

<<法律英语>>

图书基本信息

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前言

公平正义乃人类恒久追求的理想目标。
公平正义的实现，有赖法治国家的真正建立。
欲达此目的，除了经济繁荣、政治昌明、法制健全之外，人们对法律的普遍尊崇和切实信仰，才是法治国家建立的社会基础和根本保障。
因为，法律作为社会关系的调节机制，人类交往的行为准则，定分止争的裁判规范，纠纷处理的程序保障，只有被社会普遍认可和尊崇信仰，才会具有真正的意义。
所以，公平正义的实现、法治国家的建立，除了加强法学研究，构建科学完备的法律体系之外，法律人才的培养和法学教育的普及，具有更为重要的意义。

自古以来，法学作为公平正义之学、治国安邦之术，一直被贵族阶层所垄断。
即使到了中世纪，法学研究和法学教育也始终未曾得以真正普及。
虽然，大学建制化的法学教育始于欧洲大陆11世纪末的波伦亚大学，但真正近代意义上的法学教育，实际产生于民族国家的建立，尤其是法典编纂和学科分化确立之后。
尽管，我国清末也建立了所谓的法律讲堂，但其非现代意义上的法学教育。
应当说，随着“西学东渐”和现代大学教育制度的引入，20世纪初的中国才有了真正意义上的现代法学教育。

新中国的法学教育，除了20世纪50年代初短暂的存续、引进和改造之外，其实真正兴起于十一届三中全会以后。

伴随着改革开放30年波澜壮阔的历史巨变，我国的法治建设业已取得了令人瞩目的可喜进步。
历经几代法律学人的不懈努力，我国的法学研究和法学教育事业亦呈现出蓬勃发展的良好势头。
法学教育机构由原来的几所、十几所，现已发展到600多所。
法学教育的层次由最初的本科教育，现已发展为本科、硕士、博士等层次齐全的法律教育体系。
随着法学教育规模的不断扩大，法学教育质量也在持续稳步提高。
改革开放后培养的新一代法律、法学人才，正在逐步成为现代法治建设的生力军。
法学教育在法治建设中的重要作用日益显现，并逐步被社会认可。

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内容概要

本教材的目的是将英美法，尤其是美国法的核心内容全面介绍给国内学界，主要用于满足涉外法律教学的迫切需要。

全书分为三个部分。

第一部分介绍法律英语的典型特点，围绕三个方面展开，即法律英语的词汇特点、法律英语句法特点以及特定法律英语句式的翻译。

第二部分以美国法为主，辅以英国法的相关介绍，分11个单元全面介绍了英美国家基本法律制度。

第三部分围绕英美法案例教学的核心内容展开，首先介绍了理解英美国家案例的方法和案例中常用缩略语，然后精心挑选了涉及联邦宪法以及相关门法的10个典型案例，是原汁原味的英文法律文本。

本书可作为高等院校法律专业的法律英语教材，也可作为法学院西方法律制度课程的双语教材、英语专业英美法律概况的教材，以及有志于从事涉外工作的人员的自学教材。

书籍目录

IntroductiOnChapter One The Different Features of Legal English Unit 1 Overview of Legal English Vocabulary
 Typical Features of Legal English Vocabulary The Common Prefix and Suffix of Legal English Unit 2 Oyerview
 of Legal English Sentence Charaderistics of the Syntadic Strudure of Legal English Typical Legal English
 Sentence TranslationChapter Two Introduction to American Legal System Unit 1 Legal Systems Text: Legal
 Systems Supplementary Reading: Civil Law System Unit 2 Legal Education Text American Legal Education
 Supplementary Reading: Legal Education in the U.S. Unit 3 Legal Profession Text :, American Legal Profession
 Supplementary Reading: Judges Unit 4 Constitution Text: The Contents of American Constitution
 Supplementary Reading: The Amendments Unit 5 Constitution Text: The Theories of American
 Constitution Supplementary Reading; British Constitution Unit 6 Court System Text: American Court System
 Supplementary Reading: British Court System Unit 7 Jury System Text: Jury System Supplementary Reading:
 The Supreme Court of the United States Unit 8 Administrative Law Text: American Administrative Law
 Supplementary Reading: Administrative Law Unit 9 Civil Law Text: Copyright Law Supplementary Reading:
 Civil Rights Act of 1964 Unit 10 Contract Law Text: Contract Law Supplementary Reading: Real Property Law
 Unit 11 Criminal Law Text: American Criminal Law Supplementary Reading: American Criminal Procedure
 LawChapter Three Case Studies Unit 1 Case Study Methods How to Understand English Case How to Brief a
 Case Case Terms Abbreviated Unit 2 Typical Case Studies Case 1 Marbury v. Madison(1803) Case 2 Brown
 v. Board of Education(1954) Case 3 Miranda v. Arizona(1966) Case 4 Gibbons v. Ogden(i824) Case 5
 United States v. Nixon(1974) Case 6 World-wide Volkswagen Corp. v. Woodson (1980) Case 7 Pennoyer v,
 Neff(1877) Case 8 Milliken v. Meyer(1940) Case 9 Internatiorial Shoe Co v State of Washington (1945) Case
 10 United States et el. v. Locke et el. (1985)Appendix Moot CourtReferences

章节摘录

Legal English is the style of common written English in legal profession including laws , codes , ordinances , regulations , agreements , verdicts and rulings , etc , especially refers to the English used by lawyers and other legal professionals in the course of their work. It has particular relevance when applied to legal writing and the drafting of written material , such as contracts , statutes and agreements. In the past , the existence of law depends on people's memories. In legal English , the repetitive , rhythmic and awesome words which show special powers are used to make people acknowledge law. Modern legal English is based on Standard English. However , it contains a number of unusual features. These largely relate to terminology , linguistic structure , linguistic conventions and punctuation , and have their roots in the history of the development of English as a legal language. The carrier of legal English is English. Latin words were completely used as the language of judicial proceedings and law documents. Lawyers used a mixture of Latin , French and English during the medieval period , and finally used the English as the formal legal language. Therefore , we can say that Legal English has experienced three stages : Latin , French / Latin / English and legal English for Specific Purposes. Legal language is the work tool for the legal profession. Legal language is the carrier of the law spirit which carries the force of law. The phenomena of legal language makes it appear mysterious. The mystery of legal language has in turn strengthened the authority of law. Today , lawyers are still willing to use some esoteric legal words to win clients respect and higher fees. In addition , legislators often deliberately left in the legislative ambiguity which is the compromise between legislative forces. Usually , the legislative process is an appropriate selective process of words and phrases , so the consensus can be made from opposition parties.

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