销；宣告无效

**ANNULMENT**—a court order declaring that a marriage or other agreement or contract was invalid or not legal.

宣告无效；判决无效

**ANSWER**—the legal paper in which the defendant answers the claims of the plaintiff in a

lawsuit.

答辩书

**ANTENUPTIAL**—made or done before marriage. Usually an agreement regarding how property is to be distributed upon the death of one of the marriage partners.

婚前的

**APPEAL**—a request to a higher court to change the judgment of a lower court.

上诉; 申诉

**APPEAL BY APPLICATION OR LEAVE**—an appeal where permission must be obtained from the higher court before the appeal may be filed.

上诉许可申请

**APPEAL BY RIGHT**—an appeal to a higher court where permission does not first have to be obtained.

法定上诉权

**APPEAL RECORD**—the record sent by the trial court of what happened at the trial court. It must be either a copy of the court record and transcripts or a settled record.

基层法院的庭审记录

**APPEARANCE**—

1. coming into court: the formal act by which a defendant submits to the jurisdiction of a court.

出庭; 应诉

2. document identifying one who is representing himself or another. An attorney files an “appearance”, making it known to the court and the other parties that (s) he is representing a specific individual.

应诉书

**APPELLANT**—in a case on appeal, the party appealing a decision or judgment to a higher court.

上诉人

**APPELLATE COURT**—a court which reviews lower court decisions, generally on the record of the lower court. Cases from the district courts are appealed to the circuit court. Cases from the circuit court are appealed to the Court of Appeals. Cases from the probate court are appealed to either the circuit court or the Court of Appeals depending upon the type of case.

上诉法院

**APPELLEE**—in a case on appeal, the party who did not appeal the lower court's decision.