

考試科目	社會議題分析	所別	7121 法律科際整合研究所	考試時間	2月25日(六) 第二節
------	--------	----	-------------------	------	--------------

I. 中文議題

一、我們從小到大都聽過一句話：「民主就是少數服從多數，多數尊重少數」。但是民主真的就只是這樣多數與少數的關係嗎？什麼是所謂的多數或少數呢？怎樣叫做服從？怎樣叫做尊重？這句話有沒有什麼造成誤導的可能性？請你深入思考一下這句話，然後詳細論證你的評論意見與理由，並請你舉社會上現實的例子做說明。(35%)

二、社會上常常流傳一句話：「不要在你的權利上睡著了；法律不保障權利上的睡眠者」。請問你覺得這句話有沒有道理或疑義？為什麼？請詳細論證你的評論意見與理由，並請你舉社會上現實的例子做說明。(35%)

II. Critical Thinking and Analysis (30 points)

Please read the following news and answer questions. You may answer either in English or Chinese.

Police to intensify checks on compliance with rear seat belt law

2012/01/31 15:45:54

Taipei, Jan. 31 (CNA) Police forces around Taiwan will step up checks in the coming days to see if passengers in the back seats of cars are wearing seat belts, as mandated by a new law that takes effect Wednesday.

The spot checks will continue through Friday to ensure that people are aware of the implementation of the new regulation, the Ministry of Transportation and Communications (MOTC) said on Tuesday.

考試科目	社會議題分析	所別	7/21 法律學院 綜合 研究所	考試時間	2月25日(六) 第二節
------	--------	----	---------------------------	------	--------------

Violators could face fines of between NT\$1,500 (US\$50) and NT\$6,000, according to the MOTC, which is the regulatory agency overseeing the measure.

Drivers on city streets or highways will be fined NT\$1,500 if their back seat passengers do not buckle up, and for vehicles on tollways and expressways, the fines will range from NT\$3,000 to NT\$6,000, the ministry said.

The ministry also backed the need for the new law by citing studies showing that the traffic-related death rate for rear seat passengers who do not wear seat belts is 2.7 times higher than for those who do.

Questions:

1. Professor John Adams and Professor Gerald Wilde advocated the theory of risk compensation and risk homeostasis to question the effectiveness of seat belts law. The idea of this theory is that, if the risk of death or injury from a car crash is reduced by the wearing of seat belts, drivers will respond by reducing the precautions they take against crashes. Professor Gerald Wilde states "... to compel a person to use protection from the consequences of hazardous driving, as seat belt laws do, is to encourage hazardous driving. A fine for non-compliance will encourage seat belt use, but the fact that the law fails to increase people's desire to be safe encourages compensatory behaviour." Some results of experimental studies have supported the risk compensation theory. How would you respond to the risk compensation theory if you were a government official defending for the seat belt law? (15 points)
2. Some people also hold the view that laws requiring the wearing of seat belts are an infringement of individual liberty, which is protected by the Constitutional Law. To address the above mentioned two opposing opinions, the MOTC would like to seek other solutions that would not restrict people's liberty and could enhance driver safety awareness. If you were the counsel to MOTC, what would you suggest? Why? What are the positive and negative aspects of your suggestion? (15 points)

備

註 試題隨卷繳交