

CSSCI 来源期刊 (正版)

ISSN 1673-9280

CN 11-5594/D

双月刊

清华法学

TSINGHUA LAW JOURNAL



3 2732 1389 6

清华大学 主办

万方数据

2012

第6卷 (总第30期)

2



〔论 文〕

论小额诉讼立法应当缓行 ——兼评《民事诉讼法修正案(草案)》第35条	李 浩 · 5 ·
从身高到基因:中国反歧视的法律发展	周 伟 · 15 ·
过失侵权中的精神创伤赔偿	丁春艳 · 31 ·
执法检查的政策功能	林 彦 · 51 ·
原告管辖权异议之分析与消解	徐 昀 · 71 ·
侵权诉讼与责任保险的纠结 ——从两方对抗到三方博弈	周学峰 · 83 ·
论所有权受侵害的类型化及规范适用	冉克平 · 102 ·
损害额认定制度研究	毋爱斌 · 115 ·

〔专 题〕

制定法时代的习惯法

专题絮语	高其才 · 126 ·
尊重与吸纳:民族自治地方立法中的固有习惯法 ——以《大瑶山团结公约》订立为考察对象	高其才 罗 昶 · 127 ·
习惯如何进入国法 ——对当代中国习惯处置理念之追问	李 可 · 136 ·
当代中国法律、行政法规中的习惯 ——基于“为生活立法”的思考	张 哲 张宏扬 · 154 ·

〔外国法制研究〕

法国劳动法中解雇权的变迁及其启示	张 平 · 164 ·
------------------	-------------



CONTENTS

Articles

Small Claims Legislation Should be Postponed

– With a Concurrent Comment on Article 35 of the Draft Amendment to the Chinese Code
of Civil Procedure

Li Hao • 5 •

From Height to Genes: Legal Development of Anti – Discrimination in China

Zhou Wei • 15 •

Compensation for Mental Scars in Torts Due to Negligence

Ding Chunyan • 31 •

Policy Function of Law Enforcement Inspections

Lin Yan • 51 •

Analysis and Resolution of the Plaintiff's Objection to Jurisdiction

Xu Yun • 71 •

Entanglement of Tort Action and Liability Insurance

– From the Two – Party Antagonism to the Tripartite Game

Zhou Xuefeng • 83 •

Typification of Infringement of Ownership and the Application of Norms

Ran Keping • 102 •

A Study on the Institution of Ascertaining the Amount of Damages

Wu Aibin • 115 •

Special Topic

Customary Law in the Era of Statutory Law

Remark on the Special Topic

Gao Qicai • 126 •

Respect and Absorption: Inherent Customary Law in the Legislation of Nationality Autonomous Regions

– An Investigation into the Dayaoshan Solidarity Pledge

Gao Qicai & Luo Chang • 127 •

How do Customs Enter into Statutes of the State

– An Inquiry into the Idea of Dealing with Contemporary Chinese Customs

Li Ke • 136 •

Customs in Contemporary Chinese Statutes and Administrative Regulations

– A Reflection Based on “Legislation for Life”

Zhang Zhe & Zhang Hongyang • 154 •

Studies on Foreign Legal Systems

The Vicissitudes of the Right to Dismissal in French Labor Law and Its Inspiration

Zhang Ping • 164 •

Translator

Chen Weizuo