

CSSCI 来源期刊

ISSN 1673-9280

CN 11-5594/D

双月刊

# 清华法学

TSINGHUA LAW JOURNAL



清华大学 主办

2013

第7卷 (总第37期)

3

万方数据



〔专 题〕

亚洲合同法原则

专题絮语	韩世远	· 5 ·
亚洲合同法原则: 合同法的“亚洲声音”	韩世远	· 6 ·
从日本民法典到 PACL		
	[日]金山直树/著 毛东恒/译 小林正弘/校阅	· 17 ·
PACL 与韩国民法修改	[韩]李英俊/著 金路伦/译	· 27 ·
国际货物销售合同公约与 PACL 的相互作用		
	[日]曾野裕夫/著 焦森森/译 小林正弘、韩世远/校阅	· 35 ·

〔论 文〕

论罗马平民争取权利的非暴力不合作斗争 ——对平民的五次撤离的法律解读	徐国栋	· 46 ·
委托调解比较研究 ——兼论先行调解	范 愉	· 57 ·
我国宪法学方法论争的理论脉络与基本共识	叶海波	· 75 ·
英国不成文宪法的观念流变 ——兼论不成文宪法概念在我国的误用	翟志勇	· 86 ·
当事人协议管辖与外国判决的承认与执行法律制度的关系初探	李 旺	· 98 ·
法国违警罪制度对我国劳教制度改革的借鉴意义	卢建平	· 108 ·
论被伤害权对同意效力范围的限制 ——兼论被害人同意在三阶层犯罪论体系中的位置	杨春然	· 126 ·
自杀行为违法性之否定 ——与钱叶六博士商榷	王 钢	· 143 ·
论“共同侵权行为规定”之解释 ——以“共同”的解释和加害人不明情形的解释为中心		
	[日]原田刚/著 罗 丽/译	· 165 ·



**CONTENTS**

**Special Topic**

**Principles of Asian Contract Law (PACL)**

Remarks on the Special Topic	<i>Han Shiyuan</i>	· 5 ·
PACL: the “Voice of Asia” of Contract Law	<i>Han Shiyuan</i>	· 6 ·
From the Japanese Civil Code to PACL		
<i>Written by [Japan] KANAYAMA Naoki, Translated by Mao Dongheng, Read and Revised by KOBAYASHI Masahiro</i>		· 17 ·
PACL and Amendment to the Korean Civil Code		
<i>Written by [Republic of Korea] LEE Young Jun, Translated by Jin Lulun</i>		· 27 ·
Interplay between the CISG and PACL	<i>Written by [Japan] SONO Hiroo, Translated by Jiao Miaomiao,</i>	
<i>Read and Revised by KOBAYASHI Masahiro and Han Shiyuan</i>		· 35 ·

**Articles**

On Roman Commoners’ Civil Disobedience Struggle of Fighting for the Rights		
– A Legal Interpretation to the Five Secessions of Roman Commoners	<i>Xu Guodong</i>	· 46 ·
A Comparative Study on Entrusted Mediation		
– Concurrently on Preliminary Mediation	<i>Fan Yu</i>	· 57 ·
Theoretical Sequence of Ideas and Basic Common Understanding of the Controversy		
Regarding Chinese Constitutional Methodologies	<i>Ye Haibo</i>	· 75 ·
Evolution of the Concept of British Unwritten Constitution		
– Concurrently on the Wrongful Use of the Notion of Unwritten Constitution in China	<i>Zhai Zhiyong</i>	· 86 ·
The Relationship between Jurisdictional Agreements by the Parties and the Legal Institution of		
Recognition and Enforcement of Foreign Judgments	<i>Li Wang</i>	· 98 ·
Useful Significance of Reference to the French Institution of Contravention for		
the Chinese Institution of Reeducation through Labor	<i>Lu Jianping</i>	· 108 ·
On the Restriction of Victim’s Rights to the Effect and Scope of Consent		
– Concurrently on the Position of Victims’ Consent in the Triple Structure of the Theory of Crimes	<i>Yang Chunran</i>	· 126 ·
Negating the Unlawfulness of Suicide		
– A Discussion with Dr. Qian Yeliu	<i>Wang Gang</i>	· 143 ·
On the Interpretation of “Provisions Relating to Joint Torts”		
– Focused on the Interpretation of “Joint” and the Interpretation of the Circumstance Where the		
Damaging Person Is Unknown	<i>Written by [Japan] HARADA Tsuyoshi, Translated by Luo Li</i>	· 165 ·

Translator

*Chen Weizuo*