

注意：請橫式書寫，並依題序作答，否則酌予扣分

一、 翻譯：(40%)

INSURANCE AND GAMBLING COMPARED

Insurance is often erroneously confused with gambling. There are two important differences between them. *First, gambling creates a new speculative risk, while insurance is a technique for handling an already existing pure risk.* Thus, if you bet \$300 on a horse race, a new speculative risk is created, but if you pay \$300 to an insurer for fire insurance, the risk of fire is already present and is transferred to the insurer by a contract. No new risk is created by the transaction.

The second difference between insurance and gambling is that gambling is socially unproductive, because the winner's gain comes at the expense of the loser. In contrast, insurance is always socially productive, because neither the insurer nor the insured is placed in a position where the gain of the winner comes at the expense of the loser. The insurer and the insured both have a common interest in the prevention of a loss. Both parties win if the loss does not occur. Moreover, consistent gambling transactions generally never restore the losers to their former financial position. In contrast, insurance contracts restore the insureds financially in whole or in part if a loss occurs.

二、 解釋名詞：(10%)

1. Adverse selection
2. Double insurance

三、 何謂「保險契約」(Insurance contract)? 保險契約與一般契約有其不同之特點，除須符合一般契約之基本要件外，其應具備之要件有哪些? 請分項敘述之。(25%)

四、 何謂「可保利益」(Insurable interest)? 可保利益之構成要件為何? 請分項敘述之。另依我國保險法第十六條規定，要保人對哪些人之生命或身體具有可保(保險)利益?(25%)

試題完