

<<当代法律英语>>

图书基本信息

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内容概要

新版《当代法律英语》由四位从事法律英语教学多年的教师共同完成，内容涉及各法律部门，并且不局限于特定的国别法（如美国法）。

课文附有mp3格式的录音材料。

除了贴近时代脉搏和强调专业英语的实际运用外（如普通法判例阅读技巧、法律资料检索及研究技巧、反垃圾邮件的法律规则、WTO法律规则、涉及美国总统克林顿弹劾案的国会辩论材料、国际人权法等），她延续了原《现代法律英语》朴实清新的传统。

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中山大学法学学士和法学硕士，北京大学法学博士，1997～1998年美国华盛顿大学法学院访问学者，2001年海牙国际法研究院第29届海外讲习班学员（马尼拉）。

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主讲课程包括“国际法”

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章节摘录

A thousand years ago the only sources of law were the basic dictates of humanity and local customs. After the Norman Conquest of 1066 the Royal judges attempted to apply a common law to the whole country. The law was based partly on the Norman law. They brought with them from France and partly on English customs which they found to be widespread or 'general'. The creation of this common law, however, was strictly on an ad hoc basis, each problem being settled as it arose. No one actually sat down to compile a list of the laws. How then were people to know what was a crime, or in the event of a dispute between citizens, what were their respective rights of each citizen? Indeed, how are they to know these things now? The answer is two-fold. Firstly, a small number of very old legal textbooks, compiled from the twelfth century onwards, have survived into the present day. Secondly, and very much more important, there is the doctrine of judicial precedent. Stated simply, this means that in their work of settling disputes, judges are guided by the decisions of judges in earlier similar cases. So, if a case which is to be tried today is similar to a case tried last week, its result is likely to be the same. In this way a body of legal principles has been built up, which may be discovered by examining the judgments in all cases tried to date. For this reason 'precedent' is often referred to as 'case-law' or as *stare decisis*. It is sometimes said that in reaching his decision a judge is merely declaring what the common law has always been. But where a judge has to make a decision on a point of law which has never arisen before in any court, this view seems a little unrealistic, and the judge appears actually to be creating law—hence the expression 'judge-made law' for judicial precedent. When a judge simply applies to the facts of one particular case a legal rule previously enunciated in an earlier trial, his decision is known as a declaratory precedent, because it declares existing law. On the other hand, if the case is unlike any previous one, so that it is without precedent, then the judge must make up his own mind what the common law is or should be. ……

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编辑推荐

《当代法律英语（2008年修订）》可供法律专业的本科高年级学生作为教材之用，亦适用于从事或有志于涉外法律工作的人士以及对法律英语感兴趣者。

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