

2009年7月15日

[专 论]

惩罚性赔偿的立法选择	张新宝	李 倩	• 5 •
公司社会责任如何成为"有牙的老虎"			
——董事会社会责任委员会之设计		蒋大兴	• 21 •
〔论评〕			
免于恐惧的权利:不幸的哲学及其他		贺海仁	• 38 •
事实推定:事实认定困境克服之手段		王学棉	• 49 •
股东退出公司后的诉讼地位		王东光	• 60 •
(²₩ +c)			
〔评析〕			
除罪化、程序法治与法的可预期性			
——以黄碟案为中心的法理透视		易延友	• 68 •
中国司法鉴定体制的进一步改革			
——以侦查机关鉴定机构的设置为中心		陈永生	· 84 ·
论水上权利的基本结构			
以公物制度为视角		王洪亮	· 105 ·
规则与情理			
——"刺马"案的法律适用研究		陈新宇	• 116 •
.			
〔析 辨〕			
论准据法与"适当准据法"		陈卫佐	• 121 •
〔外国法学理论	<u>:</u>]		
不容许的侦查陷阱对被唆使者刑事责任的影	影响		
——德国法视角的分析		王 钢	• 130 •

July 15, 2009

CONTENTS

Special Discussions

The Legislative Choice of Punitive Damages in the Draft Chinese Tort Law		
Zhang X	inbao & Li Qian	.5.
How Does Corporate Social Responsibility Become a Tiger with Teeth		
The Design of a Social Responsibility Committee Within the Board	of Directors	
	Jiang Daxing	• 21 •
Discussions & Comments		
The Right to Freedom from Fear; the Unfortunate Philosophy and Others	He Hairen	• 38 •
Facts Presumption: Means to Overcome the Difficulties of Facts Ascertainment	Wang Xuemian	• 49 •
On the Litigation Status of Exited Shareholders	Vang Dongguang	• 60 •
Commentaries & Analyses		
Decriminalization, Procedural Rule of Law, and Legal Predictability		
A Jurisprudential View on the Ponorgraphic Film Case	Yi Yanyou	• 68 •
Further Reform of the Chinese Judicial Appraisal System		
- Focusing on the Establishment of Appraisal Institutions Within Inve	stigation Organs	
	Chen Yongsheng	• 84 •
On the Basic Structure of Water Rights		
From the Perspective of the Institution of Public Things	Wang Hongliang	· 105 ·
Rule and Equity		
A Study on the Application of Law in the "Cima" Case	Chen Xinyu	• 116 •
Analyses & Debates		
On the Applicable Law and "the Proper Law"	Chen Weizuo	• 121 •
Foreign Legal Theory		
The Impact of Not Permitting Investigation Traps to Instigate Criminal Liability	,	
Analysis from the Perspective of German Law	Wang Gang	· 130 ·
Translator	Chen Weizuo	