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https://www.100test.com/kao_ti2020/557/2021_2022__E9_87_91_E8_9E_8D_E8_8B_B1_E8_c92_557778.htm 人有姓名，如张大，王小，陈新；法律（广义）自然亦有其名称，如**法，条例，办法……。法律名称之英译有其特殊性，自然亦有其特殊问题。那么法律名称之英译实践存在着哪些问题呢？首先是同一法律名称，有的译作如此，有的却译作那般，在英语读者看来，有两种英译的同一名称的同一个法，按英语读来竟判若两法，如：1、原文：中华人民共和国民法通则 译文：甲：General Rules of the Civil Law of the People ' s Republic of China -Shanghai ' s Foreign Economic Rules and Regulations (1991-1992), Shanghai Far East Publishers 1994, P.15 乙：General Principles of the Civil Law of the People ' s Republic of China -Laws and Regulations of the People ' s Republic of China Governing Foreign-Related Matters(1949-1990).Legal System Publishing House Beijing China 1991,P.33 按：虽仅“rules”与“principles”一字之差，亦已毫厘千里矣。民法的原则不是“民法”本身！2．原文：中华人民共和国中外合资经营企业法 译文：甲：Law of the People ' s Republic of China on Chinese-Foreign Joint Ventures - 同上甲 乙：Law of the People ' s Republic of China on Chinese-Foreign Equity Joint Ventures - 同上乙 3．原文：中华人民共和国中外合作经营企业法 译文：甲：Law of the People ' s Republic of China on Chinese-Foreign Cooperative Ventures - 同上甲 乙：Law of the People ' s Republic of China on Chinese-Foreign Contractual Joint

Ventures - 同上乙， P. 50 下 4 . 原文：中华人民共和国外资企业法 译文：甲： Law of the People ' s Republic of China on Foreign Enterprises - 同上甲 乙： Law of the People ' s Republic of China on Foreign Capital Enterprises - 同上乙， P. 489 按：“ foreign enterprises ” 可以是绝对地 “ foreign ” 的企业（包括身为外国法人的企业），其内涵要比今汉语 “ 外资企业 ” 大！ 5 . 原文：中华人民共和国海关对进出上海外高桥保税区货物、运输工具和个人携带物品的管理办法。 译文：甲： Procedures of the Customs of the People ' s Republic of China for the Control over the Goods, Means of Transport and Personal Articles Entering or Leaving the Shanghai Waigaoqiao Free Trade Zone - 同上甲 (1994 版) 乙： Measures of the Customs of the People ' s Republic of China Concerning the Administration of the Goods, Means of Transport and Articles Carried by Individuals to be Brought into or out of the Bonded Area of Outer Gaoqiao in Shanghai - 同上乙 (1991 版) 按：由出版年份看，甲译作于乙译作后三年，在其下划线印刷部分，分明是在同乙译中也用斜体印刷的相应部分唱对台戏，似乎是在搞两家争鸣，在愚弄不通汉语只懂英语的读者。何苦呢？ 6 . 原文：中华人民共和国归侨、侨眷权益保护法 译文：甲： Law of the People ' s Republic of China on the Protection of the Rights and Interests of Returned Overseas Chinese and Their Relatives -Shanghai ' s Foreign Economic Rules and Regulations (1991-1992), Shanghai Far East Publishers 1994,p.47 乙： Law of the People ' s Republic of China on the Protection of Rights and Interests of Returned Overseas Chinese and the Family Members of Overseas Chinese

-Laws and Regulations of the People ' s Republic of China
Governing Foreign-Related Matters, China Legal System Publishing
House, Beijing 1991,p.1945. 按：细心的读者一定发现了，以上
甲、乙两译不仅文字不同 --- 其内涵也有 50% 大相径庭。按
汉语原文，保护对象侨是“归侨”和“侨（不问归与不归
）的眷”，译文甲的内涵却是以“归侨”和“归侨的（
Their）亲眷（Relatives）”为保护对象的；按译文乙，则其
所内涵的对象是“归侨”和“海外华侨的家属”了，从
而译文甲在英语读者面前大大歪曲了原文！

7. 原文：上海市
企业国有资产产权登记实施办法 译文：甲：Procedures of
Shanghai Municipality on the Implementation of Enterprises '
Property Right Over State- owned Assets -Supplement
(Chinese-English) New Laws and Regulations Monthly, 1997.1,p.5
乙：Procedures of Shanghai Municipality on the Implementation
of Registration of Enterprises ' Property Right Over State-owned
Assets -Ibid, p.18 按：稀奇稀奇真稀奇，同样这项《办法》，
同样刊载在同一期《新法规月刊》1997 增刊 1 期中的该办法
名称英译，却在第 5 页上是一个样，而在 182 页上却另是一
个样了。其次，是法律（广义）名称大小写原有一定的规矩
，奈译者时而不懂或不守规则，舛误起矣，如：

8. Interim
Procedures of Shanghai Municipality on the Intake of Experts From(
应作 from) abroad -Shanghai ' s foreign Economic Rules and
Regulations(1993-1994),p.3 9. Article I (purpose and Basis) The
present Procedures are formulated in accordance with the
“ procedures on the Administration of Registration of Enterprises '
Property Right Over(应作小写 over) State-owned Assets ”

-Supplement (Chinese-English) New Laws and Regulations
Monthly,1997,1,p.183 10. Measures of the Customs of the People ' s
Republic of China Concerning the Administration of the Goods,
Means of Transport, and Articles Carried by Individuals to be (应作
大写 Be) Brought into or out(须大写) of the Bonded Area of
Outer Gaoqiao in Shanghai -Laws and Regulations of the People ' s
Republic of China Governing Foreign-Related Matters, China Legal
System Publishing House, Beijing 1991.7,p.11 100Test 下载频道开
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