

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		
Written by [Japan] KANAYAMA Naoki, Translated by Mao Dongheng, Read and Revised by KOBAYASHI Masahiro		• 17 •
PACL and Amendment to the Korean Civil Code		
Written by [Republic of Korea] LEE Young Jun, Translated by Jin Lulun		• 27 •
Interplay between the CISG and PACL	Written by [Japan] SONO Hiroo, Translated by Jiao Miaomiao, Read and Revised by KOBAYASHI Masahiro and Han Shiyuan	• 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	Written by [Japan] HARADA Tsuyoshi, Translated by Luo Li	• 165 •

Translator

Chen Weizuo