



〔百年校庆寄语〕

清华法学之品格

——庆祝清华大学百年华诞

王振民 · 5 ·

〔论 文〕

论广义刑事政策的基本内涵

魏 东 · 9 ·

解读“非法证据”

——兼评“两个《证据规定》”

万 毅 · 24 ·

强奸罪与嫖宿幼女罪的关系新论

劳东燕 · 33 ·

侵权之“权”的认定与民事主体利益的规范途径

——兼论《侵权责任法》的一般条款

王 成 · 48 ·

董事注意义务与董事过失研究

——从英美法与大陆法比较的角度进行考察

陈本寒 艾国利 · 71 ·

〔论 评〕

相对集中行政许可权的价值与路径分析

徐继敏 · 79 ·

论股东代表诉讼中公司的地位

——法制史的观察与当代的实践

钱玉林 · 88 ·

中国国际私法立法的现代化

——兼评《中华人民共和国涉外民事关系法律适用法》的得与失

陈卫佐 · 97 ·

排污权转让法律问题研究

邓海峰 · 106 ·

论劳动法上的劳动者

李海明 · 115 ·

〔外国法治研究〕

当事人主导与法官权限

——辩论主义与效率冲突中的诉讼指标与实质阐明

罗尔夫·施蒂尔纳 · 130 ·

日本的行政指导:理论、规范与救济

闫尔宝 · 141 ·

芬兰群体性纠纷解决机制介评

钱颖萍 · 158 ·

〔案例分析与法理〕

群体案件的诉讼形式及其价值取向

——以大庆联谊虚假陈述案为例

杨严炎 · 167 ·



CONTENTS

Tsinghua Centenary Celebration Remarks

Quality and Style of the Legal Science at Tsinghua University

—Celebrating the Centennial Anniversary of the Founding of Tsinghua University (1911 ~ 2011)

Wang Zhenmin · 5 ·

Articles

On the Basic Connotations of Criminal Policy in a Broad Sense

Wei Dong · 9 ·

Interpreting “Illegal Evidence”

—With a Concurrent Comment on the Two Rules Relating to Evidence

Wan Yi · 24 ·

New Remarks on the Relationship between the Crime of Rape and the Crime of Whoring with a Girl under the Age of 14

Lao Dongyan · 33 ·

The Ascertainment of “Rights” in the Infringement of Rights and the Manner of Regulating the Interests of Civil Subjects

—With a Concurrent Discussion of the General Clause of the Chinese Statute on Tortious Liability

Wang Cheng · 48 ·

A Study of the Duty of Care for Directors and the Negligence of Directors

—An Investigation in the Perspective of Comparisons between Anglo - American

Common Law and Civil Law

Chen Benhan & Ai Weili · 71 ·

Discussions & Comments

Analysis of Value and Approach of the Relatively Concentrated Power of Administrative Permission *Xu Jimin* · 79 ·

On the Status of Companies in Shareholders’ Derivative Actions

—A Review of Legal History and Contemporary Practice

Qian Yulin · 88 ·

Modernisation of China’s Private International Law Legislation

—With a Concurrent Comment on Success and Failure of the Statute of the PRC on the

Application of Laws to Civil Relationships Involving Foreign Elements

Chen Weizuo · 97 ·

A Study of Legal Issues on the Transfer of Emission Rights

Deng Haifeng · 106 ·

On Workers under the Labor Law

Li Haiming · 115 ·

Studies of Rule of Law in Foreign Countries

Party Rule versus Judges’ Power

—Material Litigation Direction and Facts Clarification in the Conflict Area

between the Debate Principle and Efficiency

Rolf Stürner · 130 ·

Administrative Guidance in Japan; Theory, Regulation and Remedy

Yan Erbao · 141 ·

Comments on the Group Disputes Settlement Mechanism in Finland

Qian Yingping · 158 ·

Case Analysis and Legal Principles

On the Litigation Form and Value Orientation of Group Actions

—Taking the Daqinglianyi False Statement Case as an Example

Yang Yanyan · 167 ·

Translator

Chen Weizuo