

# 法律英语同义·近义术语 辨析和翻译指南

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宋雷◎著

Legal Terms' Discrimination  
&  
Translation



法律出版社  
LAW PRESS·CHINA

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## ► 前言

在英美法漫长的发展和演变历程中,法律语言(the Language of Law)创制和衍生出大量同义或近义的术语。这些术语的区分和辨析,是法律翻译中最令人头疼和最容易出错的事。笔者在历时8年的《英汉法律用语大辞典》编写过程中,发现在法律英语翻译过程中(甚至包括在一些权威词典中)术语翻译的错误之多,真可谓是“种种舛误,令人吃惊”。

译者混淆同义或近义法律术语的原因多种,有些错误是翻译中望文生义所导致的,如 final judgment,译者想当然地便将它译为“终审判决”,并由此以讹传讹,导致几乎所有的英汉或汉英词典全都由此错下去,全然不顾或不知它与真正的“终审判决”,即 judgment of last resort 具有天壤之别。

有些错误则是因为译者懒惰或粗心所致。一词多义本是语言的普遍现象,但不少人在翻译时常满足于知道它的一两个一般含义,而不愿再花力气去查词典,尤其是查英英法律词典进行辨析。如 summons,不少人只知道它的“传票”的含义,而不知道它还有“起诉状”(originating process)的含义;同样,不少译者只知道 amendment 是“修正案”,而不知道也不愿接受它为“修正条款”[如 Amendment to Constitution (《联邦宪法》修正条款)]。有些混淆则是因法律文化差异导致的。有些分歧甚至是源于英英法律词典之间的歧义,如在 defalcation 和 embezzlement 的定义问题上, *Black's Law*

Dictionary的解释便与 *Merriam Webster's Dictionary of Law* 等词典相悖。

此外,从词源学的观点来看,法律英语除包含不少古英语词汇外,其还从拉丁语、法语等中吸收了许多术语。因而,就同一法律术语而言,除表示类概念的上义词(*super ordinate*)外,还经常存在一些表示种概念的下义词(*hyponym*)。如 *killing*(杀人)为表示类别的通用术语;而表示具体的特殊术语则有:*homicide*(他杀)、*murder*(谋杀)、*manslaughter*(非谋杀)。至于法律规定的,与之相关的同义或近义的术语就更多。同理,*decision* 是“裁决”或“判决”的上义词,而 *award*、*finding*、*judgment*、*sentence*、*verdict*、*decree*、*ruling* 和 *disposition* 则为下义词;*defamation* 为“毁誉”的上义词,而 *slander* 和 *libel* 则为下义词。读者在翻译时,务必要知道术语含义的差别。

法律翻译最重要的标准是准确,但不能辨别近义或同义术语,准确只能是奢望。

本书旨在用最简洁的语言和方式,对常用的一些同义或近义法律术语进行辨析,帮助读者尽快了解法律术语的差别,以期为我国法律翻译工作更上一个台阶做一点微薄的贡献。

鉴于法律术语辨析和翻译所涉及的领域和知识太多,太深奥,尽管笔者竭尽全力,遗漏和谬误在所难免,望广大读者不吝赐教。

宋 雷

2004 年 1 月于西南政法大学

# ► 使用说明

## 一、用索引查询

如要找到你想查询的法律术语或单词,请首先参阅本书后面的索引。索引中的术语按字母顺序排列,主要分为两种。

### 1. 158 final judgment(条目)

该索引的 final judgment(条目)部分表示 final judgment 这个术语被用作为本书一段短文的标题。其前面的数字 158 为书页数码,表示读者可在本书的第 158 页中找到对该词组的解释和辨析:

#### Final judgment

该词组常被误认为是“终审判决”,目前几乎所有流行的英汉(法律)词典或相关工具书都难逃此错<sup>①</sup>。依定义,“终审判决”即法院对诉讼案件进行最后一级审判时所作的判决,终审判决一经宣布,即为发生法律效力,不能再行上诉<sup>②</sup>。从此意义上讲,final judgment(最终判决)决非“终审判决”,因为它不一定是生效判决。final judgment 本身的含义刚好与“不能再上诉”相反,其是指初审法院对案件实体(merits)做了审理后作出的可上诉的判决(故它也称为 final appealable judgment, final appealable order 等),其与法院的审级完全无关<sup>③</sup>。final judgment rule 对此作有专门规定: a party may appeal only from a district court's final judgment that ends the litigation on the merits<sup>④</sup>。而我们所说的不能再行上诉的“终审判决”应是 judgment of court of last resort 或 judgment of last resort 才对<sup>⑤</sup>。

## 注

①Cf. 《英汉法律词典》，法律出版社(1999)，第311页；陈庆柏等(翻译)，《英汉双解法律词典》，世界图书出版公司(1998)，第221页；薛波，《汉英法律词典》，外文出版社(1995)，第912页；《汉英法律词典》，中国商业出版社(1995)，第997页。

②Cf. 《法学词典》，上海辞书出版社(1980)，第484页。

③“A court’s last action that settles the rights of the parties and disposes of all issues in controversy except for the award of costs and enforcement of the judgment. Also termed final appealable judgment; final decision; final decree; definitive judgment; determinative judgment; final appealable order.” Cf. Bryan A. Garner, *Black’s Law Dictionary*, 7<sup>th</sup> Edition, West Group(1999), at P. 847.

④*Id.* at P. 644.

⑤Cf. Philip R. Bilancia, *Dictionary of Chinese Law and Government*, Stanford University Press(1981), at P. 121.

## 2. finder Cf. broker

在该索引中,finder表示它是被本书列为比较的一个法律术语。Cf. broker等同Confer broker,表示在本书中,broker是本书一段短文的标题,而有关finder的论述可参照broker为标题的短文。

有些术语具有多种重要的意思,必须用几篇短文论述其不同的含义。在此种情况下,索引中的标题单词或词组后面参见两个或以上的单词或词组。如:

felony Cf. treason; high crime; non-arrestable offense; crime.

此种索引表示本书中多篇短文均有与felony相关的辨析内容说明。读者可参见本书以treason为标题的短文;以high crime为标题的短文;以non-arrestable offense为标题的短文以及以crime为标题的短文进行查阅。

## 二、注释说明

注释是术语辨析的有机组成部分,其中许多英文引自英美法权威原版词典,因而在每一条目下接排注释,未采用页

下注的传统注释形式,方便读者查阅。

1. 短文注释中的符号:

Cf. = Confer 参见

*Id.* = *Idem* 同前,同上

P. = page 页

2. 注释中所指的参考书目资料内容顺序排列一般为引文内容—作者—书名(为斜体字)—出版社—年代—页码。例如:

“A court's last action that settles the rights of the parties and disposes of all issues in controversy except for the award of costs and enforcement of the judgment. Also termed final appealable judgment; final decision; final decree; definitive judgment; determinative judgment; final appealable order.” Cf. Bryan A. Garner, *Black's Law Dictionary*, 7<sup>th</sup> Edition, West Group (1999), at P. 847.

3. 有时一条注释所指的参考书目有几本,此时其排列情况见下列例文:

①Cf. 《英汉法律词典》,法律出版社(1999),第311页;陈庆柏等(翻译),《英汉双解法律词典》,世界图书出版公司(1998),第221页;薛波,《汉英法律词典》,外文出版社(1995),第912页;《汉英法律词典》,中国商业出版社(1995),第997页。



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► Abandon ► Relinquish ► Renounce

三个单词均有抛弃及放弃的含义。abandon 主要指因挫折、气馁、厌倦、厌恶等原因而放弃或中止某事(包括权利或义务),或遗弃财产(to denote a complete giving up, especially of what one has previously been interested in or responsible for)<sup>①</sup>,且有永远不再主张之含义<sup>②</sup>。包括 to abandon a crime(中止犯罪);to abandon a contract(撤销合同)(cf. abandonment)。在家庭法上,尤指“离弃”配偶或家庭成员(有离开而不再归来的含义,cf. abandonment),如 to abandon a child(离弃子女)<sup>③</sup>。relinquish 含义最广,可用于指权利或财产等的放弃<sup>④</sup>,常表示自愿(虽然有时也表示被迫),故常无暴力行为或强烈情感相伴随<sup>⑤</sup>。renounce 则指自愿或正式宣布放弃某事,如:to renounce one's claim, right, authority, principle 等<sup>⑥</sup>。

注

① Cf. The Editors of the Reader's Digest, *Use the Right Word*, The Reader's Digest Association Proprietary Ltd. (1971), at P. 335.

② “to give up with the intent of never again asserting or claiming an interest in (a right or property)”, Cf. Linda Picard Wood, J. D., *Merriam Webster's Dictionary of Law*, Merriam-Webster, Incorporated, Springfield, Massachusetts (1996), at P. 1.

③ “Family law, to leave a spouse or child willfully and without an intention to return.” Cf. Bryan A. Garner, *Black's Law Dictionary*, 7<sup>th</sup> Edition, West Group (1999), at P. 2.

④ “To abandon, to give up, to surrender, to renounce some right or thing.” Cf. The Publisher's Editorial Staff, *Black's Law Dictionary*, Abridged 6<sup>th</sup> Edition, West Publishing Co. (1991), at P. 895.

⑤ “a word wide in meaning, usu. does not suggest forceful action or strong feeling in dropping, desisting, renouncing; it sometimes suggests regret at giving up or delay in the process”, Cf. Philip Babcock Grove, Ph. D., *Webster's Third New International Dictionary of the English Language Unabridged*, G & C Merriam Co. (1976), at P. 1918.

⑥ “Renounce means to declare against or give up formally and definitively.” Cf. The Editors of the Reader's Digest, *Use the Right Word*, The Reader's Digest Association Proprietary Ltd. (1971), at P. 487.

## Abandonment ▶ Desertion ▶ Waiver

上述三个单词均有“放弃”的含义。其中,abandonment 为通用词,可用于放弃诉讼、财产、各种权利、理由等;家庭法上指“离弃”配偶或子女,主要强调离开且不准备返回之行为,有一去不复返的含义<sup>①</sup>。desertion 常用作指放弃应当履行的责任或义务,尤指不服兵役或遗弃配偶或家庭成员;在遗弃配偶等时主要强调未尽责任义务而非一定有离开之实际行为(如 constructive desertion,只要终止同居行为即可构成 desertion),故为“遗弃”,也称为“gross neglect of duty”<sup>②</sup>。waiver 通常用于表示对某种权利的放弃<sup>③</sup>。

## 注

①“The act of leaving a spouse or child willfully and without an intent to return.” Cf. Bryan A. Garner, *Black's Law Dictionary*, 7<sup>th</sup> Edition, West Group (1999), at P. 2.

②“Separation of one spouse from the other, with a deliberate intention and, without reasonable cause and the other spouse's consent, to end cohabitation permanently.” Cf. Daphne A. Dukelow, *The Dictionary of Canadian Law*, Thomson Professional Publishing Canada (1991), at P. 276.

③“The renunciation, repudiation, abandonment, or surrender of some claim, right, privilege, or of the opportunity to take advantage of some defects, irregularity, or a legal wrong.” Cf. The Publisher's Editorial Staff, *Black's Law Dictionary*, Abridged 6<sup>th</sup> Edition, West Publishing Co. (1991), at P. 1092.

## Abandonment ▶ Rescission

两者均可用作指合同的“撤销”,尤其是在土地买卖合同中。区别在于 abandonment 仅指合同一方接受另一方当事人所造成的不予履行合同之情况(merely the acceptance by one party of the situation that a nonperformance party has caused),另一方所导致的违约后果并不严重。而 rescission 则指合同一方当事人在有充足理由,如因另一方严重违约(material breach)而终止或解除所有合同责任和义务<sup>①</sup>;它是无过错当事人(non-breaching party)最常寻求的一种衡平法上的

救济 (equitable judicial remedy) 和保护方法, 其可使得双方当事人回复到合同之前的状况 (restore the parties to their pre-contractual positions)<sup>②</sup>。



① "In the context of contracts for the sale of land, as if it were synonymous with *rescission*, but the two should be distinguished. An abandonment is merely the acceptance by one party of the situation that a non-performance party has caused. But a rescission due to a material breach by the other party is a termination or discharge of the contract for all purposes." Cf. Bryan A. Garner, *Black's Law Dictionary*, 7<sup>th</sup> Edition, West Group (1999), at P. 2.

② "A rescission amounts to the unmaking of a contract, or an undoing of it from the beginning, and not merely a termination, and it may be effected by mutual agreement of parties, or by one of the parties declaring rescission of contract without consent of other if a legally sufficient ground therefore exists, or by applying to courts for a decree of rescission." Cf. The Publisher's Editorial Staff, *Black's Law Dictionary*, Abridged 6<sup>th</sup> Edition, West Publishing Co. (1991), at P. 905.

### Abate ▶ Curtail ▶ Diminish ▶ Lower ▶ Reduce

上述单词均有减轻和减少的含义。其中, reduce 最为通用, 可在体积、数量、金额、程度及范围等方面的减少, 如 to reduce expenses (labor force, acreage of property, means, etc.) 以及 to reduce to letting rooms, private 等<sup>①</sup>。abate 在法律英语中常用作及物动词, 多指在强度或程度上减轻或全部及部分废除, 常用于减价及税收、遗产或骚扰的减少等<sup>②</sup>。curtail 一般用作指突然减少或彻底除去原来并不计划或打算的事务, 多指抽象而非具体的东西<sup>③</sup>。diminish 常指部分删减, 如责任、人口、数量等, 所删减部分有时并非无价值<sup>④</sup>。lower 多指价值、等级及水平的减少和降低, 其强调程度和所指的精确程度不及 reduce<sup>⑤</sup>。



① "Reduce has a wider range of connotations than the other word and is also the most general. It means to make less in size, amount, number, extent or intensity." Cf. The Editors of the Reader's Digest, *Use the Right Word*, The Reader's Digest Association Proprietary Ltd. (1971), at P. 484.

② "To break down, destroy or remove; to lower the price." Cf. Daphne

Dukelow, *The Dictionary of Canadian Law*, Thomson Professional Publishing Canada (1991), at P. 1.; "Abate means to reduce, as in strength or degree, usually from an excessive intensity or amount." Cf. The Editors of the Reader's Digest, *Use the Right Word*, The Reader's Digest Association Proprietary Ltd. (1971), at P. 485.

③ "Curtail is to reduce abruptly and radically, as by cutting off or cutting short than was originally intended. The word is used chiefly of non-material things and conveys the idea of the unexpected." Cf. The Editors of the Reader's Digest, *Use the Right Word*, The Reader's Digest Association Proprietary Ltd. (1971), at P. 485.

④ "Diminish is a more accurate word than reduce when one wishes to stress the idea of removing part of something so that there is a manifest and sometimes progressive lessening, but not to the point of total disappearance. The word may suggest either the loss of something valuable or a lessening of that which is undesirable." *Id.* at P. 485.

⑤ "Lower is to make less, especially in value, degree or level. It is not as emphatic or precise as reduce in this sense, although fairly close in meaning." *Id.* at P. 485.

Abdicate ▶ Renounce ▶ Resign ▶ Cede ▶  
Relinquish ▶ Surrender ▶ Yield

这些单词均有放弃(权利或职位等)的含义。其中, abdicate 主要是指放弃某种法定职位,如君主正式放弃其王位等,有时也指放弃某种特权(prerogative)<sup>①</sup>。renounce 常与 abdicate 互换使用,多指放弃某种权利、权利要求、资格或惯例(right, claim, title, practice),且有作出某种牺牲的含义<sup>②</sup>。resign 多指正式通知辞去从上级或其他人处所获的某种职位或未满任期<sup>③</sup>。cede 指正式放弃权利,常用于法律上的转让及根据条约割让领土等<sup>④</sup>。relinquish 最为通用,可表示自愿或非自愿的放弃<sup>⑤</sup>,如 to relinquish control over sth 或 to relinquish a claim 等。surrender 多指被迫,或在感情或权势的影响下的放弃<sup>⑥</sup>。yield 类同 surrender,但相比之下,其所受的压力或所受到的情感的影响小于后者<sup>⑦</sup>。

注

① "To refuse or renounce a thing, a person in office to renounce it or give it up voluntarily." Cf. Daphne A. Dukelow, *The Dictionary of Canadian Law*, Thomson Professional Publishing Canada (1991), at P. 2.

② "To give up or abandon formally (a right or interest); to disclaim." Cf. Bryan A. Garner, *Black's Law Dictionary*, 7<sup>th</sup> Edition, West Group

(1999), at P. 1299.

③ "To give up a possession, office or claim." Cf. Daphne A. Dukelow, *The Dictionary of Canadian Law*, Thomson Professional Publishing Canada (1991), at P. 922.

④ "to yield or grant usu. by treaty", Linda Picard Wood, J. D., *Merriam Webster's Dictionary of Law*, Merriam-Webster, Incorporated, Springfield, Massachusetts (1996), at P. 71.

⑤ "Relinquish is the most general and neutral term in the group. It can indicate no more than the release of one's grasp. It can denote the letting go from one's direction or possession, usually voluntarily but sometimes reluctantly." Cf. The Editors of the Reader's Digest, *Use the Right Word*, The Reader's Digest Association Proprietary Ltd. (1971), at P. 487.

⑥ "Surrender means to give up under compulsion to any person, passion, influence or power." *Id.* at P. 487.

⑦ "Yield is close to surrender, but implies milder compulsion and therefore some softness, concession, respect or even affection on the part of the person who yields." *Id.* at P. 487.

#### ▶ Abduct ▶ Kidnap ▶ Hijack

三者均有劫持及绑架的含义。在英国或普通法中, abduct 主要是指诱拐或挟持妇女,即在普通法上指“挟持妇女罪”,主要指以婚姻、卖淫、非法性行为等为目的,用诱骗或武力胁迫方式,违反妇女意志而拐走 16 或 18 岁以下的或有精神障碍的少女以及妇女;在美国成文法中,其为“挟持罪”,多与受害人的性别无关<sup>①</sup>。kidnap 主要是指为索取赎金的绑架或劫持人质的行为,其为“绑架”,古时也称为 manstealing<sup>②</sup>。hijack 则是指为达到某种目的而“劫持”飞机等运输工具<sup>③</sup>。与以上三个单词相对应的名词 abduction、kidnapping 和 hijacking 也有如此差别。



① Cf. Bryan A. Garner, *A Dictionary of Modern Legal Usage*, Oxford University Press (1995), at P. 4.

② "To seize and take away a person by force or fraud, often with a demand for ransom." Cf. Bryan A. Garner, *Black's Law Dictionary*, 7<sup>th</sup> Edition, West Group (1999), at P. 874.

③ "to seize possession or control (of a vehicle) from another person by force or threat of force, esp., to seize possession or control of an aircraft", Cf. Linda Picard Wood, J. D., *Merriam Webster's Dictionary of*

Law, Merriam-Webster, Incorporated, Springfield, Massachusetts (1996), at P. 226.

Abet ► Encourage ► Incite ► Instigate ► Provoke

以上单词均有煽动和怂恿的含义。abet(教唆,尤指教唆罪)指鼓励、教唆他人犯罪,常含有协助并参与犯罪之意,如 abet 他人犯 murder 罪,则包括命令、促使、协商、鼓励、诱惑、帮助杀人等属于知情、共谋、协助或参与犯罪的情节行为<sup>①</sup>。encourage 则多指鼓励、支持或劝告某人干某事<sup>②</sup>。在刑法中,incite 几乎与 abet 同义,此外,在表示激励或鼓动时,incite 所导致的后果可好可坏,造成的影响也可大可小<sup>③</sup>。instigate 指唆使或鼓动某人犯罪,常涉及一些极端行为,如 to instigate an assassination 或 to instigate a plot to seize control of a government 等<sup>④</sup>。provoke 也可指挑唆或煽动,但此种行为不必一定且经常不是经有意识策划,故常用作指一些激情或冲动性质的行为<sup>⑤</sup>。

注

① "To encourage and assist someone, esp. in the commission of a crime; to support (a crime) by active assistance." Cf. Bryan A. Garner, *Black's Law Dictionary*, 7<sup>th</sup> Edition, West Group (1999), at P. 4.

② "In criminal law, to give courage to; to inspirit; to embolden; to raise confidence; to make confident; to help; to forward; to advise." Cf. The Publisher's Editorial Staff, *Black's Law Dictionary*, Abridged 6<sup>th</sup> Edition, West Publishing Co. (1991), at P. 364.

③ "Incite means to spur to action, any may be applied to measures leading to salutary as well as deplorable results, to minor as well as profound changes." Cf. The Editors of the Reader's Digest, *Use the Right Word*, The Reader's Digest Association Proprietary Ltd. (1971), at P. 294.

④ "Instigate usually suggests the setting in motion of events that in some way threaten or upset the status quo. It will therefore convey a negative or unfavorable connotation to the extent that one deplores violent change. It suggests an insidious design to bring about some drastic action." *Id.* at P. 294.

⑤ "to excite; to stimulate; to arouse", Cf. Bryan A. Garner, *Black's Law Dictionary*, 7<sup>th</sup> Edition, West Group (1999), at P. 852.; "Provoke, as here considered, can be used, like instigate, to point to a variety of results, but it does not necessarily or even commonly imply conscious design. It may on the contrary imply spontaneous reaction." *Id.* at P. 295.

### Ability ▶ Faculty ▶ Capacity

三个单词均有能力的含义。ability 为通用词,指天生或后天所得的干好某事的能力,尤指实施法律行为的权力(power to carry out a legal act)<sup>①</sup>,如 the ability to enter into an agreement with others。相比之下,faculty 则主要指某种特殊行为的天赋能力,在离婚案件中可指丈夫对妻子提供抚养费的能力<sup>②</sup>。capacity(也称为 legal capacity)多表示在法律或其他意义上的一种地位或资格<sup>③</sup>。

#### 注

①“The capacity to perform an act or service; esp. the power to carry out a legal act.” Cf. Bryan A. Garner, *Black's Law Dictionary*, 7<sup>th</sup> Edition, West Group(1999), at P. 4.

②“In the law of divorce, the capability of the husband to render a support to the wife in the form of alimony, whether temporary or permanent, including not only his tangible property, but also his income and his ability to earn money.” The Publisher's Editorial Staff, *Black's Law Dictionary*, Abridged 6<sup>th</sup> Edition, West Publishing Co. (1991), at P. 411.

③“the legal ability or qualification to perform an act having legal consequences, such as entering into a contract, making a will, suing or being sued, committing a crime, or getting married”, Cf. James E. Clapp, *Random House Webster's Dictionary of the Law*, Random House(2000), at P. 69.

### Able ▶ Capable ▶ Competent ▶ Qualified

上述四个形容词均有“有能力的”或“有资格的”含义。able 多指干某事的才能或能力,如 able to make payment,且有形容人多才多艺的含义。capable 常用来指满足一般要求的能力,以及解决具体和实际问题的能力<sup>①</sup>。competent 和 qualified 多强调满足特殊规定或要求的能力;其中,qualified 常指从事某一职业或干某事所需的诸如学历、证明等资格,如 a qualified voter。而 competent 则有“能干”的含义,指是否有充分满足某种要求或胜任某项职务或工作的能力。因而,a qualified lawyer 有时并非一定是 a competent lawyer<sup>②</sup>。

#### 注

①“Able suggests versatility and resourcefulness and capable a practi-



cal, problem-solving approach. "Cf. The Editors of the Reader's Digest, *Use the Right Word*, The Reader's Digest Association Proprietary Ltd. (1971), at P. 106.

② "Qualified stresses the possession of required skill and is generally applied to professions or trades for which a minimum of schooling or training is required. A qualified teacher has completed the academic training prescribed, but is not necessary competent." *Id.* at P. 106.

Abolish ▶ Abrogate ▶ Annul ▶ Rescind ▶  
Revoke ▶ Repeal

以上单词均有废止和取消的含义。abolish 指完全废除制度、风俗、习惯等<sup>①</sup>, 如 to abolish slavery, ignorance. abrogate 主要指对下属机构签发的命令、规则的废除, 或经立法废除法规或习俗等, 如 to abrogate certain privileges<sup>②</sup>. annul 指终止某事务的存在或宣布其无效或从未真正存在过, 如 to annul the marriage<sup>③</sup>. rescind 常用于合同的撤销, 以及经同级或上级机构予以撤销或废除规定等, 如 to rescind an order<sup>④</sup>. revoke 主要指以收回或撤销以往授予或准予事项的形式予以废除或废止, 或废除遗嘱效力, 如 to revoke a charter<sup>⑤</sup>. repeal 主要指以立法形式撤销或废除法规、命令、许可等, 如 to repeal an amendment<sup>⑥</sup>.



① "To do away with wholly. Applies particularly to things of a permanent nature, such as institutions, usages, customs, as the abolition of slavery." Cf. The Publisher's Editorial Staff, *Black's Law Dictionary*, Abridged 6<sup>th</sup> Edition, West Publishing Co. (1991), at P. 3.

② "To annul or repeal an order or rule issued by a subordinate authority; to repeal a former law by legislative act, or by usage." *Id.* at P. 4.

③ "To annul is either to end something existing or to declare that it never really existed." Cf. The Editors of the Reader's Digest, *Use the Right Word*, The Reader's Digest Association Proprietary Ltd. (1971), at P. 665.

④ "With respect to a contract, for one or more parties to end it." Cf. Daphne Dukelow, *The Dictionary of Canadian Law*, Thomson Professional Publishing Canada (1991), at P. 916. ; "to make void by the same or by a superior authority", Cf. Linda Picard Wood, J. D., *Merriam Webster's Dictionary of Law*, Merriam-Webster, Incorporated, Springfield, Massachusetts (1996), at P. 427.

⑤ "To annul or make void by recalling or taking back." Cf. The