

GLOBAL LAW REVIEW

中国社会科学院法学研究所主办

2014/第1期

(总第36卷)



环球法律评论

(双月刊)



“法治中国建设”学术笔谈

5

法治国家建设战略的全面升级与关键性突破(何勤华)

国家治理体系和治理能力的现代化与法治化(莫纪宏)

“法治中国”建设的转向与策略(马长山)

法治中国建设的三大要求(周汉华)

法治中国建设的三维解读(胡玉鸿)

通过改革迈向法治中国(李清伟)

“法治中国”的宪法界限(韩大元)

法治的个别化模式(林来梵)

将国际通行规则与中国实践相结合(沈国明)

加快推进社会主义民主政治的制度化、规范化、程序化(吕世伦)

建立权力制约和监督机制是法治中国建设的关键(王晨光)

融党的领导于法律权威之中(严存生)

论法治中国的原生文化力量(付子堂)

做法治中国建设的积极推進者(刘海年)

法治中国建设需要成熟法学理论的引领(蒋传光)

高度重视法治思维的作用(陈金钊)

完善我国市场经济法治环境的两个基本点(邹海林)

公司法的全面改革不能着眼于堵漏洞、补窟窿(王保树)

税收法治当以“法定”为先(张守文)

司法“去地方化”:司法体制改革的逻辑、挑战及其应对(陈卫东)

如何理顺刑事司法中的法检公关系(陈光中)

从“国家治理”的角度理解“确保司法机关独立行使职权”(孙宪忠)

劳动教养制度废止后限制自由的规制问题(张绍彦)

死刑改革新思考(赵秉志)

GLOBAL LAW REVIEW is a bimonthly academic journal of law published by the Institute of Law, Chinese Academy of Social Sciences and distributed in China and abroad. Scholars and practitioners from all countries are cordially invited to contribute articles for the journal. Articles submitted may be in foreign languages or in Chinese. Any translations must be accompanied by author's authorization. Two copies of the journal will be sent to the writer or translator as soon as the article is published. All rights reserved.

GLOBAL LAW REVIEW

Bimonthly

理论前沿

- 宪法对社会道德困境的回应 秦小建 73
行政诉讼还是民事诉讼：征收补偿数额争议之解决 杨俊锋 88
“去熟悉化”与“去常识化”之间：刑法学知识转型的反思 石聚航 104
论互联网的规制体制
——在政府规制与自我规制之间 李洪雷 118

环球评论

- 公司高管义务与董事义务一致吗？
——美国的司法实践及其对我国的启示 樊云慧 134
营业自由与公司资本制度的变革
——以欧洲国家公司法中的营业自由为研究视角 崔文玉 150
美国公民诉讼之“私人检察总长理论”解析 张辉 164
美国规制决策中的同行评审 成协中 176

学术综述

- 打造“高起点、高品位、高品格、高品质”的法学研究学术平台
——“从《法学译丛》到《环球法律评论》：法学期刊发展研讨会”
综述 支振锋 186
从《法学译丛》到《环球法律评论》：法学期刊发展研讨会召开 191
补白：本刊扩版启事 133

GLOBAL LAW REVIEW

Published by Institute of Law, Chinese Academy of Social Sciences (CASS)

15 Shatan Beijie, Beijing 100720, China

Tel: 010-64022194

Email: glawreview@cass.org.cn

Fax: 010-64014045

Website: <http://www.iolaw.org.cn>

版权所有。如欲转载、翻译或收录本刊内容，须先获得本刊书面许可。

GLOBAL LAW REVIEW

(Bimonthly)

Volume 36

January 2014

Number 1

CONTENTS

DISCUSSION: Building the Rule of Law in China	5
<i>He Qinhua, Mo Jihong, Ma Changshan, Zhou Hanhua, Hu Yuhong, Li Qingwei, Han Dayuan, Lin Laifan, Shen Guoming, Lv Shilun, Wang Chenguang, Yan Cunsheng, Fu Zitang, Liu Hainian, Jiang Chuanguang, Chen Jinzhao, Zou Hailin, Wang Baoshu, Zhang Shouwen, Chen Weidong, Sun Xianzhong, Chen Guangzhong, Zhang Shaoyan, and Zhao Bingzhi</i>	

THEORETICAL FRONTS

Constitutional Response to Social Moral Dilemma	<i>Qin Xiaojian</i> 73
Administrative Litigation or Civil Litigation: Solution to Disputes over the Amount of Compensation for Expropriation	<i>Yang Junfeng</i> 88
Between Defamiliarization and “De-Common Sensing”: Reflections on the Transition of Criminal Law Knowledge	<i>Shi Juhang</i> 104
Internet Regulatory System: Between Government Regulation and Self-regulation	<i>Li Honglei</i> 118

REVIEW OF FOREIGN LAWS

Are the Duties of Corporate Executives Identical to Those of Corporate Directors?: Judicial Practice Relating to the Duties of Corporate Executives in the U.S. and Its Reference Value for China	<i>Fan Yunhui</i> 134
Freedom of Business Operation and Reform of the Corporate Legal System: From the Perspective of European Company Law	<i>Cui Wenyu</i> 150
Analysis of the “Private Attorney General” Doctrine in Citizen Suits in the U.S.	<i>Zhang Hui</i> 164
Peer Review in Regulatory Decision-Making in the U.S.	<i>Cheng Xiezong</i> 176

ACADEMIC REVIEW

Creating a “High Starting Point, High Grade, and High Quality” Legal Research Platform: A Summary of the Seminar “From Translations in Law to Global Law Review: Development of Law Journals in China”	<i>Zhi Zhenfeng</i> 186
A Report on the Seminar “From Translations in Law to Global Law Review: Development of Law Journals in China”	191

中国社会科学院优秀期刊
中国人文社会科学核心期刊
CSSCI来源期刊
全国中文核心期刊



封面设计:孙宇

邮发代号: 2-529

国内统一连续出版物号: CN 11-4560/D

国际标准连续出版物号: 1009-6728

国内定价: 35.00元

ISSN 1009-6728

A standard one-dimensional barcode is located here, representing the ISSN 1009-6728.

9 771009 672147