

<<法律英语>>

图书基本信息

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前言

法律英语主要是指普通法国家（common - law countries）的律师、法官、法学工作者所用的专业语言，它包括词汇、短语或特定的表达方式（mode of expression）。

法律英语在英美法系国家是经过长期司法实践逐步形成的表达模式和规范，有着悠久的历史和丰富的内涵，有其独特的词法与句法规则，而这些规则又是准确理解法律英语原文和书写法律英语文书的关键。

法律英语课程现在是英美普通法国家大学教育中普遍开设的重要课程。

例如，美国波士顿大学的英语语言及其起源项目中心（the Center for English Language and Orientation Programs）开展的Legal English教学活动，其课程设计对象是在校的法学硕士研究生（LLM students）和执业律师（legal practitioners），课程的设置旨在提供给学生在法律语境下掌握英语表达能力的知识和技能。

课程主要包括法律词汇的学习、法律语言的训练、演讲能力的培养、美国法律体系的认知等。

英国甚至开设了“法律英语技能考试”（Test of Legal English Skills, TOLES），目标是满足法律服务机构、公司企业、法学研究机构以及法律工作者和法科学生对掌握法律语言的要求。

此考试在32个国家和地区设有考试中心，我国香港理工大学也是考点之一。

我国的法律英语课程教学开始于20世纪80年代初，历经20多年的发展，法律英语的教学实践已初具规模。

全国开设法学专业或英语专业的高等院校已经普遍开设了这一课程。

本书是为英语专业高年级学生或已经通过大学英语四级的法学类学生而编写的，对于职业律师、法官、法律英语爱好者等也是很好的参考资料。

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内容概要

本书是为英语专业高年级学生或已经通过大学英语四年级的法学类学生而编写的，对于职业律师、法官、法律英语爱好者等也是很好的参考资料。

本书内容涉及英美国家的法律制度、司法系统、宪法、刑法、民法、侵权法、知识产权法、合同法、民事诉讼法、劳动法等。

其目的是培养学生基本了解普通法系的法律制度，基本掌握法律英语词汇、术语并能够独立阅读英美法律文献，初步具备英美司法文书的分析、理解和写作能力以及独立思考问题的能力。

本书共13个单元，每单元由4部分组成：（1）漫画及名人名言。

（2）课文：简明扼要介绍某一部门法的内容，旨在使学生系统了解该部门法的基本制度和规则。

（3）法律幽默故事：此部分旨在通过该部门法的经典幽默增强学生学习法律英语的趣味性。

（4）案例分析：每个单元通常由两个案例组成，案例一简单实用，可作为阅读分析案例；案例二较为复杂，可作为精选案例进行课堂讨论和总结点评。

学生通过对案例的思考、分析和讨论，就问题作出判断，从而理解和掌握课文的法律精神和法律规范，并提高用英语分析问题和解决问题的能力。

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章节摘录

插图：Two notions serve as the basis of all torts: wrongs and compensation. There are three elements of constitution of a tort: causation, damages and immunity. Causation is an element common to all branches of torts: strict liability, nuisance, negligence, and intentional wrongs. First, a tort must be the cause in fact of a particular injury. Second, plaintiffs must establish that a particular tort was the proximate cause of an injury before liability will be imposed. Personal injury tort victims must normally .recover all their damages——past, present, and future——during a single lawsuit. Damages may be recovered for physical, psychological, and emotional injury. Specifically, these injuries may include permanent disability, pain and suffering, disfigurement, humiliation, embarrassment, distress, impairment of earning capacity, lost wages or profits, medical costs, and out-of-pocket expenses. Courts typically rely on expert testimony to translate such losses into dollar figures. Certain individuals and entities are granted immunity from both damage awards and assessments of liability in tort. An immunity is a defense to a legal action where public policy demands special protection for an entity or a class of persons participating in a particular field or activity. Historically, immunity from tort litigation has been granted to government units, public officials, charities, educational institutions, spouses, parents, and children. Tort law and criminal law (See Exhibit 2) In common law, many torts originated in the criminal law. For example, in English law an assault is both a crime and a tort (a form of trespass to the person) . The difference that grew up between the two is that in tort it is the victim (or "claimant" in English law) who will normally initiate any court action and who aims to have a wrong compensated (for example, by the payment of damages) or prevented (for example, by injunctive relief⁶¹) . Criminal actions are normally for punitive purposes and initiated by a public body or their representative. Another distinction is that incarceration is available as a penalty for crimes, but not for torts. In some cases, such as assault and battery, a basis could exist for a criminal prosecution as well as a tort action. For example, Joe is walking down the street, minding his own business, when suddenly he is attacked by a person. In the ensuing struggle, Joe falls and breaks his leg. The wrongdoer is restrained and arrested by a police officer.

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