

独角兽英语阅读文库

## Law—a Rule of Human Acts

### 法律——人类行为的规则

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清华大学出版社

## (京)新登字 158 号

### 内 容 简 介

本书为独角兽英语阅读文库系列丛书之一，是一部以法律为主题的中高级英语兴趣阅读注释读物。全书共分四个部分：第一部分为关于法律制度等方面的焦点问题，有关于死刑、堕胎、安乐死一类历史悠久的老话题，亦有同性恋、婚内强奸、克隆等新时期出现的新问题；第二部分为令世人震惊的轰动性案件，其中心人物不乏有像美国总统克林顿、橄榄球明星辛普森、微软前总裁盖茨等世界著名人物；第三部分是典型的民事及刑事案例；最后一部分是历史上著名的法学家、哲学家对法律的精辟论述。

本书精选了 30 篇文字优美、阅读性很强的英文原作，供大学英语四级以上水平者阅读，亦可用于法律专业学生的案例教学。

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Due to the inconvenience of communication, we are unable to get in touch with the authors of the articles selected in this book. Please contact the publisher who has reserved the remuneration for them.

出版者：清华大学出版社（北京清华大学学研大厦，邮编 100084）

<http://www.tup.tsinghua.edu.cn>

印刷者：北京市人民文学印刷厂

发行者：新华书店总店北京发行所

开 本：850 × 1168 1/32 印张：10.5 字数：259 千字

版 次：2000 年 9 月第 1 版 2001 年 月第 次印刷

书 号：ISBN 7-302-00730-6/H · 51

印 数：0001~5000

定 价：18.00 元

## 总序

阅读是英语学习者的一只拦路虎。不少人从小学、中学、一直到大学都在学英语，有的甚至从幼儿园就开始学英语，经过十多年的苦读，可是拿起一本 *Time* 杂志，仍然不知所云。阅读不能过关，输入受阻，自然谈不上输出。有的人憋了半天也说不出一句英语，除了练习不够以外，实际上还是读得有限。试想你连一些基本的句型都没有读熟，怎么能说得出来呢？绝大多数中国人从小缺乏听英语的环境，要想说好英语，阅读就显得尤其关键。同样，一旦写起英文来，不管如何冥思苦想，总是觉得下笔艰难，有时勉强成文，也常常错误百出。原因可能不少，但病根还是在读上。

英语阅读如何突破？

这是我们给每一位读者提的问题。我们无意提供标准答案，却乐于跟大家一起分享我们的阅读体会。《独角兽英语阅读文库》就是根据我们的阅读体会给读者提供的一种系列英语读本。这种体会可以归纳为以下三点：

阅读兴趣和阅读方向并重。比如射击，射手满腔热情，见猎心喜，这还不够。他必须静下心来，瞄准目标，才能百步穿杨。阅读也是这样，有了阅读兴趣，而不注意阅读方向，就等于拼命射击而不去瞄准。久而久之，目标必然遥遥无期，兴趣就会随之大减。因此，有了强烈的阅读兴趣，加上一定的阅读方向，阅读才不至于漫无边际，劳而无功。那么，怎样才能既激发读者的阅读兴趣，又赋予他们一定的阅读方向呢？我们觉得趣味性的专题阅读不失为一剂良药。文章别有观点，富于情趣，才耐读经看，容易满足阅读兴趣；专题分门别类，主旨突出，读者才能视域集中，有的放矢。

追求务得。简单地说，每篇文章必须读有所获。这包括两个方面，一是宏观的把握，二是微观的吸收。宏观把握主面，我们设计了文章题解，或介绍作者，或勾勒背景，但重点在于概述全文大意，评点文章佳处。文章题解的目的在于帮助读者提纲挈领，总体把握。关键词和难句翻译是我们为读者的微观吸收所设置的两项内容。关键词的标志是运用面广，表现力强。难句翻译是指那些结构地道、句意精辟，值得读者揣摩、玩味、模仿的句子。我们给关键词附上例句，把难句翻译成汉语，就是为了便于读者掌握吸收。此外，部分读者在阅读时，一看到生词如麻，就望而却步。另外一些读者却由于查词典费时过多，而影响阅读速度。为此，我们给每一页的难词加了脚注。这样，点面结合，细大不捐，阅读才能收到事半功倍之效。

隐括于雅俗之际。选文时，我们力图把经典与流行打通，让读者既领略到经典作家的深度透视，又能体会到畅销作品的现实关怀。

独角兽是西方的一种象征物。“独角”寓意“专”，“兽”取其“猛”，希望读者在英语阅读上用力既专且猛，让独角兽能把我们阅读道路上的拦路虎赶走。

这是我们这套丛书的一点想法。

赵白生  
1999年12月

## 前言

现代社会是法制社会，生活在法制社会的人保护自己的主要武器便是法律。因此，要行之有效地维护自身的合法权益不受他人侵犯，谙熟法律是十分必要的。在西方发达国家，人们的法律观念普遍较强。“我要告你！”“我要叫警察了”，“我要与我的律师谈谈”之类具有法律威慑力的话语常常出现在人们的言谈之中。中国经过 20 多年改革开放的洗礼，人们的法制观念不断增强。了解更多的法律知识，一方面可以用法律来保护自己 and 亲友，一方面能够较好地以法规来约束自己，做一名守法的公民。

为帮助大家更好地懂法、用法，纵观历史，了解法律的起源与发展；面向世界，探索其他国家的法律制度及其执法情况，特摄取历史法律知识和西方国家中人们以法律为武器向形形色色侵犯行为进行反击的案例精华（亦包括人们面对法律条文缺憾而感到的不满与无奈），奉献给大家。

本书包括世界著名法学家对法律的论述、法律制度等方面的焦点话题、令人震惊的大案要案和普通人运用法律自卫的案例四个部分，其中有

亚里士多德、孟德斯鸠等古代法学家的理论，有现代著名哲学家罗斯对正义的阐述；有关于死刑、堕胎、同性恋的争论；也有美国总统克林顿、橄榄球明星辛普森、微软前总裁盖茨等涉足的法律案件。

本书博采国外权威资料，既有名家名著的精彩片断，又有近年来美英主要报刊中的文章，其中包括曾获普利策文学奖的作品。所选法学理论剪性强，那些有争议的法律问题影响深远，而各种司法案例则惊心动魄、令人深思。

本书适合具有大学英语四级水平以上的读者。阅读本书不仅可以提高英语阅读水平，获得欣赏英语原文的能力，还能学到必要的法律知识，提高法律意识。

希望本书中的文章题解、关键词汇、难句翻译和脚注能帮助读者在轻松的阅读中增长知识。

由于本人水平有限，不妥之处在所难免，恳请广大读者和专家不吝赐教。在此，谨向所有原文作者及出版单位表示感谢。

编者

2000年2月

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# 焦点问题

*Hot Issues*

## Too Far, Too Fast on Abortion

### 在堕胎问题上走得太快太远了

#### 文章题解

堕胎在我国是大家普遍接受的一种计划生育手段，而在西方世界，它则一直是引起激烈争论的问题。一些国家禁止堕胎，视堕胎为非法行为。在美国，它是最热门的话题之一。本文讲述的是 1973 年美国最高法院对罗诉韦德案的裁决情况，这在当时是爆炸性新闻。罗诉韦德案涉及得克萨斯州的堕胎法是否违宪。得州法律规定，除医生认为保护母亲生命所必需的堕胎以外，堕胎为犯罪。布莱克曼大法官代表最高法院撰写的判决书裁定：妊娠的头三个月，州可以作出某种决定以保障妇女的健康；在后三个月，除因母亲的健康和生命之原因外，州有权禁止堕胎。最高法院裁决，得州法律违反了第 14 修正案的正当法律程序条款，即“不经正当法律程序不得剥夺任何人的生命、自由或财产。”

作者杰克·富勒曾任美国司法部副部长特别助理、《芝加哥论坛报》社论撰稿人、执行主编、主编。1985 年，他将本篇社论和另外 11 篇作品提交参评普利策新闻奖，并于次年获普利策社论奖。（普利策新闻奖是 1917 年以来，以美国著名的独立报业巨匠、美国现代新闻之父普利策命名的新闻奖。此奖对美国政治、社会产

生了深远而巨大的影响。)

### 原作欣赏

Twelve years ago the U.S. Supreme Court **pre-empted** the national debate over the legality<sup>1</sup> of abortion. The Constitution, it said, left the choice largely to the private conscience of women and their physicians, with very limited guidance from the states. A dozen years later it has become painfully clear that the court went too far too fast.

Now the Reagan administration has asked the justices to admit that they were utterly wrong and to give the states back the power to determine when human life begins.

No matter how the court had ruled on abortion, it would have been controversial. This was and is a matter of life and death. <sup>(1)</sup> It touches the most intimate issues of individual control of one's body and the obligation human society owes to generations yet unborn\*. It involves deep realms of personal integrity where the authority of the state never has the final say.

And yet in 1973 the Supreme Court attempted to decide the whole agonizing question in one bold stroke. <sup>(2)</sup> Its majority opinion was deeply flawed, and time has not cured its defects. It was an exercise in judicial arrogance, the most stunning<sup>2</sup> example in the

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<sup>1</sup> legality /li'gæləti/ *n.* 合法性

\*划线部分在“难句翻译”一栏中有参考译文，余同。

<sup>2</sup> stunning /'stʌniŋ/ *a.* 令人吃惊的

latter half of the century.

Drawing more on medical textbooks than on constitutional precedent, the court divided pregnancy into three-month intervals and set varying rules for state policy during each period. <sup>(3)</sup> Even legal scholars who favor legal abortion have trouble justifying this decision, because the court in effect convened itself as a legislature of nine and in one bold and foolish stroke wrote a new statute for the country covering one of the most difficult moral dilemmas of the day.

Since 1973, advances in medical technology have rendered the court's assumptions out of date. Abortions today deliver fetuses<sup>1</sup> that doctors can sustain alive outside the womb<sup>2</sup>. The whole idea of when a fetus is viable<sup>3</sup> has changed. The country has begun to define the legal end of life in terms of brain activity, and that does not **square** with the Supreme Court's definition of the legal beginning of life.

<sup>(4)</sup> The intellectual underpinning of the court's 1973 ruling was weak to begin with, and the passage of time has eroded it to the point that the question now is not whether the court will have to change its position on abortion, but rather how it should go about the task.

Anti-abortion groups hope President Reagan will fill enough **vacancies** on the court to swing the balance of power their way. Even one appointment might do it if Chief Justice Warren Burger, who has never been comfortable with the court's position, were to change his vote.

But an abrupt turnaround would be nearly as irresponsible as the original ruling. The message to the public would be **cynical** and

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<sup>1</sup> fetus /fi:təs/ n. =foetus (快要出生的) 胎儿

<sup>2</sup> womb /wʊ:m/ n. 子宫

<sup>3</sup> viable /'vaɪəbl/ a. (胎儿等)能活下去的;能养活的

would undermine the legitimacy of the court. <sup>(5)</sup> A sweeping reversal would suggest that all that matters in constitutional cases is a count of heads.

The Supreme Court has a special role in this country. Its power does not derive directly from the consent of the governed exercised at the **ballot** box. But it does depend on a different sort of consent. The Supreme Court can stand against the political majorities to protect constitutional principles only to the extent that it has the general and widespread respect of the people. It must not **squander** this precious asset.

Having failed miserably in 1973 to put forward a defensible position on abortion and having failed to lead the country to some rough consensus then or since, the court now has a duty to retreat from the discredited rule in a way that re-establishes the legitimacy of constitutional decisionmaking and repairs the damage a decade of bitter controversy has done.

Instead of sweeping away the old rule, it ought to proceed case by case in small steps, which is a manner **befitting** a court. It ought to try to find a new position that it can intellectually sustain and that can win general respect, if not agreement.

Perhaps in the end the justices will have to determine that the federal courts have no business in the field at all, that abortion policy should be left to the states. Perhaps they will discover some other line short of this that preserves a right to abortion under certain circumstances.

The point here is not where the line should be but rather the way the court should go about discovering it, this time with a humility,

statesmanship and sense of principle that it sorely<sup>1</sup> lacked in 1973. It should make certain its retreat is an orderly one that does not go too far too fast once again.

—Jack Fuller. *Chicago Tribune*, July 26, 1985

### 关键词

**pre-empt** /pri:'empt/ *vt.* 先占；先发制人

- ◇ The committee found that their plans had been *pre-empted* by a government decision. 委员会发现政府的决定已先于他们的计划。

**dilemma** /di'lemə/ *n.* 困境，进退两难

- ◇ be in a dilemma = be on the horns of a *dilemma* 进退维谷，左右为难

**square** /skwɛə/ *vi.* (接 with) 符合，一致

- ◇ Your arguments don't *square* with the facts. 你所说的与事实不符。

**vacancy** /'veikənsi/ *n.* (工厂、公司等) 空缺，空额

- ◇ Her promotion created a *vacancy* in the personnel department. 她的升职给人事部造成了一个缺额。

**cynical** /'sinikəl/ *a.* 讥诮的

- ◇ be *cynical* about sincerity 不相信人的诚实

**ballot** /'bælət/ *n.* 投票

- ◇ take a secret *ballot* 举行无记名投票

<sup>1</sup> sorely /'sɔ:li/ *ad.* 非常，很