

2018 年上海海事大学攻读硕士学位研究生入学考试试题

(重要提示: 答案必须做在答题纸上, 做在试题上不给分)

考试科目代码: 211 考试科目名称: 翻译硕士英语

1. Part 1 Vocabulary and structure (30%)

Directions: There are 30 sentences in this part. For each sentence there are four choices marked A,B,C,and,D.Choose the one that best completes the sentence.Then mark the corresponding letter on the Answer Sheet.

1. This television set is an improvement _____ earlier models.
A. with B. by C. on D. for
2. We are _____ our holiday pictures on to a screen so that lots of people can see them at the same time.
A. reflecting B. casting C. throwing D. projecting
3. Nevertheless,tasks and duties are the central feature, and should therefore be considered as a separate _____ in themselves.
A. result B.effect C. issue D. outcome
4. Leadership is the heart of the managerial process, because it_____ initiating action.
A.involves B.engages C.consists D.contains
5. Small firms are counting the _____ of sickness among employees.
A.cost B.price C.charge D.expense
6. The most common _____ of absence was minor illness, such as colds or flu.
A.reason B.symptom C.cause D.motive
- 7.These days in business, people have to face many challenging questions_____ and implementing new projects in underdeveloped areas of the countryside.
A.designing B.conspiring C.drawing D.scheming

8. The project was carried out with _____disturbance last summer.
- A.bare B.smallest C.least D.minimal
9. One of the most important features in any business is communication. Good communications are required at all _____of the business process.
- A.stages B.grades C.parts D.degrees
10. Have you made up your mind yet_____where you are going to spend your holiday?
- A. so that B.such as C.as to D. in case
- 11.The firm is looking for a new _____for another branch office.
- A. spot B. point C. scene D. site
- 12.Water is to fish _____air is to man.
- A.that B. which C. what D. how
13. _____is often the case with a new idea, much preliminary activity and optimistic discussion produce no concrete proposals.
- A. As B. That C. Which D. What
14. This book has been in the works so long that I have lost _____ of most of the sources found for me by the staff of the library.
- A. trace B. trail C. track D. touch
- 15.The audience waited in _____silence while their aged speaker searched among his note for the figures he could not remember.
- A. respective B. respect C. respectful D. respectable
16. Modern appliances _____us from a good deal of household work. For instance, the dryer frees us from hanging the laundry.
- A.escape B . benefit C. liberate D. comfort

17. Market research, in _____ with a number of other approaches in marketing, suffers from the frequent complaint that it is not really accurate.

A.association B.common C.addition D.connection

18. If you have ever been told by your boss to improve you knowledge of a foreign language you'll know that _____ doesn't come quickly.

A.gain B.result C.success D.outcome

19. No other business course is as _____ and the unique radio-magazine format is as instructive as it is entertaining.

A.adjustable B.flexible C.convertible D.variable

20. Her new mobile phone costs her _____ the one she bought last year.

A.twice B. twice as much as C. twice more than D. as much twice as

21. There is scarcity of teachers in the countryside. People _____ have become teachers.

A.not better like you B.as not good as you

C.no better than you D.better not than you

22. Could you tell me the name of the _____?

A. ugly,little,yellow, fly-like insect

B. little, ugly,yellow,fly-like insect

C. yellow,little,ugly,fly-like insect

D. yellow,fly-like,ugly,little insect

23. She had an operation on her breast for cancer two years ago, but she is_____.

A. very good B. very well C.in good condition D.quite healthy

24. On this desk, you will find a _____ clock,which was the only thing left to him by his father.

A. little exquisite antique Swiss

B. exquisite antique little Swiss

C. little antique exquisite Swiss

D. Swiss little antique exquisite

25. Advertising is distinguished from other forms of communication _____ the advertiser pays for the message to be delivered.

- A. in this way B. in that C. in which D. in order to

26. _____ trouble, I shall forget the whole thing.

- A. Rather than caused B. Than rather caused
B. C. Than rather causing D. Rather than cause

27. The man sitting opposite me smiled dreamily, as if _____ something pleasant in the past.

- A. to remember B. remembered
C. having been remembered D. remembering

28. Reading efficiency means the _____ of a reading task within an appropriate time frame and with appropriate comprehension.

- A. accomplishment B. committed C. contentment D. complement

29. The payment that the motorist will have to effect will be _____ to the amount of the damage he has done to the other person's car.

- A. applicable B. comparable C. proportional D. attributed

30. People including scientists still explain many of the natural _____.

- A. phenomenon B. phenomenons C. phenomena D. phenomenas

Part II Reading Comprehension

(40%)

Directions: There are 4 passages in this part. Each passage is followed by some questions or unfinished statements. For each of them there are four choices marked A, B, C and D. You should decide on the best choice and mark the corresponding letter on the Answer Sheet.

Passage 1

Items 31-35 are based on the following passage:

Labor Market

In economics, labor is a measure of the work done by human beings. It is conventionally contrasted with such other factors of production as land and capital. It is always treated as a

commodity—something bought and sold in the marketplace. And the wage rate, which a firm pays for an hour of labor, is regarded as the price of that commodity.

Of course, labor is different from other things that are traded. First, sellers of other commodities do not care who buys their product, as long as they get the market price. Sellers of labor, on the other hand, care very much who buys their labor, because that firm becomes their employer. This gives sellers of labor an interest in working conditions, friendly coworkers, commuting distance, possibilities for advancement, prestige, a sense of fulfillment and more. A second distinct feature of labor is the special meaning of the price in this market: the wage rate. Most of the incomes people earn over their lifetimes will come from their jobs—from selling their labor—so their wage rate will determine how well they can feed, clothe, house, and otherwise provide for themselves and their families. Differences in wages thus bring up vital issues of equity and fairness in the economy.

Labor markets may be local or national (even international) in their scope and are made up of smaller, interacting labor markets for different qualifications, skills, and geographical locations. They depend on exchange of information between employers and job seekers about wage rates, conditions of employment, level of competition, and job location.

Labor Market Equilibrium

The demand for labor has increased because of technological change and the accumulation of capital. Many people are surprised about the fact. They see new technologies destroying jobs, not creating them. Downsizing became catchword of the 1990s as the computers and information age took hold and eliminated millions of “good” jobs, even of managers. So how can it be that technological change creates jobs and increase the demand for labor?

Technological change destroys some jobs and creates others. But it creates more than it destroys, and on average the new jobs pay more than the old ones did. But to benefit from the advances in technology, people must acquire new skills and change their jobs. For example, during the past 15 years, the demand for typists has fallen almost to zero. But the demand for people who can type (on a computer rather than a typewriter) and do other things as well has increased. And the output of these people is worth more than that of a typist. So the demand for people with typing skills has increased.

The supply of labor has increased because of population growth and technological change and capital accumulation in the home. The mechanization of home production of fast-food preparation services (the freezer and the microwave oven) and laundry services (the automatic washer and dryer and drip drying clothing) has decreased the time spent on activities that once were full-time jobs inside the home and has led to a large increase in the supply of labor. As a result, the supply of labor has steadily increased, but a slower pace than the demand for labor.

Because technological advances and capital accumulation have increased demand by more than the population growth and technological change in home production has increased supply, both wage and employment have increased. But not everyone has shared in the advancing

prosperity that comes from higher wage rate. Some groups have been left behind, and some have even seen their wage rates fall. Why?

The key reasons can be identified. First, technological change affects the marginal productivity of different groups in different ways. High-skilled computer-literate workers have benefited from the information revolution while low-skilled workers have suffered. The demand for the services of the first group has increased and the demand for the services of the second group has decreased. Second, international competition has lowered the marginal revenue product of low-skilled workers and so decreased the demand for their labor.

Trend in China's Labor Market

Since economic reforms began, China's evolving labor market has played a fundamental role in China's economic development strategy. Socialist commitments to the urban labor force put political constraints on reform, but over time, often with lurches and fits, the labor market continued to develop in step with China's extraordinarily rapid economic ascent. And yet in many respects reform of the labor market remains incomplete. In nearly all of our assessments of the performance of the labor market, we found evidence of rapid change and progress combined with important remaining barriers.

China endured a painful period of economic restructuring in the late 1990s, which led to high rates of unemployment and declines in labor force participation. The good news is that since 2002, the unemployment rate has fallen to much more manageable levels. However, many displaced workers never found new jobs, or were forced to accept relatively low wages. New social insurance systems were established, but have incomplete coverage, allowing many dislocated workers and their families to fall through the cracks. Unemployment subsidies also may have created work disincentives for men. Industrial and financial policies have supported capital-intensive industry, reducing the demand for labor, especially low-skilled workers. The ability of firms to adjust employment in response to changes in the economic environment improved significantly in the 1990s, but evidence suggests that many firms still are overmanned and overall job mobility remains low.

Real wages have increased continuously despite the emergence of unemployment, and wages increasingly reward productivity, as seen in the dramatic increase in the returns to education. At the same time, the gender gap, including the unexplained component, has widened. Moreover, wage liberalization has increased inequality, creating new policy challenges.

Migration flows have increased substantially over time, helping to integrate labor markets in rural and urban areas, and across regions. Policy barriers to labor mobility have receded. Increasing migration from poorer Western regions has been especially promising, and there is evidence (albeit mixed) that regional earnings disparities are starting to narrow and that the returns to education across regions have converged over time. However, rural-urban income gaps continue to widen, investment has been slow to flow to poorer, interior regions, and the hukou system

burdens migrants, who still face unequal treatment that limits their access to jobs, education, adequate quality housing, and social insurance and social assistance programs in China's cities.

Ownership reform has reduced the share of workers employed in the state sector and market reforms have given SOEs an increasingly commercial orientation. However, SOEs still provide higher wages and benefits to workers than other types of employers (except foreign enterprises), so that voluntary mobility out of state-sector employment remains low, especially in the lower skill brackets. At the same time, significant informalization of the urban labor market, characterized by lack of formal labor contracts and few non-wage benefits, has made labor allocation increasingly market-oriented but has increased the vulnerability of workers who lack social insurance coverage.

Some of the key challenges that remain include the following: 1) developing an accurate and timely labor statistical information system to report on key indicators such as unemployment; 2) providing an effective safety net for dislocated workers; 4) developing effective social insurance programs that have broad coverage, do not create work disincentives, and create portable benefits; 3) integrating migrants into urban areas by equalizing access to education and gradually extending coverage by social assistance and social insurance programs; 4) and dismantling the hukou system.

Choose the best answer:

31. The factors of production do not include ____.
- A. labor B. land C. capital D. wage rate
32. Differences in wages thus bring up ____ in the economy.
- A. airiness B. equity C. fairness and equity D. inequity and unfairness
33. According to this article, which statement is true?
- A. The demand of labor is more than the supply of labor.
- B. The demand of labor is less than the supply of labor.
- C. The demand of labor is equal to the supply of labor
- D. The author is not clear about the relation between the demand of labor and the supply of labor
34. Those still face unequal treatment that limits their access to jobs, education, adequate quality housing, and social insurance and social assistance programs in China's cities because of ____.
- A. the gender B. poor education C. no hukou D. no money
35. The meaning of SOEs in Chinese is ____.
- A. 政府 B. 私企 C. 国企 D. 外企

Passage 2

Items 36-40 are based on the following passage:

The New Silk Road

An enormous map of the historic Silk Road hangs on a wall at Wensli, a leading Chinese silk producer. Nearby exhibits put China's silkmaking tradition into context. The Chinese first encountered silkworms about 6,000 years ago. Two millennia later they built the first silk machine. When France emerged as Europe's silk centre in the 16th century, it learned techniques from China, then the world's most advanced economy.

The Chinese love invoking their country's rich and glorious past, so they lapped up President Xi Jinping's "One Belt, One Road" plan, announced in late 2013, which aims to restore the country's old maritime and overland trade routes. Mr. Xi hopes to lift the value of trade with more than 40 countries to \$2.5 trillion within a decade, spending nearly \$1 trillion of government money. SOEs and state financial institutions are being pushed to invest overseas in such areas as infrastructure and construction. According to the EIU, planners see this as an outlet for the vast overcapacity in industries such as steel and heavy equipment. It seems likely to lead to a massive spending binge, but companies should remain wary. Government support will not necessarily ensure success.

Li Jianhua, Wensli's chief executive, is quick to praise the president's initiative. He tweets a silk-themed message on WeChat every day in support of One Belt, One Road. Wensli, a private conglomerate with revenues approaching \$1 billion, has long been close to the Communist Party. Shen Aiqin, Wensli's founder (and Mr Li's mother-in-law), served as a deputy to the National People's Congress. But Mr. Li is not a party member and insists that "nothing in our operations has to do with the government." A good relationship with officials helps, he explains, if only so he can refuse when they press him to invest in "strategic" industries: "This happens a lot...but I say no, we are a silk firm."

Wensli is reviving the Sino-French silk connection, but on its own initiative. Two years ago the company acquired Marc Rozier, an old-established French silk firm. Mr. Li says he bought it to find out how the French make the world's best luxury goods. Wensli's supply-chain expertise and cash are helping Marc Rozier expand. In turn, the French firm is helping its Chinese owner improve quality and develop a global brand.

Robots and Teapots

Many more Chinese firms like Wensli are venturing abroad. Ninebot, a transport-robotics startup backed by Xiaomi and Sequoia Capital, bought Segway of the United States (and its IP) in April. Segway's products are too pricey and heavy for the mass market; Ninebot has the supply-chain and engineering expertise to change that. Sequoia's Neil Shen says that "today it's not just copycats...China will expand, through its own innovations and through acquisitions."

Chinese firms are also trying to revive old traditions of craftsmanship, which may help them develop authentic brands. Jiang Qiong Er says she founded Shang Xia, with help from Hermès, a French luxury-goods maker, out of a burning desire to prove that it is possible to create a "Chinese brand of excellence". The firm's flagship store is on Huai Hai Road, Shanghai's most elegant shopping promenade. Her luxury boutiques design, make and sell hand-crafted tea sets, jewellery, clothes and furniture from local materials such as bamboo and silk. She has opened a shop in Paris

and hopes in time to become a global brand.

Last year Chinese investment overseas almost caught up with foreign direct investment in China. According to the China Global Investment Tracker, a research service, Chinese investment abroad in the first half of this year amounted to \$56 billion, a rise of 14% on a year earlier. Rhodium Group and the Mercator Institute, two other research firms, reckon that the total stock of Chinese direct investment abroad could rise to \$2 trillion by 2020, from less than \$800 billion at the end of 2014.

Not everyone will be pleased by that prospect, remembering an earlier wave of Chinese globalization led by SOEs. They made clumsy forays, and enemies, in such places as Africa and Latin America on a quest for oil, agricultural land and other resources. Many deals were politicized and some were corrupt. The resulting backlash was understandable but overdone. In particular, the decision in 2012 by a committee of America's Congress to blacklist Huawei and ZTE, another big Chinese telecoms firm, on national-security grounds was shameless techno-nationalism. It has given Chinese officials cover for their own misguided attempts to favour firms like Lenovo and Huawei at the expense of IBM, Cisco and other American technology firms.

Fortunately, future Chinese would-be investors abroad are more likely to be market-minded entrepreneurs than national champions. Chinese firms are getting fed up with paying licensing fees and royalties to foreigners. So instead of renting or stealing intellectual property, says Harvard's William Kirby, they are looking abroad to acquire top talent and technologies. And despite Huawei's troubles, their favourite target is America.

Earlier Chinese attempts to capture foreign markets and technologies did not go well. In 2004 Shanghai Automotive acquired 49% of SsangYong, a South Korean carmaker, for \$500m, hoping that the acquisition would help it enter the American market, but cultural clashes, union troubles and rising oil prices got in the way. In 2009 SsangYong went bust and Shanghai Automotive had to write it off. TCL, a big electronics firm in Guangdong Province, bought majority control of the television arm of France's Thomson in 2004, giving it the Thomson and RCA brands. But TCL's inexperience and the technological disruption caused by flat-screen technology scuppered the effort, and the venture was shut down.

These examples highlight some of the problems Chinese firms face when going overseas, and explain why many have failed. Chinese firms have few managers with international experience. Their brands and management processes tend to be poorly developed. They are also reluctant to pay outside experts for advice even when they desperately need it.

But Chinese firms are getting better. A study by Claudio Cozza and colleagues published last year by the Bank of Finland looked at Chinese investments in the EU, which went from almost nothing in 2004 to €14 billion (\$18 billion) in 2014. They chose Europe because Chinese firms tend to look for new markets and to acquire brands, technologies and knowledge there. Such outbound Chinese investments in the EU, they found, had "a positive effect on Chinese firms' efficiency and performance" and pushed up their overall sales.

Some Chinese firms are already veterans of globalization. Huawei's intrepid staff have long been selling telecoms equipment in remote parts of Africa and Latin America. One executive recalls that in the period following America's invasion of Iraq the only foreigners granted safe passage by all sides were Huawei's Chinese engineers, who were repairing vital communications infrastructure. Another example is Lenovo, which unusually for a Chinese firm has many

nationalities on its senior management. In 2005 it bought IBM's personal-computer business, and last year it took over Motorola's handset business and IBM's low-end server division. Haier has acquired part of Sanyo Electric's home appliances division and Fisher & Paykal of New Zealand in recent years and is now the world's biggest white-goods maker.

That is only the beginning. In "China's Disruptors", Edward Tse argues that "China's entrepreneurial companies will become far more active internationally, entering new markets, acquiring companies and hiring executives." He believes they will pose an enormous threat to established businesses in many industries. And yet global Chinese entrepreneurs could also be good for the world, as Wanxiang's example shows.

"A country that cannot support entrepreneurship has no hope," says Lu Guanqiu, the septuagenarian boss of Wanxiang, once a humble township-and-village enterprise in Zhejiang Province but now one of the world's biggest independent car-parts firms. Township-and-village enterprises were left out of state plans and denied access to raw materials and to the official distribution system. In the early hardscrabble days, Mr. Lu collected spent artillery shells and made them into ploughs to sell to farmers. These days Wanxiang's sales top \$20 billion a year, of which over \$3 billion are made in America, where the firm sells components to the big three carmakers in Detroit. It has also bought two dozen companies in America.

Take a deep breath

A sexy electric roadster is parked outside A123 Systems, a battery firm in Michigan. It is made by Fisker Automotive, a failed American firm acquired by Wanxiang, and it is meant to inspire. Jason Forcier, A123's boss, says his firm would not be there except for Mr. Lu's dream about solving China's pollution problem. Wanxiang bought the company at a bankruptcy auction in 2012 for about \$250m and imposed strategic focus and cost discipline on the free-spending startup. Mr. Forcier expects a profit this year.

Wanxiang has come to America to learn how to make China, and maybe the world, a cleaner place to live in. It has built a solar plant outside Chicago and invested in coal-to-natural-gas technology in Massachusetts. Back in China, it is accumulating the in-house expertise and alliances needed to make affordable electric vehicles for the mass market.

Mr. Lu's quest is not as quixotic as it seems. China is the world's best place to scale up clean technologies, wherever they are invented. His effort is just a tiny fraction of the \$2.5 trillion that the UN expects to be invested in clean energy in China by 2030. In future, says the green billionaire, Chinese firms "will contribute more merit and value to the world".

China's best firms are standing ready to go global. As Thomas Hout and David Michael write in a recent issue of the *Harvard Business Review*: "If there's a business equivalent to the Cambrian period of explosion and extinction of species, China from 1991 to the present is it." Many have failed, but the survivors are straining at the leash.

Choose the best answer:

36. According to the passage, the reason for China to invest overseas in infrastructure and construction is to_____.
- A. restore the country's old maritime and overland trade routes
 - B. lift the value of trade with more than 40 countries to \$2.5 trillion within a decade, spending nearly \$1 trillion of government money
 - C. form an outlet for the vast overcapacity in industries such as steel and heavy equipment

- D. lead to a massive spending binge
37. Which of the following statements is true according to the text?
- A. Chinese firms are trying to revive craftsmanship in order to help them develop authentic brands.
 - B. A good relationship with officials helps firms to invest in “strategic” industries.
 - C. Wensli often says no to the government’s demand to invest in “strategic” industries.
 - D. Wensli is reviving the Sino-French silk connection willingly.
38. American government forbade Huawei and ZTE to invest in USA, because it thought_____.
- A. they made clumsy forays, and enemies
 - B. they came for oil, agricultural land and other resources
 - C. Many deals were politicized and some were corrupt
 - D. they might hurt American national security
39. In which way is Lenovo different from other Chinese companies?
- A. It is a veteran of globalization.
 - B. It has many nationalities on its senior management.
 - C. It has succeeded in buying some foreign companies.
 - D. It is now the world’s biggest white-goods maker.
40. Wanxiang is used as an example to indicate_____.
- A. global Chinese entrepreneurs could be good for the world
 - B. a country that cannot support entrepreneurship has no hope
 - C. township-and-village enterprises were left out of state plans and denied access to raw materials and to the official distribution system
 - D. Chinese firms will contribute more merit and value to the world

Passage 3

Items 41-45 are based on the following passage:

International Law and Its Major Systems

I. International Law

The body of legal rules and norms that regulates activities carried on beyond the legal boundaries of a single state. In particular, it regulates three international relationships: those between states and states, those between states and persons, and those between persons and persons.

International law falls into public international law and private international law. The former deals primarily with the rights and duties of the states and intergovernmental organizations as between themselves, while the latter deals primarily with the rights and duties of individuals and nongovernmental organizations in their international affairs.

Public international law should not be confused with “private international law”, which is concerned with the resolution of conflict of laws. In its most general sense, international law “consists of rules and principles of general application dealing with the conduct of states and of intergovernmental organizations and with their relations inter se, as well as with some of their relations with persons, whether natural or juridical.”

Conflict of laws (or private international law) is a set of procedural rules which determine which legal system, and the law of which jurisdiction, applies to a given dispute. The rules

typically apply when a legal dispute has a “foreign” element such as a contract agreed by parties located in different countries, although the “foreign” element also exists in multi-jurisdictional countries such as the United Kingdom and the United States.

The term conflict of laws itself originates from situations where the ultimate outcome of a legal dispute depended upon which law applied, and the common law courts manner of resolving the conflict between those laws. In civil law lawyers and legal scholars refer to conflict of laws as private international law. Private international law has no real connection with public international law, and is instead a feature of municipal law which varies from country to country. The three branches of conflict of laws are:

- Jurisdiction – whether the forum court has the power to resolve the dispute at hand.
- Choice of law – the law which is being applied to resolve the dispute.
- Foreign judgments – the ability to recognize and enforce a judgment from an external forum within the jurisdiction of the adjudicating forum.

Comity is the practice, or courtesy, between states of treating each other with goodwill and civility.

The subject matter of international law has changed dramatically in recent years. Traditionally, this area of law dealt only with conduct between states and was called public international law.

International Business law refers to the body of rules and norms regulating international business transactions and the relationships between business organizations across national boundaries. It focuses on the business activities conducted between individuals and enterprises from different countries. In a narrow sense, international economic law is thought to be in the scope of public international law, it deals primarily with the rights and duties of states and intergovernmental organizations in their international business (economic) affairs, and does not regulate the international business relationship between individuals and business entities.

II. Two Major Legal Systems

1. The Civil Law System and Common Law System

The Civil Law System is the oldest and most influential of the legal families. It is derived from Roman and Germanic practice. As distinguished from public law, the body of the law deals with rights of private citizens. It is also called Romano-Germanic Family or continental System. Its main sources are listed below, among which, the French Civil Code of 1804 and the German Civil Code of 1896 are now regarded as the very basis of the modern civil law.

Common Law System is also called Anglo-American Law System (British-American Law System). It is the legal system of England and countries that were once English colonies. It is based on court-made rules and precedents. An important aspect of the common law is its basis in the customary practice of the courts, and the term itself is often used to describe that part of English law that is not based on statutory law or legislation.

2. The main differences between the two legal systems

The common law is based on court decision or precedents whereas the civil law's grounds for deciding cases are found in codes, statutes, and prescribed texts.

The way in which the common law spread around the world is different from how the civil law was distributed. Those nations in which the common law developed are Australia, Canada, India, Ireland, New Zealand, and the United States. Most European continental nations and Latin American nations are civil law nations.

Common law is a matrix of case law and statutes; it uses the jury system and the doctrine of supremacy to limit the actions of the government. The common law adopts adversarial procedure while the civil law uses inquisitorial procedure. The adversarial system (or adversary system) of law is the system of law that relies on the contest between each advocate representing his or her party's positions and involves an impartial person or group of people, usually a jury or judge, trying to determine the truth of the case. As opposed to that, the inquisitorial system has a judge (or a group of judges who work together) whose task is to investigate the case. The adversary

procedure requires the opposing sides to bring out pertinent information and to present and cross-examine witnesses. This procedure is observed primarily in countries in which the Anglo-American legal system of common law predominates.

Under the adversary system, each side is responsible for conducting its own investigation. In criminal proceedings, the prosecution represents the people at large and has at its disposal the police department with its investigators and laboratories, while the defense must find its own investigative resources and finances. Both sides may command the attendance of witnesses by subpoena. If the defendant is indigent, his attorney's opportunities for a broader investigation are limited by the provisions of the jurisdiction in which the trial is conducted. In criminal law under the adversary system, the accused need not be present in grand jury indictment proceedings (no longer conducted in Great Britain and recommended by some authorities for eventual abolition in the United States). If an indictment is handed down by the grand jury, its proceedings are available to the defendant. Under civil law the adversary system works similarly, except that both plaintiff and respondent must prepare their own cases, usually through privately engaged attorneys.

In any adversary trial, the opposing sides present evidence, examine witnesses, and conduct cross-examinations, each in an effort to produce information beneficial to its side of the case. Skillful questioning can often produce testimony that can be made to take on various meanings. What seemed absolute in direct testimony can raise doubts under cross-examination. The skills of the attorneys are also displayed at the time of summation, especially in a jury trial, when their versions of what the jury has heard may persuade the jury to interpret the facts to the benefit of the side that is most persuasive.

In adversary proceedings before juries the judge functions as moderator and referee on points of law, rarely taking part in the questioning unless he or she feels that important points of law or fact must be made clearer. In a bench trial (without a jury) the judge makes findings of fact as well as of law. Since a witness called by the opposing party is presumed to be hostile, cross-examination does permit leading questions. A witness called by the direct examiner, on the other hand, may only be treated as hostile by that examiner after being permitted to do so by the judge, at the request of that examiner and as a result of the witness being openly antagonistic and/or prejudiced against the opposing party.

The main purposes of cross-examination are to elicit favorable facts from the witness, or to impeach the credibility of the testifying witness to lessen the weight of unfavourable testimony. Cross-examination frequently produces critical evidence in trials, especially if a witness contradicts previous testimony. The advocate Edward Marshall-Hall built his career on cross-examination which often involved histrionic outbursts designed to sway jurors. Most experienced and skilled cross-examiners, however, refrain from caustic or abrasive cross-examination so as to avoid alienating jurors.

Cross-examination is, arguably, the main purpose of a trial. Though the closing argument is often considered the deciding moment of a trial, effective cross-examination wins trials.

An inquisitorial system is a legal system where the court or a part of the court is actively involved in investigating the facts of the case, as opposed to an adversarial system where the role of the court is primarily that of an impartial referee between the prosecution and the defense. Inquisitorial systems are used in some countries with civil legal systems as opposed to case law systems. Also countries using case law, including the United States, may use an inquisitorial system for summary hearings in the case of misdemeanors such as minor traffic violations. In fact, the distinction between an adversarial and inquisitorial system is theoretically unrelated to the distinction between a civil legal and case law system. Some legal scholars consider "inquisitorial" misleading, and prefer the word "nonadversarial".

The inquisitorial system applies to questions of criminal procedure as opposed to questions of substantive law; that is, it determines how criminal enquiries and trials are conducted, not the kind of crimes for which one can be prosecuted, nor the sentences that they carry. It is most readily used in some civil legal systems. However, some jurists do not recognize this dichotomy and see procedure and substantive legal relationships as being interconnected and part of a theory of justice as applied differently in various legal cultures.

In some jurisdictions, the trial judge may participate in the fact-finding inquiry by

questioning witnesses even in adversarial proceedings. The rules of admissibility of evidence may also allow the judge to act more like an inquisitor than an arbiter of justice.

Although international tribunals intended to try crimes against humanity, such as the Nuremberg Trials and the International Criminal Court, have generally used a version of the adversarial system, they have also incorporated some key features of the inquisitorial system, such as the use of professional career judges, and in the case of the International Criminal Court, the use of a pre-trial examining or investigative division.

Choose the best answer:

41. _____ deals with the rights and duties of the states and intergovernmental organizations and themselves.
- A. International law
 - B. Public international law
 - C. Private international law
 - D. Conflict of law
42. In narrow sense, international economic law covers the following except_____.
- A. the relationships between business organizations across national boundaries.
 - B. international business transactions between business organizations
 - C. the relationship between individuals and business entities
 - D. the rights and duties of state and intergovernmental organizations
43. Under the adversary system, the difference between civil law and criminal law is _____.
- A. the judge functions as moderator and referee on points of law,
 - B. the defense must find its own investigative resources and finances.
 - C. the plaintiff and the respondent must prepare their own case
 - D. the defendant present evidence and examines witnesses
44. In cross-examination, who can be asked leading questions?
- A. the witness
 - B. the examiner
 - C. the judge
 - D. the attorney
45. The inquisitorial system determines _____.
- A. the case of misdemeanors
 - B. the sentences that they carry
 - C. the crimes being prosecuted
 - D. the conduction of criminal enquiries and trials

Passage 4

Items 46-50 are based on the following passage:

Concept of Promotion

I. The promotional mix

Sales promotions, advertising, and publicity constitute its promotional mix. A promotional mix is the combination of communications strategies that a company uses to convey brand benefits to customers and to influence them to buy. Four elements are involved: advertising, sales promotions, personal selling, and publicity. The promotional mix is such an important part of the overall marketing mix that each of its components will be examined in detail.

Marketing managers must select a mix of each of the promotional elements and allocate resources to each. The steps involved in selecting a promotional mix. First come promotional objectives such as establishing brand awareness, influencing product trial, and encouraging repeat purchasing. Next, managers must evaluate the factors that are likely to influence the promotional mix in order to determine the relative importance of each component. On this basis, a promotional strategy can be developed—that is, the combination of promotional tools required to meet marketing objectives. Now a budget can be formulated in which resources are allocated according to the importance of each element of the promotional mix. The final step is to evaluate the results of the mix and make adjustments where appropriate.

II. Sales promotions

Sales promotions are designed to motivate existing customers to buy more frequently. Attracting new customer is secondary in these cases. Most sales promotions must be combined with advertising in order to be effective. The price incentive of the sales promotion needs to be complemented by the communication of product or service benefits that advertising provides. When the sales promotion is no longer running, and the price incentive is not available, advertising maintains the product's message.

The amount of money spent on sales promotions has increased markedly since the mid 1970s in the U.S. In 1976, marketers spent about \$30 billion on sales promotions. Ten years later, they were spending over \$100 billion. Expenditures on advertising also rose during this period, but not as fast. By 1988, more money was being spent on sales promotions than on advertising. The gap widened further by 1990, with \$146 billion spent on sales promotions compared to \$129 billion on advertising. Sales promotions were growing at an annual rate of 9 percent compared to only a 5-percent growth rate for advertising.

There are two types of sales promotions, consumer promotions and trade promotions. Sales promotional tools directed to consumers include coupons that can be redeemed for cash, contests that involve prizes, and rebates on a purchase. Most of these techniques are used to promote consumer-packaged goods.

1. Trade promotions

Trade promotions are promotions directed toward retailers and wholesalers in order to get them to stock the company's products. They present the push in the promotional effort as opposed to the pull provided by consumer promotions and advertising. Three types of promotions specifically geared to the trade are merchandise allowances, case allowances, and direct payments for stocking goods known as slotting allowances.

Merchandise allowances are payments by manufacturers to reimburse retailers for in-store support of the product, such as window displays or in-store shelf displays. Case allowances are discounts on products sold to retailers. Bowater Computer Forms offers its office-supply dealers direct discounts depending on how much paper they agree to buy, as well as coupons that are good for discounts on its other products. Slotting allowances are direct payments to retailers, generally food chains, for stocking an item.

2. Consumer promotions

Consumer promotions are more closely integrated with advertising strategies and are often meant to encourage nonusers to try a brand in the hope that they will continue to use it. This was Haagen-Dazs's objective when it ran a special promotion to pitch its ice cream as an alternative to roses on Mother's Day. In most cases, consumers who switch to the promoted brand will switch back to their regular brand once the deal is off, but some might switch loyalty to the new brand. A study by the Promotion Marketing Association of America found that those most likely to change their purchasing behavior because of price promotion are not the lower-income consumers, but upscale middle-aged college graduates. It also found that the categories most likely to induce a switch in loyalty are batteries, coffee, personal appliances, shampoo, and toothpaste. But even attracting temporary users over the short term can be profitable.

Consumer promotions include coupons, price deals, premiums, rebates, and free samples. A recent survey by the Promotion Marketing association of America found that coupons were the most popular with consumers (98 percent of the respondents said they had used them).

●Coupon

Coupons are the vast majority of promotions—76 percent. Coupons are certificate that offer a discount off the regular price of a brand when they are redeemed. They are used to encourage nonusers to try a product or existing users to buy more frequently. Like other sales promotions, coupons are more effective in inducing short-term switches to a brand than in retaining consumers over the long term. Most consumers that have switched to another brand because of coupons will revert to their regular brand when coupons are no longer offered. Companies such as Procter & Gamble, Coca-Cola, Quaker, and Gillette rely heavily on them to sell health-and-beauty aids, frozen foods, cereals, prepared foods, and household products.

●Rebates

Rebates are short-term price inducements which allow the consumer to recover a portion of the original cost of an item. The problem with rebates is that they are disguised price cuts that might undermine the quality image a company is trying to establish. Consumers may also come to expect rebates as a standard part of the price offer.

● Free samples

Free samples are new products offered free as a way to get consumers to try them. Free samples are feasible only for low-cost, frequently purchased items; otherwise they become prohibitively expensive. When Gillette introduced its Trac2 razor, it distributed over 12 million free samples backed up by a one-dollar refund offer for new purchasers. Thus, a rebate was combined with the free sample. Many free samples are wasted because they are given to nonusers or to people who already use the product. Some companies avoid such waste by offering free samples to consumers who are sufficiently interested to write in for them.

III. Sales promotion for services

Sales promotions have become an increasingly important part of the promotional mix for services. Because services cannot be stored, unused service capacity is wasted. Consequently, airlines and hotels use price deals and coupons to encourage customers to use their facilities during off-peak periods. For example, the Milford plaza tried to combat sharply reduced hotel occupancies in New York by attracting non-business travelers. Their Broadway Sleeper package offers guests a \$10 credit toward a room on presentation of a theater ticket stub.

Financial-service firms have also begun to use sales promotions more often. Consumer banking services have become more standardized and competitive, so offering promotions is a way of distinguishing a bank's services.

Choose the best answer:

46. The third step involved for marketing managers in selecting a mix of each of the promotional elements and allocate resources to each is _____.
- A. establishing promotional objectives
 - B. formulating a budget
 - C. developing promotional strategy
 - D. evaluating factors influencing
47. When there is no sales promotion or the price incentive, _____ maintains the product's message.
- A. services
 - B. advertising
 - C. consumers
 - D. allowances
48. _____ are payments by manufacturers to reimburse retailers for in-store support of the product.
- A. Merchandise allowances
 - B. Slotting allowances
 - C. Case allowances
 - D. Sales allowances
49. Which one is not available to the functions of coupons? _____.
- A. Coupons are certificate that offer a discount off the regular price of a brand.
 - B. Coupons are used to encourage nonusers or existing users to try or buy more products.
 - C. Coupons are new products offered free as a way to get consumers to try them.
 - D. Coupons are more effective in inducing short-term switches to a brand.
50. What kind of consumers are most likely to change their purchasing behavior for Haagen-Dazs's?
- A. the lower-income consumers.
 - B. the high-end consumers.
 - C. the fashionable female consumers.
 - D. the upscale middle-aged college graduates.

Part III Writing

(30%)

Directions: For this part, you are asked to write a composition on the topic “*How to Improve the Competitive Advantages of English Majors*”. Please base your composition on the topic given and your composition is required to contain about 600 words.