英语试题

公共英语部分

Put the following passage into Chinese:

1、Critics of early schooling cite research that questions whether 4-year-old children are ready to take on formal learning. Educators find that older toddlers are more likely to succeed during their school careers, whereas their younger counterparts are more likely to fail. Kindergarten children who turn five during the latter half of the year seem to be at a disadvantage when it comes to physical, emotional, social, and intellectual development. Additionally, children who are nearly six when they enter kindergarten tend to receive better grades and score higher on achievement tests throughout their schooling experience than do those who begin kindergarten having just turned five. Being bright and verbally skillful and being ready for school do not seem to be the same thing. It is easy to confuse the superficial poise and sophistication of many of today’s children with inner maturity. Indeed, evidence suggests that early schooling boomerangs: Youngsters whose parents push them to attain academic success in preschool are less creative, have more anxiety about tests, and, by the end of kindergarten, fail to maintain their initial academic advantage over their less-pressured peers.

Many psychologists and educators remain skeptical of approaches that place 4-year-olds in a formal educational setting. They question whether environmental enrichment can significantly alter the built-in developmental timetable of a child reared in a non disadvantaged home. They do not deny, however, the value of day-care centers and nursery schools that provide a homelike environment and allow children considerable freedom to play, develop at their own pace, and evolve their social skills. But they point out that many of the things children once did in first grade are now expected of them in kindergarten, and they worry lest more and more will now be asked of 4-year-olds. These psychologists and educators believe we are driving young children too hard and thereby depriving them of their childhood.

2、In country after country, talk of nonsmokers’ right is in the air. While a majority of countries have taken little or no action yet, some 30 nations have introduced legislative steps to control smoking. Many laws have been introduced in other countries to help clear the air for nonsmokers, or to cut cigarette consumption.

In some developed countries the consumption of cigarettes has become more or less stabilized. However, in many developing nations, cigarette smoking is seen as a sign of economic progress—and is even encouraged. As more tobacco companies go international, new markets are sought to gain new smokers in those countries. For example, great efforts are made by the American tobacco industry to sell cigarettes in the Middle East and North Africa—where U.S. tobacco exports increased by more than 27 percent in 1974.

Smoking is harmful to the health of people. World governments should conduct serious campaigns against it. Restrictions on cigarette advertisement, plus health warnings on packages and bans on public smoking in certain places such as theaters, cinemas and restaurants, are the most popular tools used by nations in support of nonsmokers or in curbing smoking. But world attention also is focusing on another step which will make the smoker increasingly self-conscious and uncomfortable about his habit. Great efforts should be made to inform young people especially of the dreadful consequences of taking up the habit. And cigarette price should be boosted.

In the long run, there is no doubt that everybody would be much better-off if smoking were banned altogether, but people are not ready for such drastic action.

3、We are told the mass media are the greatest organs for enlightenment that the world has yet seen; that in Britain, for instance, several million people see each issue of the current affairs programme, Panorama. It is true that never in human history were so many people so often and so much exposed to so many intimations about societies. This kind of exposure may well be a point of departure for acquiring certain important intellectual and imaginative qualities, width of judgment, a sense of the variety of possible attitudes. Yet in itself such exposure does not bring intellectual or imaginative development. It is no more than the masses of stone which lie around in a quarry and which may, conceivably, go to the making of a cathedral. The mass media cannot build the cathedral, and their way of showing the stones does not always prompt others to build. For the stones are presented within a self-contained and self-sufficient world in which, it is implied, simply to look at them, to observe fleetingly individually interesting points of difference between them is sufficient in itself.

Life is indeed full of problems on which we have to — or feel we should try to — make decisions, as citizens or as private individuals. But neither the real difficulty of these decisions, nor their true and disturbing challenge to each individual, can often be communicated through the mass media. The disinclination to suggest real choice, individual decision, which is to be found in the mass media is not simply the product of a commercial desire to keep the customer happy. It is within the grain of mass communications. The organs of the Establishment, however well-intentioned they may be and whatever their form (the State, the Church, voluntary societies, political parties), have a vested interest in ensuring that the public boat is not violently rocked, and will so affect those who work within the mass media that they will be led insensibly towards forms of production which, though they go through the motions of dispute and enquiry, do not break through the skin to where such inquiries might really hurt. They will tend to move, when exposing problems, well within the accepted cliché-assumptions of democratic society and will tend neither radically to question these clichés nor to make a disturbing application of them to features of contemporary life. They will stress the “stimulation” the programs give, but this soon becomes an agitation of problems for the sake of the interest of that agitation itself; they will therefore, again, assist a form of acceptance of the status quo (现状). There were exceptions to this tendency, but they are uncharacteristic.

The result can be seen in a hundred radio and television programs as plainly as in the normal treatment of public issues in the popular press. Different levels of background in the readers or viewers may be assumed, but what usually takes place is a substitute for the process of arriving at judgment. Programs such as this are noteworthy less for the “stimulation” they offer than for the fact that stimulation (repeated at regular intervals) may become a substitute for and so a hindrance to judgments carefully arrived at and tested in the mind and on the pulses. Mass communications, then, do not ignore intellectual matters; they tend to castrate (使…丧失活力) them, to allow them to sit on the side of the fireplace, sleek and useless, a family plaything.

4、Writing, as a career, offers a range of personal rewards. It enables people to express themselves, as well as to entertain, inform, and influence others. With only a few tools -- paper, a typewriter, a pencil, and often a personal computer, a writer can have an impact on the surrounding world. But most authors spend hundreds of hours perfecting their skills before they can sell any of their works.

A person who wants to be a writer should set aside some time to write every day. Learning to express ideas clearly and effectively in writing takes a great deal of practice. Many experienced writers keep a journal. A journal can serve as a storehouse for information, observations, and ideas. It can also be a place to develop new material.

Beginning writers should read many kinds of writing encountered every day and pay special attention to what they find most interesting. News items, feature stories, textbooks, cookbooks, repair manuals, poems, essays, short stories, novels, and plays differ in their methods of organizing and presenting material. A beginning writer who reads widely and carefully will develop an appreciation of different writing approaches and styles. In time, the writer can acquire a more flexible approach to his or her own work.

Successful authors write about subjects they know and understand. They sometimes take weeks or months revising or refining an article, poem, or story. Beginning writers usually benefit from finding one or more friendly critics who will read their work and discuss its strengths and weaknesses with them.

High schools and colleges offer many learning opportunities for young writers. Composition and literature courses can be helpful. Creative writing and journalism courses may further assist a beginning writer in developing his or her skills. Many students work on literary magazines, newspapers, or yearbooks published by their schools. They may write stories, edit articles, or gain other valuable experience.

5、Few people doubt the fundamental importance of mothers in child-rearing, but what do fathers do? Much of what they contribute is simply the result of being a second adult in the home. Bringing up children is demanding, stressful and exhausting. Two adults can support and make up for each other's deficiencies and build on each other's strengths.

Fathers also bring an array of unique qualities. Some are familiar: protector and role model. Teenage boys without fathers are notoriously prone to trouble. The pathway to adulthood for daughters is somewhat easier, but they must still learn from their fathers, in ways they cannot from their mothers, how to relate to men. They learn from their fathers about heterosexual trust, intimacy and difference. They learn to appreciate their own femininity from the one male who is most special in their lives. Most important, through loving and being loved by their fathers, they learn that they are love-worthy.

Current research gives much deeper -- and more surprising -- insight into the father's role in child-rearing. One significantly overlooked dimension of fathering is play. From their children's birth through adolescence, fathers tend to emphasize play more than caretaking. The father's style of play is likely to be both physically stimulating and exciting. With older children it involves more teamwork, requiring competitive testing of physical and mental skills. It frequently resembles a teaching relationship: come on, let me show you how. Mothers play more at the child's level. They seem willing to let the child direct play.

Kids, at least in the early years, seem to prefer to play with daddy. In one study of 2-5-year old who were given a choice, more than two-thirds chose to play with their father.

The way fathers play has effects on everything from the management of emotions to intelligence and academic achievement. It is particularly important in promoting self-control. According to one expert, "children who roughhouse with their fathers quickly learn that biting, kicking and other forms of physical violence are not acceptable." They learn when to "shut it down."

At play and in other realms, fathers tend to stress competition, challenge, initiative, risk taking and independence. Mothers, as caretakers, stress emotional security and personal safety. On the playground fathers often try to get the child to swing even higher, while mothers are cautious, worrying about an accident.

6、Sociologically, advertising supports the mass communication media. It pays all the costs of commercial television and radio. It provides viewers with free entertainment and news programs, though viewers are often annoyed by commercial interruptions. Without advertising, readers would have to pay a higher price for newspapers and magazines, and many of the publications would go out of business.

7、Most publications have lots of advantages. Paper is pleasant to handle, easy to read, and very portable: you can read it almost anywhere. On the other hand, print has its weaknesses. Paper is expensive, and articles are often cut to fit the space available. Printing and distributing paper is expensive and takes time. Printed materials are expensive to store and almost impossible to search. Electronic publishing offers solutions to all these problems.

8、Nowadays, we hear a lot about the growing threat of globalization, accompanied by those warnings that the rich pattern of local life is being undermined, and many dialects and traditions are becoming extinct. But stop and think for a moment about the many positive aspects that globalization is bringing. Read on and you are bound to feel comforted, ready to face the global future, which is surely inevitable now.

Consider the Internet, that prime example of our shrinking world. Leaving aside the all-to-familiar worries about pornography and political extremism, even the most narrow-minded must admit that the net offers immeasurable benefits, not just in terms of education, the sector for which it was originally designed, but more importantly on a global level, the spread of news and comment. It will be increasingly difficult for politicians to maintain their regimes of misinformation, as the oppressed will not only find support and comfort, but also be able to organize themselves more effectively.

MTV is another global provider that is often criticized for imposing popular culture on the unsuspecting millions around the world. Yet the viewers' judgment on MTV is undoubtedly positive; it is regarded as indispensable by most of the global teenage generation who watch it, a vital part of growing up. And in the final analysis, what harm can a few songs and videos cause?

Is the world dominance of brands like Nike and Coca-Cola so bad for us when all is said and done? Sportswear and soft drinks are harmless products when compared to the many other things that have been globally available for a longer period of time--- heroin and cocaine, for example. In any case, just because Nike shoes and Coke cans are for sale, it doesn't mean you have to buy them--- even globalization cannot deprive the individual of his free will.

Critics of globalization can stop issuing their doom and gloom statements. Life goes on, and has more to offer for many citizens of the world than it did for their parents' generation.

9、A quality education is the ultimate liberator. It can free people from poverty, giving them the power to greatly improve their lives and take a productive place in society. It can also free communities and countries, allowing them to leap forward into periods of wealth and social unity that otherwise would not be possible.

For this reason, the international community has committed itself to getting all the world's children into primary school by 2015, a commitment known as Education for All.

Can education for all be achieved by 2015? The answer is definitely "yes", although it is a difficult task. If we now measure the goal in terms of children successfully completing a minimum of five years of primary school, instead of just enrolling for classes, which used to be the measuring stick for education, then the challenge becomes even more difficult. Only 32 countries were formerly believed to be at risk of not achieving education for all on the basis of enrollment rates. The number rises to 88 if completion rates are used as the criterion.

Still, the goal is achievable with the right policies and the right support from the international community. 59 of the 88 countries at risk can reach universal primary completion by 2015 if they bring the efficiency and quality of their education systems into line with standards observed in higher-performing systems. They also need significant increases in external financing and technical support. The 29 countries lagging farthest behind will not reach the goal without unprecedented rates of progress. But this is attainable with creative solutions, including use of information technologies, flexible and targeted foreign aid, and fewer people living in poverty.

A key lesson of experience about what makes development effective is that a country's capacity to use aid well depends heavily on its policies, institutions and management. Where a country scores well on these criteria, foreign assistance can be highly effective.

10、Speech-writing

The success of a speech is often attributed to the skill of the speaker, with merit being given to speakers who are confident, articulate, knowledgeable and able to deliver a speech with conviction.

But often it is not the speakers who write these moving speeches, it is a speechwriter. And one industry in which this practice is common is that of politics.

So what does it take to be a political speechwriter?

One technique is introducing contrast. This is extremely useful when presenting a positive spin on a negative issue. One of the most famous examples of this can be seen in a speech given by former American President John F Kennedy: "Ask not what your country can do for you but what you can do for your country."

Another technique is the use of three-part lists. This can be an excellent way of adding finality or confirming a statement. Former British Prime Minister Tony Blair was a fan of this technique. One of his most famous campaign slogans was "education, education, education".

These techniques can be used like tools - they can be chosen from a toolbox and applied as necessary. A few other techniques you might find in a speechwriter's toolbox might be the use of imagery, anecdotes and alliteration.

So next time you have to prepare a speech or presentation, try applying one or more of these techniques and see if you have what it takes to be a winning speechwriter.

11、What makes an original contributor in science is often not only ability, but also something else, something apparently intangible, and not easily detected. This extra something lies deeply within the individual and needs to be nurtured and tested.

Motivation is a personal trait that is primarily instilled by seniors such as teachers or parents. An important aspect in developing motivation is the setting of goals. A person probably has set long-range goals, or at this point more like dreams, such as winning the Nobel Prize. This is great as long as the individual is realistically working toward short-range goals also. These are the day-to-day accomplishments that really make working hard seem fun.

Proficiency in anything requires a great deal of determination and self-discipline. I addition, a person’s ability to cope with frustration is also an important factor in one’s life career. Repeated failures at making experiments may be too much for many talented would-be scientists. The determination to continue, with the realization that everything worthwhile takes a great deal of patience, is an essential requirement. These factors, together with inherent dedication, will bring about the realization of one’s aspirations. Through all this it is not the triumph but the struggle that brings about the complete personal satisfaction in knowing that you as a scientist have given your all.

12、I would compare reading to visiting friends — in the spiritual rather than physical sense. Opening the book is like getting into the door uninvited; and turning a few pages, we may find ourselves in his study. Besides, we can go visit him as frequently as we want and at any time we wish. If we fail to get the pith of his argument, we can just leave without saying "good-bye" or turn to someone else for help, and come back to challenge him. We can get close to the host and listen to every word he has to say, no matter where he resides, at home or abroad, what a person he was or is, a contemporary or a man of the past, whatever field he specializes in, or whether he is talking about a serious subject of importance or simply chatting plus cracking jokes. We can indulge ourselves in the anecdotes and amazing tales of the past, and appreciate the profound nouveau theories of our own age or hear sensational arguments meant to shock the world. In a nutshell, we can bang the door shut —closing the book that is —the minute we find anything disagreeable or distasteful, and leave forthwith. No one will blame us. This is the kind of freedom we can hardly expect other than from the books.

13、The current visit to Taiwan for exchange, brief and cursory as it is, has enabled us to see many places, to visit old friends while making new acquaintances. Whenever people gather together, an important topic of discussion has been how the Chinese nation can become prosperous and powerful in the 21st century. Although the young people on the Mainland and in Taiwan live in different social contexts, with their individually different experiences of life, in the innermost recesses of their hearts are wrought an indelible mark by the fine traditions of the Chinese culture. They all cherish the same ideal to rejuvenate the Chinese nation. In this great epoch at the turn of the century, our motherland is developing toward greater prosperity and powerfulness. People across the Taiwan Straits are bound to strengthen their exchanges and will mutually promote the earliest possible achievement of the great cause of reunification of the motherland. The precious opportunities and the tremendous challenges at the turn of the century have pushed the young people to the foreground of the historical arena. At this transitional phase between the two millennia, in what way the young generation should embrace the forthcoming new century replete with hopes is a question to which we have to seek an answer.

14、The culture of any society is usually thought to be of two kinds: material and non-material. Material culture includes the man-made phenomena which have physical properties such as height, breadth, and weight. A boat, a machine, a house—all these objects are part of the material culture. The non-material culture is that portion of the environment which surrounds man and which has an impact on his behavior but which lacks these material properties: values, beliefs, traditions, and all the other habits and ideas invented and acquired by man as a member of society. Contemporary sociological theory tends to assign primary importance to the non-material culture in choosing problems for study. It assumes, for example, that boats, planes, automobiles, and so forth, are not nearly so important as the traditions we have developed which make their manufacture possible—indeed, which prescribe how we are to use them. The emphasis of contemporary sociology is to insist that the material culture would not exist had not the non-material culture first been available to suggest the ideas which are embodied in the inventions of material culture.

15、As a scourge of the modern society, obesity has become the world’s biggest public-health issue today--the main cause of heart disease, which kills more people these days than AIDS, malaria, war. Since the World Health Organization labeled obesity an "epidemic" in 2000, reports on its fearful consequences have come thick and Fast. Will public-health warnings, combined with media pressure, persuade people to get thinner, just as they finally put them off tobacco? Possibly. In the rich world, sales of healthier foods are booming and new figures suggest that over the past year Americans got very slightly thinner for the first time in recorded history. But even if Americans are losing a few ounces, it will be many years before the country solves the health problems caused by half a century’s dining to excess. And, everywhere else in the world, people are still piling on the pounds. That’s why there is now a consensus among doctors that governments should do something to stop them.

**专业英语部分**

Put the following paragraphs into Chinese:

1、 Case law is built up out of precedents, and a precedent is a previous decision of a court which may, in certain circumstances, be binding on another court in deciding a similar case. This practice of following previous decisions is derived from custom, but it is a practice which is generally observed. Even in early times the itinerant judges adopted the doctrine of stare decisis, and this doctrine has been developed in modern times so that it means that a precedent binds, and must be followed in similar cases, subject to the powers to distinguish cases in certain circumstances.

2、 The literal rule. According to this rule, the working of the Act must be construed according to its literal and grammatical meaning whatever the result may be. The same word must normally be construed throughout the Act in the same sense, and in the case of old statutes regard must be had to its contemporary meaning if there has been a change with the passage of time.

3、 In a very wide sense, the principle of legality – the “rule of law” – refers to and requires not only a body of legal precepts but also supporting institutions, procedures, and values. The “rule of law”, according to an American Bar Association. Committee Report (published by International Commission of Jurists 1956), includes: “1, That body of legal precepts governing, 2, those institutions vested with appropriate legal power, and 3, those legal procedures by which those precepts may be applied by those institutions – which together are designed to effect the protection of essential interests of individuals guaranteed by our society through limitations on the authority of the State.”

4、 The Code of Professional Responsibility points the way to the aspiring and provides standards by which to judge the transgressor. Each lawyer must find within his own conscience the touchstone against which to test the extent to which his actions should rise above minimum standards, But in the last analysis it is the desire for the respect and confidence of the members of his profession and of the society which he serves that should provide to a lawyer the incentive for the highest possible degree of ethical conduct. The possible loss of that respect and confidence is the ultimate sanction. So long as its practitioners are guided by these principles, the law will continue to be a noble profession. This is its greatness and its strength, which permit of no compromise.

5、Crimes and Punishments

Criminal justice is a vast, complex system. Briefly, it is that part of the legal system which, first of all, marks off certain behavior as wrong or "criminal"; second, takes steps to control or prevent that behavior by threats of punishment; and third, if prevention fails, tries to catch and to punish the wrongdoer. Familiar as the system is in some of its aspects, in others it is obscure and much misunderstood.

To begin with, what is a crime? Every country has its own special list. The list is part of an elaborate statute which is usually called the penal code. The code describes conduct that is illegal and therefore criminal; it also sets out punishments.

Some crimes are in the penal codes of every state: murder, manslaughter, robbery, burglary, rape, arson, and so on. Others are less universal. The Georgia code makes it a crime "to be a peeping Tom" or to invade a person's privacy with acts "of a similar nature." The Georgia code also deals with the sale of obscene literature, shooting guns on Sunday, illegal use of credit cards and dozens of other offenses.

The great, classic crimes are part of the social code, whatever their status in the legal code. The layman knows them as crimes. He has a rough working knowledge of what constitutes murder, even though he does not understand the law's technicalities and distinctions. Cold-blooded killing is murder, we know, although few of us can tell the difference between first-degree and second-degree murder, or what "malice" means, or what level of insanity excuses an act of killing.

Punishment, too, is variable. It depends mostly on how serious the crime. Seriousness is not inherent in the criminal conduct; it is a social judgment. Legally speaking, serious crimes are called felonies; less serious crimes are called misdemeanors. The exact line between them is a matter of legal definition. In California, a felony is a crime which can be punished by death or by a year or more in prison; all others are misdemeanors, except for some petty acts (traffic violations, breaches of ordinances) which are called offenses. Offenses carry less of a punishment than crimes and have less of a stigma. A history of parking tickets is not a criminal record.

6、Law

Law, body of official rules and regulations, is generally found in constitutions, legislation, judicial opinions, and the like, that is used to govern a society and to control the behavior of its members. The nature and functions of law have varied throughout history. In modern societies, some authorized body such as a legislature or a court makes the law. It is backed by the coercive power of the state, which enforces the law by means of appropriate penalties or remedies.

Formal legal rules and actions are usually distinguished from other means of social control and guides for behavior such as morality, public opinion, and custom or tradition. Of course, a lawmaker may respond to public opinion or other pressures, and a formal law may prohibit what is morally unacceptable.

Law serves a variety of functions. Laws against crimes, for example, help to maintain a peaceful, orderly, relatively stable society. Courts contribute to social stability by resolving disputes in a civilized fashion. Property and contract laws facilitate business activities and private planning. Laws limiting the powers of government help to provide some degree of freedom that would not otherwise be possible. Law has also been used as a mechanism for social change; for instance, at various times laws have been passed to inhibit social discrimination and to improve the quality of individual life in matters of health, education, and welfare.

Some experts believe the popular view of law overemphasizes its formal, coercive aspects. They point out that if a custom or norm is assured of judicial backing, it is, for practical purposes, law. On the other hand, a statute that is neither obeyed nor enforced is empty law. Social attitudes toward the formal law are a significant part of the law in process. The role of law in China and Japan, for example, is somewhat different from its role in Western nations. Respect for the processes of law is low, at least outside matters of business and industry. Tradition looms much larger in everyday life. Resort to legal resolution of a dispute is truly a last resort, with conciliation being the mechanism that is preferred for social control.

Law is not completely a matter of human enactment; it also includes natural law. The best-known version of this view, that God's law is supreme, has had considerable influence in the United States and other Western societies. The civil rights movement, for example, was at least partially inspired by the belief in natural law. Such a belief seems implicit in the view that law should serve to promote human dignity, as for instance by the enforcement of equal rights for all. Muslim societies also embrace a kind of natural law, which is closely linked to the religion of Islam.

7、The US Constitution

The US Constitution consists of seven articles and 27 amendments. The original seven articles took effect in 1789. The 27 amendments were added to the Constitution from 1791 to 1992. The first ten amendments were enacted in 1791; they are often called "the bill of rights." It is very likely that more amendments will be added.

People who don’t know anything about civil procedure or property law can recall the basic elements of the constitutional law: separation of powers; checks and balances; judicial review; due process and equal protection of law; freedom of speech, religion, and press. As the supreme law of the land, Constitutional Law texts are generally divided into two parts. The first part is about the allocation of powers. This entails two basic principles of American Constitution: separation of powers and division of powers. Both of the two principles function under one principle -- checks and balances. The second part of the Constitution is on the specification of rights and liberties for the individuals. To realize the rights and liberties, the Framers were not only dependent on the allocation of powers, but also on another principle of the Constitution -- limited government.

When you study Constitutional law, you should learn the sources that judges might rely upon to guide their constitutional interpretation (text of Constitution, intentions of framers, case precedent, policy consequences of alternative interpretations). Learn how judges are likely to weigh these various guides in various contexts. Understand historical trends and understand that judges are ultimately affected by the same economic and social forces as society as a whole. With a solid knowledge of these things, you will be able to make intelligent and potentially convincing arguments -- and make reasonable predictions about the likelihood of your arguments being successful in an actual case involving the same issues.

8、Damages

The amount of money which a plaintiff (the person suing) may be awarded in a lawsuit. There are many types of damages. Special damages are those which actually were caused by the injury and include medical and hospital bills, ambulance charges, loss of wages, property repair or replacement costs or loss of money due on a contract. The second basic area of damages are general damages, which are presumed to be a result of the other party's actions, but are subjective both in nature and determination of value of damages. These include pain and suffering, future problems and crippling effect of an injury, loss of ability to perform various acts, shortening of life span, mental anguish, loss of companionship, loss of reputation (in a libel suit, for example), humiliation from scars, loss of anticipated business and other harm. The third major form of damage is exemplary (or punitive) damages, which combines punishment and the setting of public example. Exemplary damages may be awarded when the defendant acted in a malicious, violent, oppressive, fraudulent, wanton or grossly reckless way in causing the special and general damages to the plaintiff. On occasion punitive damages can be greater than the actual damages, as, for example, in a sexual harassment case or fraudulent schemes. Although often asked for, they are seldom awarded. Nominal damages are those given when the actual harm is minor and an award is warranted under the circumstances. The most famous case was when Winston Churchill was awarded a shilling (about 25 cents) against author Louis Adamic, who had written that the British Prime Minister had been drunk at a dinner at the White House. Liquidated damages are those pre-set by the parties in a contract to be awarded in case one party defaults as in breach of contract.

9、The Code of Professional Responsibility points the way to the aspiring and provides standards by which to judge the transgressor. Each lawyer must find within his own conscience the touchstone against which to test the extent to which his actions should rise above minimum standards, But in the last analysis it is the desire for the respect and confidence of the members of his profession and of the society which he serves that should provide to a lawyer the incentive for the highest possible degree of ethical conduct. The possible loss of that respect and confidence is the ultimate sanction. So long as its practitioners are guided by these principles, the law will continue to be a noble profession. This is its greatness and its strength, which permit of no compromise.

10、To begin with, the legal system has structure. The structure of a legal system consists of this kind: the number and size of courts; their jurisdiction; and modes of appeal from one court to another. Structure also means how the legislature is organized, what a president can (legally) do or not do, what procedures the police department follows, and so on. Another aspect of the legal system is its substance. By this it meant the actual rules, norms, and behavior patterns of people inside the system.

11、The law of contract is concerned with the enforcement of promissory obligations. Contractual liability is usually based on consent freely given in the form of an express promise or one implied in fact from the acts of the parties. In some circumstances, however, the courts will imply a promise (often called implied in law or quasi contract) in order to avoid unjust enrichment in spite of lack of consent by the party who is bound by.

12、Paragraph 1 of Article 153 of the Criminal Law is amended as: "Whoever smuggles goods or articles not specified in Article 151, Article 152 and Article 347 herein shall, depending on the severity of the circumstances, be punished in accordance with the following provisions respectively:

(1) If he/she smuggles goods and articles to evade or dodge the payable duties to a larger amount or commits smuggling again after being given administrative penalties twice against smuggling within one year, he/she shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and be concurrently subject to a fine of not less than one time but not more than five times the amount of payable duties evaded or dodged;

(2) If the amount of payable duties evaded or dodged for smuggling goods and articles is huge or there are other serious circumstances, he/she shall be sentenced to fixed-term imprisonment of not less than three years but not more than ten years, and shall be concurrently subject to a fine of not less than one time but not more than five times the amount of payable duties evaded or dodged;

(3) If the amount of payable duties evaded or dodged for smuggling goods and articles is especially huge or there are other especially serious circumstances, he/she shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment, and shall be concurrently subject to a fine of not less than one time but not more than five times the amount of payable duties evaded or dodged or confiscation of property."

13、One article is added after Article 276 of the Criminal Law as Article 267(a):

Whoever dodges labor remuneration payable to laborers by transferring property or escaping, or refuses to pay laborers although he/she has the capacity to make payment, if the amount is relatively large, and if he/she still refuses to pay after being so ordered by relevant government departments, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention, and be concurrently or separately fined. If serious consequences are caused, he/she shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and be concurrently fined.

Where an entity commits the crime prescribed in the preceding Paragraph, the entity shall be fined, and the persons directly in charge and other persons subject to direct liabilities shall be punished in accordance with the provisions of the preceding Paragraph.

Whoever commits the crime mentioned in the preceding two paragraphs but has not yet caused serious consequences may be given a mitigated punishment or be exempted from punishment, provided that he/she, prior to public prosecution, pays labor remuneration to laborers and bear the corresponding compensation liabilities in accordance with the law."

14、Private Law

Private law involves the various relationships that people have with one another and the rules that determine their legal rights and duties among themselves. The area is concerned with rules and principles pertaining to private ownership and use of property, contracts between individuals, family relationships, and redress by way of compensation for harm inflicted on one person by another. Historically, government involvement was usually minimal. Private law has also operated to provide general guidelines and security in private arrangements and interactions in ways that are complementary to morality and custom but that are not necessarily enforceable in a court of law, such as non-contractual promises and agreements within an association of private individuals.

The relative significance of purely private law has decreased in modern times. Public law dominates in government-controlled societies; democratic societies increasingly have a mix of public and private law. The private sphere includes individuals and a vast array of groups, associations, organizations, and special legal entities such as corporations. They compete with one another and with government for control of resources, wealth, power, and the communication of ideas and values. Special fields of law, such as labor law, facilitate and control this competition. Much of such law is in the commercial and corporate areas. The formerly purely private law of property and contracts, for example, is now overlaid with legislation, regulations, and judicial decisions reflecting the competition. The public law of taxation has significant impact on the whole private sphere. Courts have increasingly regarded resolution of seemingly private disputes as vehicles for response to changing social conditions and values especially in the U.S. Thus, manufacturers have experienced an expansion of liability for physical injuries caused by defects in their products. The mechanism of insurance allows manufacturers to spread such costs across the general consuming public.

15、Self-defense means that a person is justified in the use of force against an aggressor when and to the extent it appears to her and she reasonably believes that such conduct is necessary to defend herself against such aggressor’s imminent use of unlawful force. Such justification requires both a belief on the part of defendant and the existence of facts that would persuade a reasonable person to that belief.

Where self-defense is asserted, expert testimony on the battered woman syndrome may be offered to prove the reasonableness of defendant’s belief that she was in imminent danger.

The interests in human dignity and privacy which the Fourth Amendment protects forbid any such intrusions on the mere chance that the fruit or evidence of crime might be obtained. In the absence of a clear indication that in fact such evidence will be found, these fundamental human interests require law officers to suffer the risk that such evidence may disappear unless there is an immediate search.

Before a person can avail himself of the plea of self-defense against the charge of homicide, he must do everything in his power, consistent with his safety, to avoid the danger and avoid the necessity of taking life.