

東吳大學 103 學年度博士班招生考試試題

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系級	法律學系博士班	考試時間	100 分鐘
科目	法學英文	本科總分	100 分

一、名詞解釋：請以不超過 100 字之簡短中文解釋下列名詞 (60%)

1. Mens Rea
2. Probable Cause
3. Fiduciary Duty
4. Doctrine of Piercing the Corporate Veil
5. Duty of Care
6. Joint and Several Liability
7. Res Judicata
8. Specific Performance
9. Affirmative Action
10. Check and Balance
11. Anti-Dumping Duty
12. Political-Offense Exception

二、英翻中：請自下列題目中選擇二題作答 (作答題數勿超過二題)，每題 20%

1. A new report by a bipartisan panel recommends: a) a person who shows reckless indifference but does not intend to kill should not be subject to the death penalty; b) custodial interrogations should be videotaped in their entirety; and c) capital punishment verdicts should be unanimous, and judges should not be allowed to override a jury's lesser sentence and impose the death penalty.
2. The European Union Court of Justice has ruled Google must amend some search results at the request of ordinary people in a test of the so-called "right to be forgotten." The court effectively said that any company that gathers or indexes information about European citizens is subject to its laws, even if the company has no physical presence in that nation.
3. A divided U.S. Supreme Court ruled that legislative bodies such as city councils can begin their meetings with prayer, even if it plainly favors a specific religion. The dissenters, led by Justice Kagan, said the court had crossed a line by approving a policy of "religious favoritism." She said the majority might view the case differently if a "mostly Muslim town" decided to open its meetings with Muslim prayers.
4. A WTO dispute panel threw out China's claim that the U.S. "Public Law 112-99," signed by President in March 2012, broke world trade rules. The WTO report preserves the ability of the United States to remedy unfair subsidies and dumping by China, for the benefit of American businesses and workers. However, WTO ruled that United States had been wrong to punish some Chinese exports twice over.