

# 《英文》

考題評析	今年題目背景對曾修過英美法導論的考生較有利，但就實質英文內容而言，題目較去年簡易許多。對一向熟悉大陸法系的多數考生，只要擁有基本字彙量，再配合一定的文法知識，第一、三大題應可迎刃而解。第二大題的中譯英部分，亦是非常務實的生活化題目，所必須藉助的字譯難度不高，只要小心謹慎，使用簡單的文法及句型，均可輕易作答而取分。英文作文乃是一熱門話題，平時有留意新聞時事的考生，應不難表達自己見地。近年來新上任的法務首長普遍主張人權至上，及遲遲不批准執行死刑犯、槍下留人的看法，也充分反映出本題目出題的背景。一般考生大約可拿 70-80 分數。
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## 一、選擇題 (20 分)

請從以下提供的十個單字中，選取最合適填入文章各空格中者，並將其英文字母代碼(A, B, C... I, J)填寫在答案卷上。

(A) entitled (B) endemic (C) communities (D) mechanism (E) overturning  
(F) avenue (G) contrary (H) servants (I) legislature (J) anti-discrimination

A doctrine unique to the American system is the review of legislative actions by the courts. This quite often results in judges making law and rescinding law 1 to the popular will of the people. Bad decisions, which are 2 to the system, have their greatest consequences in this area. Examples are the recent Hawaii decision to allow gay marriages and the stay of prop 209, the 3 initiative in California. Some judges have ordered tax increases in some 4—classic taxation without representation. There has to be a 5 to override bad law by judges. A two-thirds vote of the 6 is an appropriate level to revoke judicial decisions. Citizens' initiative petitions to put the issue on the ballot is another 7. As Teddy Roosevelt recommended in his 1912 presidential campaign—let the nation decide at the next election whether to uphold or reject any Court decision creating a new “right” or 8 a state or federal law. “It is the people and not the judges who are 9 to say what the Constitution means,” said T.R., “for the Constitution is theirs; it belongs to them and not to their 10 in office.”

【擬答】

1	2	3	4	5	6	7	8	9	10
G	B	J	C	D	I	F	E	A	H

## 二、中譯英：請將下列中文段落譯成英文。(20 分)

民間司改會「民間法律學苑」從 89 年開始規劃，在 90 年初正式開課。開課以來，我們都竭力提供學員最好的課程、師資、教材及場地。根據學員的評鑑資料，本學苑的三大特色分別為：小班教學、生活化的課程及具有豐富實務經驗的師資群。

【擬答】

“Civilian Law School” from Civilian Judicial Reform Association was set up in 2000 and opened for the public in early 2001. Since it was officially opened, we have tried hard to provide the members with the best curriculum, teaching faculty, teaching materials and sites. According to the evaluation from members, three features of the school are small-sized classes, curriculum on daily life and teaching faculty with much experience.

三、英譯中：請將下列英文段落譯成中文。(20 分)

The great American Henry David Thoreau in his great essay *Civil Disobedience* stated that one should break laws even if there are witnesses. He argued that you have a moral obligation to break laws even if you suffer the consequences. Our founding fathers took a much more radical view that one should violently overthrow the government if one disagrees with its laws.

【擬答】

美國著名文豪亨利·大衛·梭羅，在其一篇散文名作「人民對政府的非暴力反抗」中提及：即便在有証人之情況下，任何人均可對抗法律。他辯稱，縱使結果會付出代價，你亦有道德義務來反抗法律。我們的開國先賢們甚至採取了一個更激進的觀點：如果有任何人不同意政府的法律，他甚至可用暴力來推翻政府。

四、英文作文 (40 分)

Write an essay of no less than 200 words on the following topic:

*Death Penalty: A Necessary Evil?*

Please include in your essay an many arguments and examples as you can.

【擬答】

Death Penalty: A Necessary Evil?

The death penalty has been a topic of debate for many decades. Ever since the death penalty was introduced in the United States in the 1930's, two opposite positions formed almost immediately. There are those who are for the death penalty as an option of punishment, and those who are against the death penalty and want it abolished. Currently, there are 38 states in the U.S. that have a death penalty. The United States Government and Military also have the death penalty as an option of punishment. The death penalty is an important and necessary installment that represents justice and righteousness. Proponents and opponents of the death penalty would both agree that murder is a heinous and brutal act that should be condemned, and people who commit murder should be severely punished.

The EU considers abolition of the death penalty a contribution to the enhancement of human dignity and the progressive development of human rights. On this occasion, we therefore call on Taiwan to join the growing list of those that have formally abolished the death penalty and to commute the sentences of those who are on death row.

To date, 90 countries have abolished the death penalty and a further 40 are de facto abolitionists, having not carried out executions in the last 10 years. More than 50 countries have abolished the death penalty since 1990.

Taiwan, a democracy that has paid close attention to the issues of human rights, should join this group. Taiwan's democracy has been a positive example to others in the region. Abolition of the death penalty would again show its leading place within the region as a defender of human rights.

The death penalty is no longer mandatory for any crimes and no execution has taken place since 2005 in Taiwan. We applaud and welcome this progress and urge Taiwan's legislators to take the logical further steps toward full abolition.