

<<法律英语>>

图书基本信息

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内容概要

随着中国社会经济的发展，国际交往和国际贸易量日益增多，对外国法律制度的了解和学习受到前所未有的重视。

法律英语成为了解外国法律制度以及学习英语言法语的途径。

法律英语也成为高校培养具有国际竞争力的法律人才和外语人才的一门课程。

为了满足广大读者学习法律英语的需要，特编写本教材。

本教材以普通法系的内容为主，分为四个部分：背景知识(Background Knowledge)、部门法知识(Introduction to Law)、实践技能(Lawyering Skills)、案例分析(Case Analysis)，共计22个单元。

第一部分背景知识，介绍世界主要法系、法院体系、法律职业以及法学教育等方面的内容，为学习者进一步学习部门法奠定基础。

第二部分部门法知识，以国家根本大法宪法为起点，然后是对公法、私法、程序法等八个部门法的介绍，使学习者熟悉和掌握相关领域的法律知识和语言表达方式。

第三部分实践技能，为学习者提供法律执业中所必须掌握的技能训练，培养撰写案例摘要、进行法律推理的能力。

第四部分案例分析，以四个案例为实例，让学习者领略法官的语言及思辨过程，并训练学习者运用第三部分所学技能来解决实际问题。

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书籍目录

Part 1 Background knowledge

Unit 1 Legal Systems

Unit 2 Court Systems

Unit 3 Legal Education

Unit 4 Legal Profession

Part II Introduction to Law

Unit 5 Constitutional Law

Unit 6 Criminal Law

Unit 7 Tort Law

Unit 8 Contract Law

Unit 9 Property Law

Unit 10 Corporation Law

Unit 11 Intellectual Property Law

Unit 12 Evidence Law

Unit 13 Criminal Procedure Law

Unit 14 Civil Procedure Law

Part III Lawyering Skills

Unit 15 Citation

Unit 16 Case Brief

Unit 17 Legal Writing

Unit 18 Legal Reasoning

Part IV Case Analysis

Unit 19 *Leichtman v. WLW Jacor Communications, Inc. et*

al

Unit 20 *Brown v. Board of Education*

Unit 21 *Lucy v. Zehmer*

Unit 22 *Fremont Weeks v. United States*

Keys

章节摘录

版权页：插图：In common law legal systems, the common law is crucial to understanding almost all important areas of law. For example, in England and Wales and in most states of the United States, the basic law of contracts, torts and property do not exist in statute, but only in common law (though there may be isolated modifications enacted by statute). In almost all areas of the law (even those where there is a statutory framework, such as contracts for the sale of goods, or the criminal law), legislature-enacted statutes generally give only terse statements of general principle, and the fine boundaries and definitions exist only in the common law. To find out what the precise law is that applies to a particular set of facts, one has to locate precedential decisions on the topic, and reason from those decisions by analogy. To consider but one example, the First Amendment to the United States Constitution states " Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof"——but interpretation (that is, determining the fine boundaries, and resolving the tension between the "establishment" and "free exercise" clauses) of each of the important terms was delegated by Article III of the Constitution to the judicial branch, so that the current legal boundaries of the Constitutional text can only be determined by consulting the common law.

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