

資料・22カ国／地域契約意識調査各国調査票¹

法意識国際比較研究会

2003年3月

1 調査国／地域で実際に用いた調査票を資料として掲載する。調査票は調査国／地域ごとにも当事者の属する国／地域や取引商品をかけて、複数のバージョンが存在する。ここでは紙幅の関係から各調査国／地域バージョンから「匿名国」バージョンを順に掲載している。

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契約に関する意識調査《アンケート16》

これは契約に関する意識調査で、世界各国で行われるもので。ご協力のほどよろしくお願ひいたします。

本調査は、一定数の標本を確保するため同一大学内にあっても複数の講義において実施させていただいております。

（既に、他の講義において本調査にご協力いただいた方は、今回はご回答いただかないようお願いします。）

研究主体：《法意識国際比較研究会》

大学名：_____

あなたの専攻は何ですか。次のいずれかに○を付けて下さい：

1. 法律 2. 政治 3. 経営または商学 4. 経済 5. 貿易 6. その他
上記6を選んだ方は専攻の内容を具体的に書いて下さい：_____

学年を選んで下さい：1. 1年 2. 2年 3. 3年 4. 4年 5. 5年以上

性別：1. 男 2. 女

生年：19_____年

授業名：_____

担当教授名：_____

（法学部の方におうかがいします）

民法の以下の分野のうち、単位を取得したか否かにかかわらず、あなたが既に講義を聴いた分野、又は現在聴いている分野について○をして下さい。

- | | |
|--------|--------|
| 1 民法総則 | 4 債権総論 |
| 2 物権 | 5 契約 |
| 3 担保物権 | 6 不法行為 |

あなたは、商法のどの分野でも構いませんが、商法の講義を聴いたことがありますか、ありませんか。単位を取得したか否かに関係なくお答え下さい。

- 1 ある 2 ない

（法学部以外の方におうかがいします）

あなたは、民法のどの分野でも構いませんが、民法の講義を聴いたことがありますか、ありませんか。単位を取得したか否かに関係なくお答え下さい。

- 1 ある 2 ない

あなたは、商法のどの分野でも構いませんが、商法の講義を聴いたことがありますか、ありませんか。単位を取得したか否かに関係なくお答え下さい。

- 1 ある 2 ない

《アンケート 16》

1990年1月、A国 の会社とB国 の会社は、国際的価格変動の激しい商品Xの長期輸出入契約を結びました。その当時の商品Xの国際価格は、1トン当たり400ドルでした。しかし、この締結された契約の内容は、A国 の会社が、1991年から5年間、B国 の会社から国際価格の半額の1トン当たり200ドルで年間50万トン商品Xを輸入するというものでした。

ところが、1年後（1991年1月）、契約が履行されはじめた段階では、価格は当初の国際価格の四分の一の100ドルに下落していました。

A国 の会社は、経営内容があまりよくありませんでした。契約履行期から2カ月後後の3月、割高の輸入商品Xを使用することによる経営悪化を恐れたA国 の会社は、初年度輸入分の五分の一を翌年回しにすることをB国 の会社に申し入れました。B国 の会社はそれを了承しました。

ところが、翌年の1992年になんでも商品Xの国際価格は下落し続け、80ドルになりました。そこでA国 の会社は、価格の再交渉を申し入れました。しかし、B国 の会社はそれを拒否しました。

この申入れは、1992年から1993年にかけて何回となくA国 の会社から繰り返されました。しかし、交渉はなされたものの、価格改定につき実質的な進展は見られませんでした。

以上のような状況のもとで、あなたは下記の意見につき、どのように考えますか。該当する番号に○をつけて下さい。

a. 商品Xのように国際価格変動の激しい商品について、5年もの長期契約を結ぶことは無謀である。

- 1.まったくそのとおりである
- 2.そのとおりである
- 3.どちらともいえない
- 4.そうではない
- 5.まったくそうではない

b. 商品Xの国際価格が大きく変わった以上、契約内容を変えることは当然であり、A国 の会社のとった行動は自然なものというべきであろう。

- 1.まったくそのとおりである
- 2.そのとおりである
- 3.どちらともいえない
- 4.そうではない
- 5.まったくそうではない

c. 商品Xの国際価格がこれだけ大きく変動したのに、B国 の会社が長い間A国 の会社の価格再交渉の申入れに応じなかったのは、長期取引に臨む態度として硬直的にすぎる。

- 1.まったくそのとおりである
- 2.そのとおりである
- 3.どちらともいえない
- 4.そうではない
- 5.まったくそうではない

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B国の会社が価格改定の要請に応じないため、A国の会社の経営者は商品Xの受取りを拒否しようとしています。

d. あなたはこの行動につきどのように思いますか。

1. 全面的に賛成である
2. まあ賛成である
3. どちらともいえない
4. どちらかといえば反対である
5. 全面的に反対である

この事件は、次のような経緯をたどることになりました。A国の会社は、A国に船積みされてきた商品Xの受取りを拒否しました。その結果、商品Xを満載した輸送船10隻がA国の港に滞船する騒ぎとなり、その滞船状態が3ヵ月続きました。

1993年10月、A国の会社とB国の会社との再交渉の結果、商品Xの価格は10%割り引かれ、180ドルとすることで再交渉が妥結しました。

これをふまえ、あなたは次の意見につきどのように考えますか。

e. 契約を締結した以上、それを守るべきであり、A国の会社のとった一連の行動には賛成できない。

1. まったくそのとおりである
2. そのとおりである
3. どちらともいえない
4. そうではない
5. まったくそうではない

f. A国の会社のとった一連の行動は、道義的にみて卑劣というべきものである。

1. まったくそのとおりである
2. そのとおりである
3. どちらともいえない
4. そうではない
5. まったくそうではない

g. いったん長期契約の形で価格が決定されたのに、B国の会社が最終的に価格の割引に応じたのは馬鹿げている。

1. まったくそのとおりである
2. そのとおりである
3. どちらともいえない
4. そうではない
5. まったくそうではない

実はこの事件の背景には、商品Xの価格の下落によって、A国の大手会社がこのまま契約を履行すると、倒産の可能性があるという事情がありました。

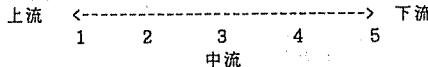
これをふまえ、あなたは次の意見につきどのように考えますか。

h. 倒産してしまえば契約を守ることはできないのだから、A国の大手会社のとった行動はやむを得ない。

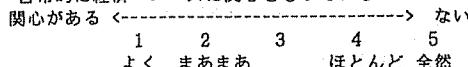
1. まったくそのとおりである
2. そのとおりである
3. どちらともいえない
4. そうではない
5. まったくそうではない

以下の各問について答えてください。なお、これらの質問は、以上の質問に対する回答を統計的に処理する際の分析を補強するために用いられるものです。

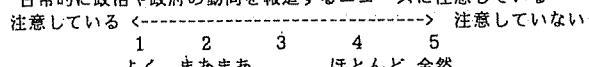
i1. あなたの家族の暮らしぶりは・・・



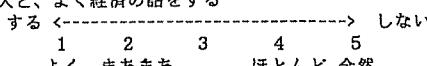
i2. 日常的に経済ニュースに関心をもっている



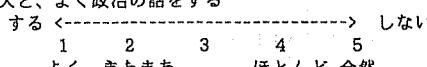
i3. 日常的に政治や政府の動向を報道するニュースに注意している



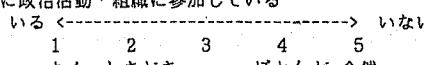
i4. 周りの人と、よく経済の話をする



i5. 周りの人と、よく政治の話をする



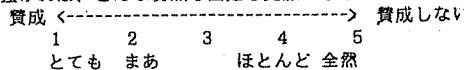
i6. 積極的に政治活動・組織に参加している



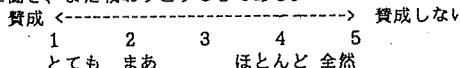
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次の意見をどう思われますか。

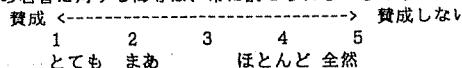
j1. 意志が強ければ、どんな弱点も困難も克服できる



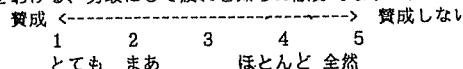
j2. 若者にもっとも必要とされることは、きっとした規律、ゆるがぬ決意、そして家族と国のために働き、また戦うとする心である。



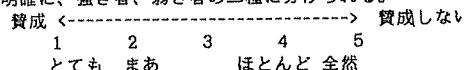
j3. 私たちの名前に対する侮辱は、常に罰せられるべきである。



j4. わが国がもっとも必要としているものは、法や政策以上に、少数のリーダー、それも人々が信頼をおく、勇敢にして疲れを知らぬ献身的なリーダーなのである。



j5. 人間は明確に、強き者、弱き者の二種に分けられる。



最後にこのアンケートについて何かご意見・ご感想がありましたらどうぞ自由に書いてください。（前ページの裏面もご利用下さい。）

回答へのご協力どうもありがとうございました。

本質問表についての著作権その他すべての権利は、i,jの質問を除き、法意識国際比較研究会（代表：名古屋大学法学部教授 加藤雅信）が留保しております。

このアンケートに用いた質問文・選択肢の一部は以下の文献からそのまま、または一部改編して利用しました。

i1～i6: National Center for State Courts, A Blueprint for the Future, 1977.

j1～j5: T. W. Adorno and et.al, "F-Scale Clusters: Forms 45 and 40." In THE AUTHORITARIAN PERSONALITY, 1950.

契約에 관한 의식조사 《韓國양케트4》

이 것은 계약에 관한 의식조사로서 세계각국에서 행해지는 것입니다. 협력해 주시면 대단히 감사하겠습니다.

이 조사는 일정수의 표본을 확보하기 위해 같은 대학내에서도 복수의 강의 시간에 실시하고 있습니다. 이미 다른 강의시간에 이 조사에 협력해 주신 분은 이번에는 회답하지 마시기를 바랍니다.

연구주체 : 《法意識國際比較研究會》

설지기판 : 《法意識國際比較研究會》

 대학교 대학 학과 학년
성별 : 1. 남 2. 여 19 년생

《법파대학 분류에 제 몫있습니까?》

민법의 다음과 같은 분야중에 학점 취득 여부에 관계없이 당신이 이미 강의를 들은 분야 또는 현재 듣고 있는 분야에 대해 0표 해 주십시오.

- 1 민법총칙
- 2 물권
- 3 담보물권
- 4 채권총론
- 5 계약
- 6 불법행위

상법의 어느 분야라도 상관없습니다. 당신은 상법의 강의를 들은 적이 있습니까 없습니까. 학점 취득 여부에 관계없이 답해 주십시오.

- 1 있다
- 2 없다

《법파대학 외의 분류에 제 몫있습니까?》

민법의 어느 분야라도 상관없습니다. 민법의 강의를 들은 적이 있습니까 없습니까. 학점 취득 여부에 관계없이 답해 주십시오.

- 1 있다
- 2 없다

상법의 어느 분야라도 상관없습니다. 당신은 상법의 강의를 들은 적이 있습니까 없습니까. 학점 취득 여부에 관계없이 답해 주십시오.

- 1 있다
- 2 없다

《암캐트 4》

1990년 1월 A국회사와 B국회사는 국제적 가격변동이 심한 X상품의 장기수출입계약을 체결하였습니다. 당시 X상품의 국제가격은 1톤당 4백불이었지만 계약의 내용은 A국이 1991년부터 5년간 B국으로부터 국제가격의 반값인 1톤당 2백불로 연간 50만톤씩 X상품을 수입한다는 것이었습니다.

그러나 1년후 (1991년 1월) 계약이 이행되기 시작했을 때 가격은 당초 국제가격의 4분의 1인 1백불로 떨어져 있었습니다.

A국측은 경영내용이 안좋았습니다. 계약이행기로부터 2개월후인 3월, 국제가격보다 비싼 X상품을 원료로 제품을 제조한다면 경영이 악화된다고 본 A국측은 첫해 수입분의 5분의 1을 다음 해로 미루자고 B국측에 요청하였습니다. B국회사는 이를 승낙하였습니다.

그러나 다음해인 1992년에도 당해 X상품의 국제가격은 계속 떨어져 80불이 되었습니다. 이에 A국측은 가격의 재교섭을 요청하였지만 B국측은 이를 거부하였습니다.

A국측의 요청은 그 후 해를 넘겨서도 반복되었지만 교섭을 하여도 가격변경에 관한 실질적인 진전은 찾을 수 없었습니다.

위와 같은 상황下에서 당면은 下面의 의견에 대해 어떻게 생각하십니까?

a. X상품과 같이 국제가격의 변동이 심한 상품에 대해 5년이라는 장기계약을 체결하는 것은 무모하다.

1. 전적으로 그렇다
2. 그렇다
3. 어느 쪽이라고도 할 수 없다
4. 그렇지 않다
5. 전적으로 그렇지 않다

b. X상품의 국제가격이 크게 변한 이상 계약내용을 바꾸는 것은 당연하며 A국회사가 취한 행동은 자연스러운 것이라고 할 수 있다.

1. 전적으로 그렇다
2. 그렇다
3. 어느 쪽이라고도 할 수 없다
4. 그렇지 않다
5. 전적으로 그렇지 않다

c. X상품의 국제가격이 크게 변동했음에도 B국회사가 장기간 A국측의 가격교섭의 요청에 응하지 않은 것은 장기거래에 임하는 태도로서 너무 딱딱하다

1. 전적으로 그렇다
2. 그렇다
3. 어느 쪽이라고도 할 수 없다
4. 그렇지 않다
5. 전적으로 그렇지 않다

B국측이 가격변경의 요청에 응하지 않았기 때문에 A국측 경영자는 X상품의 수취를 거부하려고 합니다.

d. 당신은 이 행동에 대해 어떻게 생각하십니까.

1. 전면적으로 찬성이다
2. 어느 정도 찬성이다
3. 어느 쪽이라고도 할 수 없다
4. 굳이 말하자면 반대이다
5. 전면적으로 반대이다

이 사건은 다음과 같은 경위를 거치게 되었습니다. A국회사는 X상품의 수취를 거부하였습니다. 그 결과 X상품을 만재한 수송선 10척이 부두에 접안하지 못한 채로 A국연안에 정박하는 소동이 3개월간 계속 되었습니다.

1993년 10월 A국회사와 B국회사의 재교섭 결과 X상품의 가격은 10% 할인되어 180 불로 한다는 재교섭이 타결되었습니다.

e. 계약을 체결한 이상 이를 지켜야 하고 A국회사가 취한 일련의 행동은 찬성할 수 없다.

1. 전적으로 그렇다
2. 그렇다
3. 어느 쪽이라고도 할 수 없다
4. 그렇지 않다
5. 전적으로 그렇지 않다

f. A국회사가 취한 일련의 행동은 도의적으로 보아 비열하다고 할 수 있다.

1. 전적으로 그렇다
2. 그렇다
3. 어느 쪽이라고도 할 수 없다
4. 그렇지 않다
5. 전적으로 그렇지 않다

g. 일단 장기계약이라는 형태로 가격이 결정되었는데 B국회사가 최종적으로 가격합인에 응한 것은 어리석다.

1. 전적으로 그렇다
2. 그렇다
3. 어느 쪽이라고도 할 수 없다
4. 그렇지 않다
5. 전적으로 그렇지 않다

실은 이 사건의 배경에는 X상품의 국제가격의 하락에 의해 A국회사가 그대로 계약을 이행하면 도산할 가능성이 있다는 사정이 있었습니다.

資料・22ヵ国／地域契約意識調査各国調査票

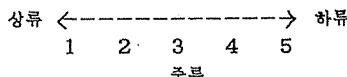
이를 감안할 때 당신은 다음과 같은 의견을 어떻게 생각하십니까.

h. 도산하면서까지 계약을 지키는 것은 불가능하므로 A국회사가 취한 행동은 어쩔 수 없다.

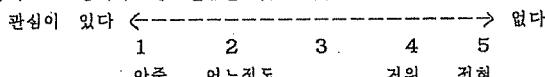
1. 전적으로 그렇다
2. 그렇다
3. 어느 쪽이라고도 할 수 없다
4. 그렇지 않다
5. 전적으로 그렇지 않다

여하의 짧은 문에 답해 주십시오.

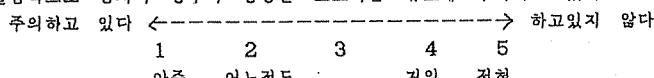
i1. 당신 가족의 생활 수준은



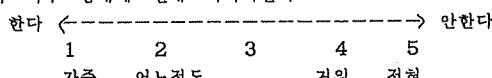
i2. 일상적으로 경제뉴스에 관심을 갖고 있다



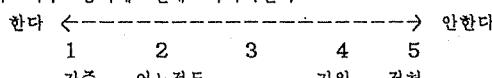
i3. 일상적으로 정치나 정부의 동향을 보도하는 뉴스에 주의하고 있다



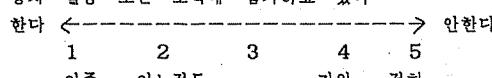
i4. 주위 사람과 자주 경제에 관해 이야기한다



i5. 주위 사람과 자주 정치에 관해 이야기한다



i6. 적극적으로 정치 활동 또는 조직에 참가하고 있다



마음과 같은 의견을 어떻게 생각하십시오.

j1. 의지가 강하면 어떠한 약점이나 어려움도 극복할 수 있다

찬성 ← ----- → 찬성하지 않는다
 1 2 3 4 5
 아주 어느정도 거의 전혀

j2. 젊은이에게 가장 필요한 것은 엄격한 규율, 굳건한 결의, 및 가족과 나라를 위해 일하거나 싸우려는 마음가짐이다

찬성 ←————→ 찬성하지 않는다
 1 2 3 4 5
 아주 여느정도 거의 전혀

j3. 우리의 명예에 대한 모욕은 항상 벌받아야 한다

환성 ←————→ 환성하지 않는다
 1 2 3 4 5
 아주 어느정도 거의 전혀

j4. 우리나라가 가장 필요로 하는 것은 법이나 정책이상으로 소수의 리더, 즉 사람들이 신뢰할 수 있고 융각하며 지칠줄 모르는 혁신적인 리더이다

찬성 ←————→ 찬성하지 않는다
 1 2 3 4 5
 아주 어느정도 거의 전혀

5. 이 같은 명확히 강자와 약자의 두 가지로 나눌 수 있다

마지막으로 이 앵테르에 관해 의견, 감상등의 있으신 것 주십시오.

회답해 주셔서 대단히 감사합니다.

이 양케트에서 다룬 설문, 선택지의 일부는 다음 문현을 그대로 또는 일부 개편해서 이용하였습니다.

[1~16]=National Center for State Courts, A Blueprint for the Future, 1977

j1~j5=T. W. Adorno et al., "F-Scale Custers:Forms 45 and 40" In THE AUTHORITARIAN PERSONALITY 1950

關於合同的意識調查 [臺灣・問卷4]

這是一項關於合同的意識調查。這項調查僅僅是為了內部研究而進行的，決不會給您造成麻煩，請放心填寫。非常感謝您的支持與合作。

該調查為了確保一定數量的樣本而在同一所大學的不同課堂中實施。已經在其他課堂協助我們填寫了問卷的同學，這次請不要重複回答。

合同意識研究會
1998年10月

您的家庭結構屬於以下哪一類型？請在相應的數字上劃“○”：

1. 父母均為純粹的本省人 2. 父母均為純粹的外省人 3. 其他 ()

大學名稱：

您的專業是什麼？請在以下相應的數字上劃“○”：

1. 法律 2. 政治 3. 經營或商業 4. 經濟 5. 其他

在以上各項中選擇了5的同學請具體寫明您的專業內容：

請劃“O”標明您的學年： 1. 一年級 2. 二年級 3. 三年級 4. 四年級
5. 五年級以上

本堂課程名稱：

授課教授姓名：

性別： 1. 男 2. 女

出生年： 19 年

〈請法律系的同學回答〉

在民法的以下分枝課程中，無論是否取得了學分，請在您已經選修的課程或者正在選修的課程上劃“O”：

1. 民法通則 2. 物權 3. 擔保物權 4. 債權概論 5. 合同 6. 侵權行為

您是否選修過任何一種商法方面的課程呢？不管是否取得了學分都請回答：

1. 選修過 2. 沒有選修過

〈請法律系以外的同學回答〉

您是否選修過任何一種民法方面的課程呢？不管是否取得了學分都請回答：

1. 選修過 2. 沒有選修過

您是否選修過任何一種商法方面的課程呢？不管是否取得了學分都請回答：

1. 選修過 2. 没有選修過

《問卷 4》

1990年1月，A國的公司與B國的公司就國際價格變動幅度很大的商品X締結了長期進出口合同。當時商品X的國際價格是每噸400美元。但是，根據該項合同的約定，A國從1991年起5年期間，以相當於國際價格的半價的每噸200美元的代價每年從B國進口50萬噸商品X。

然而1年之後（1991年1月），在合同剛剛開始履行的階段，國際價格下跌到只相當於當初價格的四分之一的100美元。

由於A國的公司經營狀況不良，在合同履行期開始兩個月後的3月份，A國的公司擔心因為使用成本較高的進口商品X作為原料繼續生產會造成經營狀況的惡化，從而請求B國的公司把第一年度進口量的五分之一轉撥到下一年度，B國的公司同意了。

但是，到第二年度的1992年商品X的國際價格繼續下跌到每噸80美元，因此A國的公司向B國的公司請求重新進行價格談判，而B國公司拒絕了這一請求。

後來，在進入新年度後A國的公司還反復提出了價格談判的請求，儘管雙方進行了討價還價，但是關於價格的修改並沒有取得質質性的進展。

鑑於以上情況，請問您對下列意見持什麼樣的看法？請逐項各選一個數字劃“○”：

a. 就諸如商品X這樣國際價格變動幅度很大的商品簽訂長達5年的長期合同，這樣做是不明智的。

1. 完全同意 2. 同意 3. 說不清 4. 不同意 5. 完全不同意

b. 商品X的國際價格既然發生了很大變化，變更合同內容是理所當然的，可以說A國公司採取的行動是很自然的。

1. 完全同意 2. 同意 3. 說不清 4. 不同意 5. 完全不同意

c. 商品X的國際價格儘管發生了這麼大的變化，B國公司在很長的期間內不理會A國公司重新進行價格談判的請求，這種對待長期貿易的態度是過於僵硬的。

1. 完全同意 2. 同意 3. 說不清 4. 不同意 5. 完全不同意

由於B國公司不理會修改價格的請求，A國公司的經營者準備拒絕商品X的提貨。

d. 您是怎樣看待這一行為的？

1. 徹底贊成 2. 基本上贊成 3. 說不清 4. 基本上反對 5. 徹底反對

這一事件導致了以下結果：A國公司拒絕接受商品X的進貨，因而10艘滿載商品X的貨輪在A國的港口持續逗留了3個月，造成阻滯港口運輸的混亂。

1993年10月，A國公司與B國公司在重新談判後達成妥協，以商品X降價10%即每噸180美元的條件了結糾紛。

資料・22カ国／地域契約意識調査各國調査票

根據上述事實，您對以下意見採取什麼態度呢？

e. 只要簽訂了合同就應該遵守合同，A國公司所採取的一系列行動是錯誤的。
1. 完全同意 2. 同意 3. 說不清 4. 不同意 5. 完全不同意

f. A國公司所採取的一系列行動從道義上看是卑劣的。
1. 完全同意 2. 同意 3. 說不清 4. 不同意 5. 完全不同意

g. 既然以長期合同的方式對價格做了決定，那麼B國公司最後還答應降價就未免有些犯傻。
1. 完全同意 2. 同意 3. 說不清 4. 不同意 5. 完全不同意

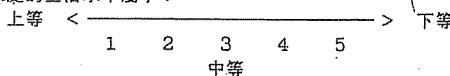
實際上這個事件的背景中存在着以下的情節：由於商品X的國際價格的下跌，如果A國公司一成不變地履行合同的約定就有可能會破產。

鑑於這一情節，您對以下意見持什麼態度呢？

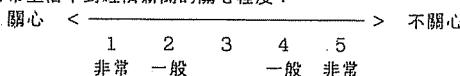
h. 如果破產的話那麼也就無法遵守合同了，因此A國公司所採取的行動是迫不得已的。
1. 完全同意 2. 同意 3. 說不清 4. 不同意 5. 完全不同意

請回答以下各項問題。這些問題是為了在對以上問題的回答進行統計學處理之際的補充分析而設置的。

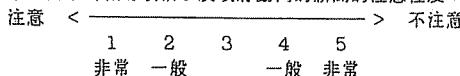
i 1. 您家庭的生活水平屬於：



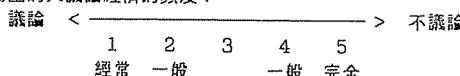
i 2. 在日常生活中對經濟新聞的關心程度：



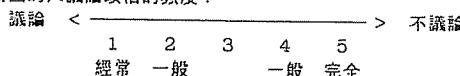
i 3. 在日常生活中對報導政治以及政府動向的新聞的注意程度：



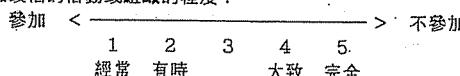
i 4. 與周圍的人談論經濟的頻度：



i 5. 與周圍的人談論政治的頻度：



i 6. 參加政治的活動或組織的程度：



對以下意見您持什麼態度？

j 1. 只要意志堅強，任何弱點和困難都可以克服。

贊成 < _____ > 不贊成

1	2	3	4	5
非常	一般	一般	一般	非常

j 2. 年青人最不可缺少的是嚴格遵守紀律、鋼鐵般的決心以及為家園和祖國而工作或戰鬥的精神。

贊成 < _____ > 不贊成

1	2	3	4	5
非常	一般	一般	一般	非常

j 3. 對我們的名譽的侮辱總是應當受到懲罰的。

贊成 < _____ > 不贊成

1	2	3	4	5
非常	一般	一般	一般	非常

j 4. 我國最需要的與其說是法律政策，不如說是得到人民信賴的、英勇頑強的、富有獻身精神的少數的領袖。

贊成 < _____ > 不贊成

1	2	3	4	5
非常	一般	一般	一般	非常

j 5. 人可以明確地劃分為強者和弱者這兩種。

贊成 < _____ > 不贊成

1	2	3	4	5
非常	一般	一般	一般	非常

最後，如果您對於本問卷還有什麼意見和感想，請自由地寫在下面：

(本問卷中的部分問題和選擇項目直接援用或局部修改援用了以下文獻： j1.-j6.: T. W. Adorno et al., "The Authoritarian Personality", 1950. j7.-j10.: National Center for State Courts, A Blueprint for the Future, 1977. j1.-j5.: T. W. Adorno and et.al, "F Scale Clusters: From 45 and 40". in THE AUTHORITARIAN PERSONALITY, 1950. 除此以外，本問卷各項內容的版權以及其他一切權利屬於合同意識研究會，代表者：加藤雅信，名古屋大學法學部教授，名古屋市，日本)

关于合同的意识调查 [中国·问卷4]

这是一项关于合同的意识调查。这项调查仅仅是为了内部研究而进行的，决不会给您造成麻烦，请放心填写。非常感谢您的支持与合作。

该调查为了确保一定数量的样本而在同一所大学的不同课堂中实施。已经在其他课堂协助我们填写了问卷的同学，这次请不要重复回答。

合同意识研究会
1995年4~5月

您属于哪个民族？请在以下相应的数字上划“○”：

1. 汉族 2. 回族 3. 蒙古族 4. 维吾尔族 5. 壮族 6. 西藏族 7. 满族
8. 朝鲜族 9. 其他（请注明：）

大学名称：

您的专业是什么？请在以下相应的数字上划“○”：

1. 法律 2. 政治 3. 经营或商业 4. 经济 5. 贸易 6. 其他

在以上各项中选择了6的同学请具体写明您的专业内容：

请划“○”标明您的学年： 1. 一年级 2. 二年级 3. 三年级 4. 四年级
5. 五年级以上

本堂课程名称：

授课教授姓名：

性别： 1. 男 2. 女

出生年： 19 年

〈请法律系的同学回答〉

在民法的以下分枝课程中，无论是否取得了学分，请在您已经选修的课程或者正在选修的课程上划“○”：

1. 民法总则 2. 物权 3. 担保物权 4. 债权概论 5. 合同 6. 侵权行为

您是否选修过任何一种商法方面的课程呢？不管是否取得了学分都请回答：

1. 选修过 2. 没有选修过

〈请法律系以外的同学回答〉

您是否选修过任何一种民法方面的课程呢？不管是否取得了学分都请回答：

1. 选修过 2. 没有选修过

您是否选修过任何一种商法方面的课程呢？不管是否取得了学分都请回答：

1. 选修过 2. 没有选修过

《问卷 4》

1990年1月，A国的公司与B国的公司就国际价格变动幅度很大的商品X缔结了长期进出口合同。当时商品X的国际价格是每吨400美元。但是，根据该项合同的约定，A国从1991年起5年期间，以相当于国际价格的半价的每吨200美元的代价每年从B国进口50万吨商品X。

然而1年之后（1991年1月），在合同刚刚开始履行的阶段，国际价格下跌到只相当于当初价格的四分之一的100美元。

由于A国的公司经营状况不良，在合同履行期开始两个月后的3月份，A国的公司担心因为使用成本较高的进口商品X作为原料继续生产会造成经营状况的恶化，从而请求B国的公司把第一年度进口量的五分之一转拨到下一年度，B国的公司同意了。

但是，到第二年度的1992年商品X的国际价格继续下跌到每吨80美元，因此A国的公司向B国的公司请求重新进行价格谈判，而B国公司拒绝了这一请求。

后来，在进入新年度后A国的公司还反复提出了价格谈判的请求，尽管双方进行了讨价还价，但是关于价格的修改并没有取得实质性的进展。

鉴于以上情况，请问您对下列意见持什么样的看法？请逐项各选一个数字划“O”：

a. 就诸如商品X这样国际价格变动幅度很大的商品签订长达5年的长期合同，这样做是不明智的。

1. 完全同意 2. 同意 3. 说不清 4. 不同意 5. 完全不同意

b. 商品X的国际价格既然发生了很大变化，变更合同内容是理所当然的，可以说A国公司采取的行动是很自然的。

1. 完全同意 2. 同意 3. 说不清 4. 不同意 5. 完全不同意

c. 商品X的国际价格尽管发生了这么大的变化，B国公司在很长的期间内不理会A国公司的重新进行价格谈判的请求，这种对待长期贸易的态度是过于僵硬的。

1. 完全同意 2. 同意 3. 说不清 4. 不同意 5. 完全不同意

由于B国公司不理会修改价格的请求，A国公司的经营者准备拒绝商品X的提货。

d. 您是怎样看待这一行为的？

1. 彻底赞成 2. 基本上赞成 3. 说不清 4. 基本上反对 5. 彻底反对

这一事件导致了以下结果：A国公司拒绝接受商品X的进货，因而10艘满载商品X的货轮在A国的港口持续逗留了3个月，造成阻滞港口运输的混乱。

1993年10月，A国公司与B国公司在重新谈判后达成妥协，以商品X降价10%即每吨180美元的条件了结纠纷。

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根据上述事实，您对以下意见采取什么态度呢？

- e. 只要签订了合同就应该遵守合同，A国公司所采取的一系列行动是错误的。
1. 完全同意 2. 同意 3. 说不清 4. 不同意 5. 完全不同意

- f. A国公司所采取的一系列行动从道义上看是卑劣的。
1. 完全同意 2. 同意 3. 说不清 4. 不同意 5. 完全不同意

- g. 既然以长期合同的方式对价格做了决定，那么B国公司最后还答应降价就未免有些犯傻。
1. 完全同意 2. 同意 3. 说不清 4. 不同意 5. 完全不同意

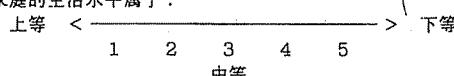
实际上这个事件的背景中存在着以下的情节：由于商品X的国际价格的下跌，如果A国公司一成不变地履行合同的约定就有可能会破产。

鉴于这一情节，您对以下意见持什么态度呢？

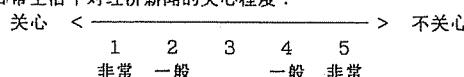
- h. 如果破产的话那就也就无法遵守合同了，因此A国公司所采取的行动是迫不得已的。
1. 完全同意 2. 同意 3. 说不清 4. 不同意 5. 完全不同意

请回答以下各项问题。这些问题是为了在对以上问题的回答进行统计学处理之际的补充分析而设置的。

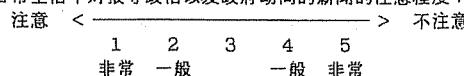
i 1. 您家庭的生活水平属于：



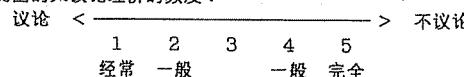
i 2. 在日常生活中对经济新闻的关心程度：



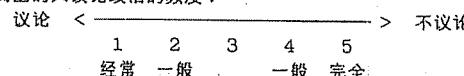
i 3. 在日常生活中对报导政治以及政府动向的新闻的注意程度：



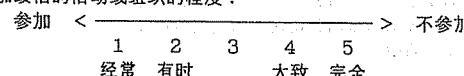
i 4. 与周围的人议论经济的频度：



i 5. 与周围的人议论政治的频度：



i 6. 参加政治的活动或组织的程度：



对以下意见您持什么态度？

j 1. 只要意志坚强，任何弱点和困难都可以克服。

赞成 <—————> 不赞成

1 2 3 4 5

非常 一般 一般 非常

j 2. 年青人最不可缺少的是严格遵守纪律、钢铁般的决心以及为家园和祖国而工作或战斗的精神。

赞成 <—————> 不赞成

1 2 3 4 5

非常 一般 一般 非常

j 3. 对我们的名誉的侮辱总是应当受到惩罚的。

赞成 <—————> 不赞成

1 2 3 4 5

非常 一般 一般 非常

j 4. 我国最需要的与其说是法律政策，不如说是得到人民信赖的、英勇顽强的、富有献身精神的少数的领袖。

赞成 <—————> 不赞成

1 2 3 4 5

非常 一般 一般 非常

j 5. 人可以明确地划分为强者和弱者这两种。

赞成 <—————> 不赞成

1 2 3 4 5

非常 一般 一般 非常

最后，如果您对于本问卷还有什么意见和感想，请自由地写在下面：

(本问卷中的部分问题和选择项目直接援用或局部修改援用了以下文献： j1.-j6.: National Center for State Courts, A Blueprint for the Future, 1977. j1.-j5.: T. W. Adorno and et.al., "F Scale Clusters: From 45 and 40", in THE AUTHORITARIAN PERSONALITY, 1950. 除此以外，本问卷各项内容的版权以及其他一切权利属于合同意识研究会，代表者：加藤雅信，名古屋大学法学部教授，名古屋市，日本)

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Hong Kong 4

Legal Consciousness on Contracts

This is a questionnaire for the survey project on legal consciousness to be done in many countries. We all appreciate your kindness in taking the time to fill out this questionnaire.

We are circulating this questionnaire to various classes in this school to have a sufficient number of cases for analysis.

**IF YOU ALREADY HAVE ANSWERED THIS QUESTIONNAIRE IN ANOTHER CLASS
PLEASE DO NOT RESPOND.**

Please fill out or circle a number.

UNIVERSITY: _____

Which are you? 1. Graduate Student (including professional school student)
 2 .Undergraduate Student

What is your major now? 1. Law 2. Political Science 3. Business/Commerce
 4. Economics 5. Foreign Trade 6. Others

If you circle the number 6 in the question above,
please describe your major concretely. _____

YEAR: 1. 1st year 2. 2nd year 3. 3rd year 4. 4th year 5. 5th or more

GENDER: 1. Male 2. Female

YEAR OF BIRTH: 19_____ Where have you been grown up? 1. Mainly in Hong Kong
2. Mainly in Mainland China
3. Mainly in the other area

Which class are you attending now? Class _____ Prof. _____

FOR LAW MAJOR STUDENTS ONLY

Please circle the number of the classes you have already attended.

1. Contracts
 2. Property
 3. Torts
 4. Law of Commercial Transactions
 5. Securities Regulation
 6. Antitrust
 7. Japanese Law

FOR OTHER STUDENTS ONLY

Have you already attended any Contract or Tort classes? 1. Yes 2. No

Have you already attended any Commercial Law classes? 1. Yes 2. No

Are you attending or have you attended any Japanese Business — or Law — related classes? 1. Yes 2. No

FOR ALL STUDENTS

Please read the following text and answer the questions.

In January 1990, a company of Country A and a company of Country B made a long-term trading contract for Commodity X, the international market price of which fluctuates greatly. When the agreement was reached, the international price of Commodity X was US\$400 per ton. Under the contract, the company of Country A was to import as much as 500 thousand tons of Commodity X from the company of Country B per year. The contract was for 5 years from 1991 and the price of Commodity X was US\$200 per ton. This was half of the international market price at that time.

However, one year later (January 1991) when they began to fulfil the contract terms, the international market price of Commodity X had dropped to US\$100 per ton. This was one-fourth of its original price.

The financial situation of the company of Country A had not been good. Two months later, in March 1991, fearing financial difficulties due to the use of highly priced Commodity X, the company of Country A asked the company of Country B to postpone for one year one-fifth of the imports of Commodity X. The company of Country B approved the request.

In the following year, in 1992, the international market price of Commodity X continued to drop. When it went down to US\$80 per ton, the company of Country A requested the company of Country B to renegotiate the terms regarding to price. However, the company of Country B refused the request.

The company of Country A repeated the same request again and again from 1992 to 1993. There was no progress in revising the price although both parties met to discuss it.

Considering the above circumstances, what do you think of the statements below? Do you strongly agree, agree, disagree, strongly disagree or are you uncertain? Please circle the number you choose:

a. It is imprudent to make a contract that lasts for 5 years on such merchandise like Commodity X whose international market price fluctuates drastically.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

b. It is natural to alter the terms of contract if the international market price of Commodity X falls greatly, therefore it would be reasonable for the company of Country A to take the course of actions stated above.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

c. Even though the international market price had fluctuated greatly, the company of Country B refused the request of the company of Country A for a price reduction. Company B, as a long-term contract party, was too inflexible in its attitude.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Since the company of Country B rejected the request to reduce the price of Commodity X, the president of the company of Country A is about to refuse to receive the load of Commodity X.

d. How do you feel about this action to be taken by the president?

1. Strongly Support 2. Support 3. Uncertain 4. Oppose 5. Strongly Oppose

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Then, the company of Country A refused to receive the load shipped to Country A. As a result, ten ships, full of Commodity X, had to remain in a bay of Country A. This state of confusion continued for three months.

In October 1993, as the result of renegotiation between the two parties, the price of Commodity X was reduced by 10%, down to US\$180.00.

Considering these circumstances, how do you feel about the following opinions?

e. I disagree with the series of actions taken by the company of Country A because one should observe the terms once a contract was made.

1. Strongly Support 2. Support 3. Uncertain 4. Oppose 5. Strongly Oppose

f. The series of actions taken by the company of Country A was, from the ethical viewpoint, sordid.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

g. It was ridiculous that the company of Country B finally agreed to reduce the price of Commodity X in spite of the formerly decided price fixed in the long-term contract.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Behind the scene of this story, because of the slump in prices of Commodity X, there was a risk of bankruptcy for the company of Country A if it had kept the terms of contract as they were.

Considering these circumstances, how do you feel about the following opinion?

h. Since it is impossible to keep the terms of contract if a party becomes bankrupt, it was unavoidable that the company of Country A would take the series of actions above.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Please answer the following questions. Your responses to this and the next sections will be used to supplement the responses above in analyzing the data statistically.

i1. To which class does your family belong?

Upper <-----> Lower
1 2 3 4 5

i2. I follow the news about economics.

Very <-----> Not at all
1 2 3 4 5

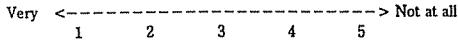
i3. I follow the news about politics and government.

Very <-----> Not at all
1 2 3 4 5

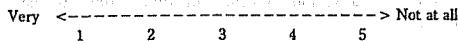
i4. I often talk about economics with people.

Very <-----> Not at all
1 2 3 4 5

i5. I often talk about politics with people.



i6 I am active in political groups or organizations.



What do you think of the following opinions?

j1. No weakness or difficulty can hold us back if we have enough willpower.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j2. What youth needs most is strict discipline, rugged determination, and the will to work and fight for family and country.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j3. An insult to our honor should always be punished.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j4. What this country needs most, more than laws and political programs, is a few courageous, tireless, devoted leaders in whom the people can put their faith.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j5. People can be divided into two distinct classes: the weak and the strong.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Please write down whatever you think about this questionnaire, if anything.

Thank you for your cooperation.

Copyright and all other rights of this questionnaire, except questions i and j, are reserved by the Research Center for International Comparison of Legal Consciousness (Representative Director; Masanobu Kato, Professor of Law, School of Law, Nagoya University, Nagoya, Japan).

References:

- Question i1 (revised) : National Center for State Courts (1977) *A Blueprint for the Future*
 Question i2 to i6 : National Center for State Courts (1977) *A Blueprint for the Future*
 Question j1 to j5 : T. W. Adorno, and et al. (1950) "F-Scale Clusters Forms 45 and 40." In
The Authoritarian Personality.

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Philippines 4

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Please fill out or circle a number.

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What is your major?

1. Law 2. Political Science 3. Business/Commerce
4. Economics 5. Foreign Trade 6. Others

If you circle the number 6 in the question above, please describe your major concretely.

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GENDER: 1. Male 2. Female

YEAR OF BIRTH: 19_____

Which class are you attending now? Class _____

Prof. _____

FOR LAW MAJOR STUDENTS ONLY

Please circle the number of the classes you have already attended.

1. Persons
2. Property
3. Different Modes of Acquiring Ownership
4. Obligations
5. Contracts
6. Torts

Have you already attended any Commercial Law classes?

1. Yes 2. No

FOR OTHER STUDENTS ONLY

Have you already attended any Contract or Tort classes?

1. Yes 2. No

Have you already attended any Commercial Law classes?

1. Yes 2. No

6. フィリピン

FOR ALL STUDENTS

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Please answer the following questions. Your responses to this and the next sections will be used to supplement the responses above in analyzing the data statistically.

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Upper <-----> Lower
1 2 3 4 5

i2. I follow the news about economics.

Very <-----> Not at all
1 2 3 4 5

i3. I follow the news about politics and government.

Very <-----> Not at all
1 2 3 4 5

6. フィリピン

i4. I often talk about economics with people.

Very <-----> Not at all
1 2 3 4 5

i5. I often talk about politics with people.

Very <-----> Not at all
1 2 3 4 5

i6 I am active in political groups or organizations.

Very <-----> Not at all
1 2 3 4 5

What do you think of the following opinions?

j1. No weakness or difficulty can hold us back if we have enough willpower.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j2 .What youth needs most is strict discipline, rugged determination, and the will to work and fight for family and country.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j3. An insult to our honor should always be punished.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j4. What this country needs most, more than laws and political programs, is a few courageous, tireless, devoted leaders in whom the people can put their faith.

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j5. People can be divided into two distinct classes: the weak and the strong.

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References:

i1 (revised) I2-I6	National Center for State Courts	A Blueprint for the Future	1977
j1-j5	T. W. Adorno and et al.	"F-Scale Clusters: Forms 45 and 40." In THE AUTHORITARIAN PERSONALITY,	1950

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Việt Nam 4

Ý thức pháp luật trong hợp đồng

Đây là phiếu thăm dò cho dự án điều tra ý thức pháp luật, được tiến hành ở nhiều nước. Chúng tôi rất cảm ơn anh, chị đã dành thời gian diễn phiếu này.

Chúng tôi phát phiếu này đến các lớp khác nhau của trường này để có số lượng trường hợp đủ cho việc phân tích số liệu.

NẾU ANH CHỊ ĐÃ TRẢ LỜI PHIẾU NÀY Ở MỘT LỚP KHÁC
XIN ĐÙNG TRẢ LỜI NỮA.

Dê nghị dien vào hoặc khoanh tròn một chữ số.

TRƯỜNG ĐẠI HỌC _____

Chuyên ngành chính của anh, chị là gì?

- | | | |
|----------------|-----------------------|-----------------------------|
| 1. Luật | 2. Khoa học chính trị | 3. Doanh nghiệp/thương mại. |
| 4. Kinh tế học | 5. Ngoại thương | 6. Các ngành khác. |

Nếu anh, chị đã khoanh số 6, dê nghị ghi rõ tên chuyên ngành.

NĂM: 1. Năm thứ nhất 2. Năm thứ 2 3. Năm thứ 3 4. Năm thứ 4 5. Năm thứ 5 hoặc cao hơn.

GIỚI TÍNH: 1. Nam 2. Nữ

NĂM SINH: 19_____

Anh, chị đang học lớp nào? Lớp _____

Giáo sư: _____

DÀNH RIÊNG CHO SINH VIÊN NGÀNH LUẬT

Hãy khoanh tròn số hiệu của các lớp đã học

1. Các pháp nhân.
2. Tài sản
3. Các phương thức đánh quyền sở hữu
4. Các trách nhiệm.
5. Các hợp đồng.
6. Các vi phạm ngoài hợp đồng.

Anh, chị đã học lớp Luật thương mại nào chưa?

1. Đã học 2. Chưa

SINH VIÊN NGÀNH KHIÁC

Anh, chị đã học lớp nào về hợp đồng hoặc các vi phạm ngoài hợp đồng chưa?

1. Đã học 2. Chưa

Anh, chị đã học lớp nào về Luật thương mại chưa?

1. Đã học 2. Chưa

CHO TẤT CẢ SINH VIÊN

Đề nghị đọc bài sau đây và trả lời các câu hỏi.

Tháng một năm 1990, một công ty ở nước A và một công ty ở nước B ký một hợp đồng thương mại dài hạn về mặt hàng X là mặt hàng có giá cả rất biến động trên thị trường quốc tế. Tại thời điểm đạt được thỏa thuận, giá quốc tế của mặt hàng X là 400 đô la Mỹ cho một tấn. Theo hợp đồng, công ty của nước A sẽ nhập đến 500 ngàn tấn mặt hàng X của công ty nước B mỗi năm. Hợp đồng kéo dài 5 năm kể từ 1991 với giá mặt hàng X là 200 đô la Mỹ một tấn, bằng một nửa giá thị trường thế giới lúc đó.

Tuy nhiên một năm sau (tháng 1 năm 1991) khi họ bắt đầu thực hiện các điều khoản hợp đồng giá mặt hàng X trên thị trường quốc tế tụt xuống đến 100 đô la Mỹ cho một tấn, bằng một phần tư giá ban đầu. Công ty nước A lâm vào tình trạng khó khăn về tài chính. Hai tháng sau, tháng 3 năm 1991, lô sô trước khó khăn tài chính do việc sử dụng giá cao quá cho mặt hàng X, công ty của nước A yêu cầu công ty của nước B hoãn việc mua một phần năm số lượng mặt hàng X chậm lại một năm. Công ty của nước B chấp nhận yêu cầu đó.

Năm 1992, giá mặt hàng X lại tụt xuống. Khi giá hạ đến 80 đô la Mỹ một tấn, công ty của nước A đề nghị công ty của nước B xét lại giá. Công ty của nước B không chấp nhận yêu cầu này.

Công ty của nước A lại hai lần đề nghị như trên vào 1992 và 1993. Mặc dù hai bên đã gặp nhau để thảo luận, họ không đạt được tiến bộ nào về việc xét lại giá.

Sau khi xem xét bối cảnh trên anh, chị nghĩ gì về các ý kiến sau đây? Anh, chị hoàn toàn đồng ý, đồng ý, không đồng ý, hoàn toàn không đồng ý hoặc không có ý kiến gì? Hãy khoanh tròn chữ số đã chọn.

a. Việc ký một hợp đồng kéo dài 5 năm cho một mặt hàng mà giá thị trường thế giới biến động ghe góm như mặt hàng X là không thận trọng.

1. Rất đồng ý 2. Đồng ý 3. Lưỡng lự 4. Không đồng ý 5. Rất không đồng ý.

b. Nếu giá mặt hàng X trên thị trường thế giới giảm quá thì việc thay đổi các điều khoản hợp đồng là đương nhiên. Do vậy việc công ty của nước A tiến hành như trên là hợp lý.

1. Rất tán thành 2. Tán thành 3. Lưỡng lự 4. Không tán thành 5. Rất không tán thành.

c. Mặc dù giá thị trường quốc tế đã giao động rất lớn, công ty của nước B từ chối đề nghị giảm giá của công ty Công ty của nước A. ở góc độ bạn hàng lâu dài, công ty của nước B có thái độ quá cứng nhắc.

1. Rất tán thành 2. Tán thành 3. Lưỡng lự 4. Không tán thành 5. Rất không tán thành.

Vì công ty nước B từ chối yêu cầu giảm giá mặt hàng X, chủ tịch công ty của nước A định từ chối nhận lô hàng.

d. Anh chị nghĩ gì về cách làm của ông chủ tịch.

1. Rất ủng hộ 2. Ủng hộ 3. Lưỡng lự 4. Phản đối 5. Rất phản đối.

Sau đó công ty của nước A từ chối không nhận lô hàng do công ty của nước B gửi sang. Kết quả là mươi tàu chất đầy mặt hàng X phải nằm lại ở vịnh của nước A. Tình hình phức tạp này kéo dài 3 tháng.

Tháng 10 năm 1993, sau khi đàm phán, hai bên đã đi đến giảm giá 10% tức là 180 đô la Mỹ.

Xem xét bối cảnh trên, anh chị nghĩ gì về các ý kiến sau?

e. Tôi không đồng ý với một loạt các hành động của Công ty của nước A vì khi một hợp đồng đã ký, các bên cần thực hiện các điều khoản của nó.

1. Rất ủng hộ 2. Ủng hộ 3. Lưỡng lự 4. Phản đối 5. Rất phản đối

f. Về phương diện đạo lý, các hành động của công ty của nước A là tôi tệ.

1. Rất đồng ý 2. Đồng ý 3. Lưỡng lự 4. Không đồng ý 5. Rất không đồng ý.

g. Thật là kỳ cục khi công ty nước B cuối cùng đã đồng ý giảm giá so với giá đã định trước đây trong hợp đồng dài hạn.

1. Rất đồng ý 2. Đồng ý 3. Lưỡng lự 4. Không đồng ý 5. Rất không đồng ý

Mặt khác, do việc giảm giá mặt hàng X công ty nước A có nguy cơ bị phá sản nếu họ thực hiện đúng các điều khoản hợp đồng đã ký.

Xem xét bối cảnh này anh, chị nghĩ gì về các ý kiến sau?

h. Vì nếu một đối tác bị phá sản thì không thể thực hiện các điều khoản của hợp đồng, do đó các hành động nói trên của công ty nước A là không thể tránh khỏi.

1. Rất đồng ý 2. Đồng ý 3. Lưỡng lự 4. Không đồng ý 5. Rất không đồng ý.

Đề nghị trả lời các câu hỏi sau. Trả lời của anh, chị với câu hỏi này và các phần tiếp theo sẽ được dùng để bổ sung các câu trả lời trên khi phân tích các số liệu thống kê.

i1. Gia đình anh chị thuộc giai cấp nào?

Bậc cao <-----> Bậc thấp

1 2 3 4 5

i2. Tôi theo dõi tin tức về kinh tế

Rất nhiều <-----> Hoàn toàn không

1 2 3 4 5

i3. Tôi theo dõi tin tức về chính trị và chính phủ

Rất nhiều <-----> Hoàn toàn không

1 2 3 4 5

i4. Tôi thường nói chuyện với mọi người về kinh tế

Rất nhiều <-----> Hoàn toàn không

1 2 3 4 5

i5. Tôi thường nói chuyện với mọi người về chính trị

Rất nhiều <-----> Hoàn toàn không

1 2 3 4 5

i6. Tôi tích cực tham gia các nhóm hoặc tổ chức chính trị

Rất nhiều <-----> Hoàn toàn không

1 2 3 4 5

Anh, chị nghĩ gì về các ý kiến sau?

j1. Không có nhược điểm hoặc khó khăn nào có thể cản chúng ta nếu có đủ quyết tâm.

1. Rất đồng ý 2. Đồng ý 3. Lưỡng lự 4. Không đồng ý 5. Rất không đồng ý

j2. Điều cần có ở tuổi trẻ là kỷ luật nghiêm khắc, quyết tâm sắt đá và lòng mong muôn làm việc và đấu tranh cho gia đình và tổ quốc.

1. Rất đồng ý 2. Đồng ý 3. Lưỡng lự 4. Không đồng ý 5. Rất không đồng ý.

j3. Sự xúc phạm danh dự phải luôn luôn bị trừng phạt.

1. Rất đồng ý 2. Đồng ý 3. Lưỡng lự 4. Không đồng ý 5. Rất không đồng ý.

j4. Điều đất nước này cần nhất, hơn cả luật pháp và các chương trình chính trị là một số vị lãnh đạo, đứng cầm, không mệt mỏi và trung thành để nhân dân có thể tin cậy.

1. Rất đồng ý 2. Đồng ý 3. Lưỡng lự 4. Không đồng ý 5. Rất không đồng ý.

j5. Con người có thể chia thành 2 loại: loại yếu và loại mạnh

1. Rất đồng ý 2. Đồng ý 3. Lưỡng lự 4. Không đồng ý 5. Rất không đồng ý.

Nếu anh, chị có ý kiến gì đề nghị viết vào mặt sau của trang trước.

Cảm ơn sự hợp tác của anh, chị.

Bản quyền tác giả và các bản quyền khác của phiếu thăm dò này, ngoại trừ các câu hỏi i và j, thuộc về Trung tâm nghiên cứu so sánh quốc tế về ý thức pháp lý (giám đốc đại diện Masanobu Kato, giáo sư Luật, khoa Luật đại học tổng hợp Nagoya, Nagoya Nhật bản).

Tài liệu tham khảo

i1 (sửa đổi) i2 - i6	Trung tâm quốc gia Về các tòa án Nhà nước	A Blueprint for the future	1977
j1-j5	T.W. Adorno và những người khác	"F-Scale Clusters Form 45 and 40 In THE AUTHORITARIAN PERSONALITY	1950

บริษัทไทย ชุดที่ 4

จัดทำโดยทักษิณนายกฯ เกียรติบุญญา

นี้คือแบบสอบถามของโครงการสำรวจความต้องการของประชาชนที่ได้รับภารกิจในหลวงปะชาติ
พากเพียรขอขอบคุณที่ท่านกรุณาสละเวลาในการกรอกแบบสอบถามนี้

เราได้จัดทำแบบสอบถามนี้ให้เรียบง่ายด้วยภาษาไทย ในการสอบถามเพียงครึ่งเดือนนี้ เนื่องจากได้
ทำการศึกษาทางการเมืองของประเทศไทย

ถ้าท่านได้ตอบแบบสอบถามนี้ในชั้นเรียนแล้ว ไม่ต้องตอบอีก

กราบกราบหน้าพระในวันเดียว

มหาวิทยาลัย :

สถานะของท่านตั้งแต่ปัจจุบันเป็นต้นมา 1. นักศึกษาปริญญาโท (รวมถึงนักศึกษาในสถาบันศึกษาวิชาชีพ)
2. นักศึกษาปริญญาตรี

อายุครึ่งวิชาเอกของท่าน 1. นิติศาสตร์ 2. รัฐศาสตร์ 3. อุรุกวิหาร/มนิธรรม
4. เศรษฐศาสตร์ 5. ภาษาต่างประเทศ 6. อื่น ๆ

ถ้าท่านเลือกช่อง 6 ในค่ามูลค่างาน ภาระบุคลิกภาพของท่าน

ปี : 1. ม.ป. 1 2. ม.ป. 2 3. ม.ป. 3 4. ม.ป. 4 5. ม.ป. 5 หรือสูงกว่า
ประเทศ : 1. ไทย 2. ญี่ปุ่น

ปีที่เดิน : 19_____ สัญชาติปัจจุบัน _____
จะเดินทางกลับประเทศเดิม _____ บุตร _____

สำหรับนักศึกษาภูมายอดเยี่ยมนี้

กราบกราบหน้าพระในชั้นเรียนที่ท่านเรียนมาแล้ว

1. บกนปตตคทวป

2. หนน

3. ลยมิค

4. เอกเทสบัญญา

5. หลักทรัพย์

6. กัรพยลิน

7. กองหนาฯ พมิชช

8. กองหมายญี่ปุ่น

สำหรับนักศึกษาคนดังนี้

ถ้าท่านได้รับภารกิจวิชาชีพบัญญาหนือและเบิกบุนเด็จมาแล้วปีหนึ่ง

1. ญ 2. ญ

ท่านได้รับภารกิจวิชาชีพบัญญาหนือและเบิกบุนเด็จมาแล้วปีหนึ่ง

1. ญ 2. ญ

ท่านได้รับภารกิจวิชาชีพบัญญาหนือและเบิกบุนเด็จมาแล้วปีหนึ่ง

1. ญ 2. ญ

ท่านได้รับภารกิจวิชาชีพบัญญาหนือและเบิกบุนเด็จมาแล้วปีหนึ่ง

ท่านได้รับภารกิจวิชาชีพบัญญาหนือและเบิกบุนเด็จมาแล้วปีหนึ่ง

1. ญ 2. ญ

สำนักสังกัดศึกษาทุกสาขา
ความต้องการของลูกค้า

ในเดือนกรกฎาคม 1990 บริษัทในประเทศไทย ก แหล่งบริษัทในประเทศไทย ที่ได้รับการติดต่อขอรับคำปรึกษาด้านการค้าสินค้าพืชผล ค. ระบุข่าวว่า ซึ่งราคากำลังห่วงประเทศไทยอย่างมาก เมื่อทั้งสองฝ่ายตกลง จัดตั้งสหหุ้นส่วน จำกัด จำนวน 400 หุ้น หุ้นละ 100,000 บ. บริษัทในประเทศไทย ก ต้องนำเข้าสินค้าพืชผล ค จากบริษัทในประเทศไทย ที่จำนวน 500,000 หุ้น หุ้นละ 100 บ. สัญญาเริ่มต้นเวลา 5 ปี นับจากปี 1991 และราคากำลังหัวใจพืชผล ค หุ้นละ 200 หุ้น หุ้นละ 100 หุ้น ซึ่งเป็นเงินทั้งหมดของราคากำลังหัวใจพืชผลในเวลาทันที

อย่างไรก็ต 1. ปีต่อมา (มกราคม 1991) เมื่อทั้งสองฝ่ายเริ่มจะปฏิบัติตามสัญญา ราคาสินค้าพืชผล ค ในตลาดหัวใจพืชผลได้ลดลงมาถึง 100 หุ้น หุ้นละ 100 หุ้น ซึ่งเป็นหนึ่งในส่วนของราคากำลังหัวใจพืชผลแต่แรก

สถานการณ์การเงินของบริษัทในประเทศไทย ก ไม่ดี ดังนี้ 2 เดือนต่อมาคือ เดือนพฤษภาคม 1991 บริษัทในประเทศไทย ก เกรงว่าจะประสบความยากลำบากทางการเงินอันเนื่องมาจาก ราคากำลังหัวใจพืชผล ค ที่สูง จึงได้ออกเรื่องการนำเข้าสินค้าพืชผล ค จากบริษัทในประเทศไทย ที่ในปี แรกออกป้ายหนึ่งปี บริษัทในประเทศไทย ก ลดลงตามค่าห้อ

ต่อมาในปี 1992 ราคากำลังหัวใจพืชผล ค ในตลาดหัวใจพืชผลหันกลับค่า เมื่อราคากำลังหัวใจพืชผล 80 หุ้น หุ้นละ 100 หุ้น บริษัทในประเทศไทย ก ได้ออกเรื่องราไห่มกับบริษัทในประเทศไทย ที่ในเรื่องเงื่อนไขราคา แต่บริษัทในประเทศไทย ก ปฏิเสธรายการเรื่องนี้

บริษัทในประเทศไทย ก เสนอตัวขอเรื่องราคายังคงแล้วรังสานั้นจึง 1992 ถึง 1993 ที่จัง ไม่มีความเคลื่อนไหวในการแก้ไขเรื่องราค แม้ว่าทั้งสองฝ่ายจะได้พัฒนาอย่างต่อเนื่อง

เมื่อพิจารณาสถานการณ์ทั้งหมดแล้วว่าดังนั้น ท่านมีความเห็นอย่างไรก็ขอรับความเห็นด้วย

ท่านเห็นด้วยของข้างต้น เท็นด้วย ไม่เห็นด้วย ไม่เห็นด้วยของข้างต้น หรือไม่แน่ใจ

การวางแผนของห้องน้ำที่ท่านเลือก

- ก. นับเป็นความไม่รู้ขอบเขตในการทำสัญญาซึ่งมีรายละเอียด 5 ปีสำหรับสินค้าพืชผล ค ซึ่ง ราคากำลังหัวใจพืชผลนั้น ๆ ลง ๆ อย่างมาก
 - 1. เห็นด้วยของข้างต้น 2. เห็นด้วย 3. ไม่เห็นใจ 4. ไม่เห็นด้วย 5. ไม่เห็นด้วยของข้างต้น
- ก. เป็นเรื่องของมาตรการที่ต้องมีการแก้ไขเรื่องราคานั้น ให้ราคากำลังหัวใจพืชผล ค ในตลาดหัวใจพืชผลลดลงอย่างมาก จึงเป็นสิ่งที่มีเหตุผลสำหรับบริษัทในประเทศไทย ก ในการอุบัติ ตั้งแต่คราวที่หัวใจพืชผล
 - 1. เห็นด้วยของข้างต้น 2. เห็นด้วย 3. ไม่เห็นใจ 4. ไม่เห็นด้วย 5. ไม่เห็นด้วยของข้างต้น
- ก. แม้ว่าราคากำลังหัวใจพืชผลจะลดลง แต่บริษัทในประเทศไทย ก ยังคงคง ปฏิเสธค่าห้อของผลผลิตของบริษัทในประเทศไทย ก บริษัทในประเทศไทย ที่ในฐานะคู่สัญญา ระบุราคากำลังหัวใจพืชผลที่ไม้อืดหด
 - 1. เห็นด้วยของข้างต้น 2. เห็นด้วย 3. ไม่เห็นใจ 4. ไม่เห็นด้วย 5. ไม่เห็นด้วยของข้างต้น

เนื่องจากบริษัทในประเทศไทย ก ปฏิเสธค่าห้อของผลผลิตของบริษัทในประเทศไทย ก ประมาณ 50% จึงปฏิเสธที่จะรับการค่าเดินทางสินค้าพืชผล ค ประจำบริษัท ในประเทศไทย ก จึงปฏิเสธที่จะรับการค่าเดินทางสินค้าพืชผล ค ลงเรื่อง

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ง. ท่านรู้สึกอ่อน่างไรเกี่ยวกับการกระทำของประชาธิรัฐ

1. สันนิษฐานอ่อน่างชัด 2. สันนิษฐาน 3. ไม่แน่ใจ 4. ตัดค้าน 5. ตัดค้านอ่อนางชัด

บริษัทในประเทศไทย ก ปฏิเสธที่จะรับการถ่าเรือสิ่งจิ่นด้วยมือ ค ลงเรือไปประเทศไทย ก ด้วยเหตุนี้ เนื่อง 10 ล้านบาทบริษัทเสีย ค เหตุผลถ้องคงอยู่ก่ออาช่องประเทศไทย ก ความสับสน เช่นนี้ยังคงดำเนินต่อไปเป็นเวลา 3 เดือน

ในเดือนตุลาคม 1993 ด้วยผลกระทบการเจรจาต่อรองของทวารา 2 ฝ่าย ราคามีมูลค่า พิเศษ ก ได้ลดลงมา 10 % คือ ลงมาที่ 180.00 ล้านล่าร์สหรัฐ

เมื่อจ้าพยาสภานการเปลี่ยนผ่านแล้ว ท่านรู้สึกอ่อนางไรเกี่ยวกับความเห็นต่อไปนี้

ก. ข้าพเจ้าไม่เห็นด้วยกับการกระทำดังนี้ ท ของบริษัทในประเทศไทย ก เพื่อยาวนานี้มีการ

พิจารณาเงื่อนไขอย่างง ท ดังดีในขณะที่มีการถ้าสักขยา

1. สันนิษฐานอ่อนางชัด 2. สันนิษฐาน 3. ไม่แน่ใจ 4. ตัดค้าน 5. ตัดค้านอ่อนางชัด

บ. การกระทำของบริษัทในประเทศไทย ก พิจารณาไม่ว่าเรื่องธรรม เป็นสิ่งที่เลวากาม

1. เห็นด้วยอ่อนางชัด 2. เห็นด้วย 3. ไม่แน่ใจ 4. ไม่เห็นด้วย 5. ไม่เห็นด้วยอ่อนางชัด

ช. เป็นสิ่งท้าท่าว่าเรายาเบรษในการที่ให้ที่สุดบริษัทในประเทศไทย ก ลดลงลดราคาน้ำด้วยมือ ค

ทั้งๆ ท ท่าราชการที่ลดลงกันมันได้ก้ามเพด้าไว้ในสัญญาของพยายามแต่แรกแล้ว

1. เห็นด้วยอ่อนางชัด 2. เห็นด้วย 3. ไม่แน่ใจ 4. ไม่เห็นด้วย 5. ไม่เห็นด้วยอ่อนางชัด

เบื้องหลังของเรื่องนี้ เมื่อจ้าพยาสภานการเปลี่ยนผ่าน ท่านรู้สึกอ่อนางไรเกี่ยวกับความคิดเห็นต่อไปนี้ ท ของบริษัทในประเทศไทย ก มีความเสี่ยงที่จะล้มเหลว ถ้ายังคงซักขยาเงื่อนไขของสัญญาตามที่เป็นอยู่

จ้าพยาสภานการเปลี่ยนผ่าน ท่านรู้สึกอ่อนางไรเกี่ยวกับความคิดเห็นต่อไปนี้

ก. เนื่องจากเป็นไปไม่ได้จะรับข้าสัญญาต่อไป ถ้าสัญญาฝ่ายหนึ่งคงเป็นผู้ชนะขาด จึงเป็นสิ่ง

ที่หลอกล่อไปไม่ได้ บริษัทในประเทศไทย ก จะต้องบูรณะตั้งกล่าวข้างตน.

1. เห็นด้วยอ่อนางชัด 2. เห็นด้วย 3. ไม่แน่ใจ 4. ไม่เห็นด้วย 5. ไม่เห็นด้วยอ่อนางชัด

ก. ความคิดเห็นต่อไปนี้ ค่าตอบของท่านในเรื่องนี้และในส่วนต่อไปจะใช้พนักกับค่าตอบ

ซึ่งดูในกรณีเคราะห์ซ้อมูลทางสถิติ

ก1. ควรหันร้าของท่านจัดอยู่ในระดับใด

มีสูงกว่า <-----> ขึ้นต่ำกว่า

1 2 3 4 5

ก2. ข้าพเจ้าติดตามที่ไว้เชิงซึ่ง .

มาก <-----> ไม่ติดตามเลย

1 2 3 4 5

問3. ข้าพเจ้าติดตามข่าวเกี่ยวกับการเมืองและรัฐบาล

มาก <-----> ไม่ติดตามเลย

1 2 3 4 5

問4. ข้าพเจ้าสนใจเรื่องความมั่นคงของคันท์ท้าไปบ่อช ฯ

มาก <-----> ไม่สนใจเลย

1 2 3 4 5

問5. ข้าพเจ้าสนใจเรื่องความมั่นคงของบุคคลท้าไปบ่อช ฯ

มาก <-----> ไม่สนใจเลย

1 2 3 4 5

問6. ข้าพเจ้าร่วมกิจกรรมบุคคลหรือองค์กรท่องเที่ยว

มาก <-----> ไม่สนใจเลย

1 2 3 4 5

ก้าวเดินอย่างไรต่อความเห็นด้วยไปบีบี

ญ1. ไม่รู้จักอ่อนไหวเรื่องความหลากหลายทางเพศ ฯ สามารถทำให้เราหักด้อย ถ้าเราฟื้นฟานางเพียงพอ

ญ2. เห็นด้วยอย่างชัด 2. เห็นด้วย 3. ไม่แน่ใจ 4. ไม่เห็นด้วย 5. ไม่เห็นด้วยอย่างชัด

ญ3. ลังที่จะเป็นสานะหัวร้อนผูกพันสักครู่ วันนี้เป็นเช่นงวด การตัดสินใจที่เต็มเดียว และความตั้งใจจะทำ งานและต้องสู้เพื่อครอบครัวและประเทศไทย

1. เห็นด้วยอย่างชัด 2. เห็นด้วย 3. ไม่แน่ใจ 4. ไม่เห็นด้วย 5. ไม่เห็นด้วยอย่างชัด

ญ4. ลังที่จะเป็นสานะหัวร้อนประเทสมากที่สุด มากกว่ากฎหมายและ戎規 ทางการเมือง ศือ ก้าว

ผู้ซึ่งได้รับความนิยม ไม่รู้จักเห็นด้วยเนื่องจากศีลธรรมที่ประชาราษฎร์ความเคราะห์

1. เห็นด้วยอย่างชัด 2. เห็นด้วย 3. ไม่แน่ใจ 4. ไม่เห็นด้วย 5. ไม่เห็นด้วยอย่างชัด

ญ5. ประชาราษฎร์บ่งออกได้เป็น 2 ระดับที่แตกต่างกัน : อ่อนแอบและเข้มแข็ง

1. เห็นด้วยอย่างชัด 2. เห็นด้วย 3. ไม่แน่ใจ 4. ไม่เห็นด้วย 5. ไม่เห็นด้วยอย่างชัด

ก้าวเดินอย่างไรต่อความเห็นด้วยไปบีบี

ขอขอบคุณสำนักความร่วมมือขององค์กรท่าน

เดินต่อไปและเดินต่อไป ฯ เกี่ยวกับแบบสอบถามนี้ ยกเว้นค่าตอบแทน ฯ แหล ฯ สงวนสิทธิ์โดยสูญเสียจิต พฤติภัยเบปร้อมที่ยอมเกี่ยวกับเงื่อนไขทางกฎหมาย (กรรมการผู้แทน ; นางสาวนันดา คำตี, ศาสตราจารย์กฤษณะ คณบดีศิลปาศาสตร์ มหาวิทยาลัยราชภัฏเชียงใหม่; นางกัญญา ประเทสญี่ปุ่น)

เอกสารอ้างอิง :

ค่าตอบแทน ญ1 (ฉบับแก้ไข) : สูนเด่นช้าติของศึกแห่งรัช (1977) ภาพพิมพ์กองกาชาด

ค่าตอบแทน ญ2 ถึง ญ6 : สูนเด่นช้าติของศึกแห่งรัช (1977) ภาพพิมพ์กองกาชาด

ค่าตอบแทน ญ1 ถึง ญ5 : กี.คัมบลิ.อะคอร์วิน และคณ (1950) "เอฟ-สีเกล คลัสเตอร์ พอร์ท 45 และ 40" ใน บุคคลิกภาพของผู้ที่อ่าน wrath

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India 4
Legal Consciousness on Contracts

This is a questionnaire for the survey project on legal consciousness to be done in many countries. We all appreciate your kindness in taking the time to fill out this questionnaire.

We are circulating this questionnaire to various classes in this school to have a sufficient number of cases for analysis.

IF YOU ALREADY HAVE ANSWERED THIS QUESTIONNAIRE IN ANOTHER CLASS,
PLEASE DO NOT RESPOND.

Please fill out or circle a number.

UNIVERSITY: _____

Which are you? 1 Graduate Student (including professional school student)
 2 Undergraduate Student

What is your major now? 1. Law 2. Political Science 3. Business/Commerce
 4. Economics 5. Foreign Trade 6. Others

If you circle the number 6 in the question above,
please describe your major concretely. _____

YEAR: 1. 1st year 2. 2nd year 3. 3rd year 4. 4th year 5. 5th or more

GENDER: 1. Male 2. Female

YEAR OF BIRTH: 19_____ What is your nationality now? _____

Which class are you attending now? Class _____ Prof. _____

FOR LAW MAJOR STUDENTS ONLY

Please circle the number of the classes you have already attended.

1. Contracts
2. Property
3. Torts
4. Law of Commercial Transactions
5. Securities Regulation
6. Antitrust
7. Japanese Law

FOR OTHER STUDENTS ONLY

Have you already attended any Contract or Tort classes? 1. Yes 2. No

Have you already attended any Commercial Law classes? 1. Yes 2. No

Are you attending or have you attended any Japanese
Business - or Law - related classes? 1. Yes 2. No

FOR ALL STUDENTS

Please read the following text and answer the questions.

In January 1990, a company of Country A and a company of Country B made a long-term trading contract for Commodity X, the international market price of which fluctuates greatly. When the agreement was reached, the international price of Commodity X was US\$400 per ton. Under the contract, the company of Country A was to import as much as 500 thousand tons of Commodity X from the company of Country B per year. The contract was for 5 years from 1991 and the price of Commodity X was US\$200 per ton. This was half of the international market price at that time.

However, one year later (January 1991) when they began to fulfill the contract terms, the international market price of Commodity X had dropped to US\$100 per ton. This was one-fourth of its original price.

The financial situation of the company of Country A had not been good. Two months later, in March 1991, fearing financial difficulties due to the use of highly priced Commodity X, the company of Country A asked the company of Country B to postpone for one year one-fifth of the imports of Commodity X. The company of Country B approved the request.

In the following year, in 1992, the international market price of Commodity X continued to drop. When it went down to US\$80 per ton, the company of Country A requested the company of Country B to renegotiate the terms regarding price. However, the company of Country B refused the request.

The company of Country A repeated the same request again and again from 1992 to 1993. There was no progress in revising the price although both parties met to discuss it.

Considering the above circumstances, what do you think of the statements below? Do you strongly agree, agree, disagree, strongly disagree or are you uncertain? Please circle the number you choose.

a. It is imprudent to make a contract that lasts for 5 years on such merchandise like Commodity X whose international market price fluctuates drastically.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

b. It is natural to alter the terms of contract if the international market price of Commodity X falls greatly, therefore it would be reasonable for the company of Country A to take the course of actions stated above.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

c. Even though the international market price had fluctuated greatly, the company of Country B refused the request of the company of Country A for a price reduction. Company B, as a long-term contract party, was too inflexible in its attitude.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Since the company of Country B rejected the request to reduce the price of Commodity X, the president of the company of Country A is about to refuse to receive the load of Commodity X.

d. How do you feel about this action to be taken by the president?

1. Strongly Support 2. Support 3. Uncertain 4. Oppose 5. Strongly Oppose

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Then, the company of Country A refused to receive the load shipped to Country A. As a result, ten ships, full of Commodity X, had to remain in a bay of Country A. This state of confusion continued for three months.

In October 1993, as the result of renegotiation between the two parties, the price of Commodity X was reduced by 10%, down to US\$180.00.

Considering these circumstances, how do you feel about the following opinions?

e. I disagree with the series of actions taken by the company of Country A because one should observe the terms once a contract was made.

1. Strongly Support 2. Support 3. Uncertain 4. Oppose 5. Strongly Oppose

f. The series of actions taken by the company of Country A was, from the ethical viewpoint, sordid.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

g. It was ridiculous that the company of Country B finally agreed to reduce the price of Commodity X in spite of the formerly decided price-fixed in the long-term contract.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Behind the scene of this story, because of the slump in prices of Commodity X, there was a risk of bankruptcy for the company of Country A if it had kept the terms of contract as they were.

Considering these circumstances, how do you feel about the following opinion?

h. Since it is impossible to keep the terms of contract if a party becomes bankrupt, it was unavoidable that the company of Country A would take the series of actions above.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Please answer the following questions. Your responses to this and the next sections will be used to supplement the responses above in analyzing the data statistically.

i1. To which class does your family belong?

Upper <-----> Lower
1 2 3 4 5

i2. I follow the news about economics.

Very <-----> Not at all
1 2 3 4 5

i3. I follow the news about politics and government.

Very <-----> Not at all
1 2 3 4 5

i4. I often talk about economics with people.

Very <-----> Not at all
 1 2 3 4 5

i5. I often talk about politics with people.

Very <-----> Not at all
 1 2 3 4 5

i6 I am active in political groups or organizations.

Very <-----> Not at all
 1 2 3 4 5

What do you think of the following opinions?

j1. No weakness or difficulty can hold us back if we have enough willpower.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j2 .What youth needs most is strict discipline, rugged determination, and the will to work and fight for family and country.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j3. An insult to our honor should always be punished.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j4. What this country needs most, more than laws and political programs, is a few courageous, tireless, devoted leaders in whom the people can put their faith.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j5. People can be divided into two distinct classes: the weak and the strong.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Please write down whatever you think about this questionnaire on the reverse side of the previous page, if anything.

Thank you for your cooperation.

Copyright and all other rights of this questionnaire, except questions i and j, are reserved by the Research Center for International Comparison of Legal Consciousness (Representative Director; Masanobu Kato, Professor of Law, School of Law, Nagoya University, Nagoya, Japan).

References:

Question i1 (revised) : National Center for State Courts (1977) *A Blueprint for the Future*.

Question i2 to i6 : National Center for State Courts (1977) *A Blueprint for the Future*.

Question j1 to j5 : T. W. Adorno, and et al. (1950) "F-Scale Clusters Forms 45 and 40." In *The Authoritarian Personality*.

גראסה-4

מודעות משפטית לדיני חוץ

שאלון זה הוא חלק מסקר הקשור למודעות משפטית שיבוצע במדינות רבות. אנו מודים לכם על סיועכם כמיליון זה. שאלון זה מוקף בכתב אוניברסיטאי ובטרור לקבל מספר מענין מספיק לניתוח.

שאלון זה מנוהל בלשון זכר, אך הוא מיועד לזכר ולנקבה כאחד.
אם כבר ענית על השאלה זהה כקרים אחר, אנא תענה שוב.

אנא מלא או הקפּ בעיגול.

שם האוניברסיטה:

אהה 1. סטודנט ליחסות שני.
2. סטודנט ליחס ראשון.

מה חוםת התמחותך הנוכחי: 1. משפטים 2. מדעי המדינה 3. ניהול עסקים 4. כלכלה 5. סחר חוץ
6. אחר

אם הקפת את מס' 6, אנא תאר את חוםת התמחותך:

שנה לימוד: 1. שנה ראשונה 2. שנה שנייה 3. שנה שלישית 4. שנה רביעית 5. שנה חמישית ומעלה

מן: 1. זכר 2. נקבה

תאריך לידה: 19

האם חית בישראל ב-10 השנים האחרונות? 1. כן 2. לא

מה דיא ותך? 1. יהודי 2. מוסלמי 3. נוצרי 4. דרוזי 5. אחר

בראיה קורס אתה נמצא עכשיו? שם:

סטודנטים למשפטים כלכלה:
אני הקפּ בעיגול את הקורסים בהם השתתפת עד עכשיו:
1. דיני חוץ
2. דיני קניין
3. פזינ ניוקין
4. משפט מסחרי
5. דיני נ"ע
6. הולוגלים עסקים
7. משפט פנוי

לסטודנטים בעלי התמחות חוץ משפטית:

האם לחתת קורסים בירוי חווים או כدني ניוק? 1. כן. 2. לא.

האם לחתת קורסים ממשט מושרי? 1. כן. 2. לא.

האם לחתת קורסים הקשורים למפור יפני או למשפט יפני? 1. כן. 2. לא.

אנא קרא את הקטע הבא ונעה על השאלות

בינואר 1990, חברת מדינה א' והחברה מדינה ב' חתמו על חוזה מסחרי ארוך תקופה א' שמהיר בשוק משחנה באוטו ורסטי. בין חתימת החוזה, המהיר בשוק הבינלאומי מוצר X עמר על 400 דולר לטון. על פי החוזה, החברה מדינה א' התחייב ליבא בשנה כנהר 500,000 טון מוצר X מהחברה מדינה ב'. הווה נוחם ל-5 - שיעם החל מ 1991 ומהחרה היה 200 דולר לטון, חצי מהמחיר בשוק הבינלאומי באוטו הדומן.

אולם, לאחר לשנה (ינואר 1991) כשהוחל בימיון תנאי החוזה, ירד המחיר בשוק הבינלאומי ל 100 דולר לטון, וכך ממחזר המקרקן.

מצבה הכספי של החברה מדינה א' לא הייתה טוב. לאחר חזרושים, במרץ 1991, מחשש להפסדים העילולים לבכוע משימוש במוצרו הנפער הקיים, בקשה החברה מדינה א' מהחברה מדינה ב' לדוחה בשנה יבוא ממשית מ מוצר הנטול. החברה מדינה ב' ענזה בחוב בקשה זו. ב-1992, המהיר של מוצר הנפער בשוק הבינלאומי המשיך לרדרה. כאשר הוא הגיע ל 80 דולר לטון, בקשה החברה מדינה א' מהחברה מדינה ב' לנצל מחיר מ"מ בקשר לתנאי המחיר. אולם, החברה מדינה ב' חתמה בקשה זו.

החברה מדינה א' חזרה על בקשהה פעמיים אחר בין 1992 ל-1993. למרות שהצדדים נפשו עלה-מטה לדורון בונשא, לא היהיה כל התקדמות בעניין שינוי המחיר.

בוחתשב בנסיבות הנ"ל מה אתה חושב על ההצהרות הבאות?

האם אתה מסכים בהחלט, מוככם, לא מלבכם, לא ממככם כלל או לא בטוח?

אנא הקף בעיגול את המספר שבודה.

A. וה לא נקבע לחום על הסכם ל 5 שנים, בקשר לנסיבות כמו מוצר X, שמהיר בשוק הבינלאומי נתון לשינויים רטטיים.

I. מסכים בוחלט 2. מסכים 3. לא בטוח 4. לא מסכים 5. לא מסכים כלל

B. זה אך טבעי לשנות את תנאי החוזה, אם מחיר המוצר בשוק הבינלאומי ירד בזורה דוטית, ולכן סביר, שהחברה מדינה א' נתקה בנסיבות הניל.

I. מסכים בוחלט 2. מסכים 3. לא בטוח 4. לא מסכים 5. לא מסכים כלל

C. למרות השינוי הגדול במוצר בשוק הבינלאומי, סירבה החברה מדינה ב' בקשה של החברה מדינה א' להוריד את המחיר של מוצר X. החברה מדינה ב', כצד בחואה ארוך טווח, לא הייתה מספק גמישה בהתנהוגותה.

I. מסכים בוחלט 2. מסכים 3. לא בטוח 4. לא מסכים 5. לא מסכים כלל

בשל סירובה של החברה מדינה ב' להוריד את המחיר, מנכ"ל החברה מדינה א' עומר לסרב לקבל את משולות מוצר X.

C. אין לכך מרגיש בקשר להחלטה זו של המנכ"ל?

I. תומך בוחלט 2. תומך 3. לא בטוח 4. מתנגד 5. מתנגד בוחלט

לאחר מכן, החברה מדינה א' סיימה לקבל את המשלוח שנשלח למטרינה א'. כחצאה מכך, עשר ספינות מל'אות במועד X נאלצו להישאר בנמל של מדינה א', המזב נמשך כ- 3 חודשים. באוקטובר 1993,¹ כחצאה ממו"מ שנוהל מחדש בין החברות, הורדר מחירו של המזב א-ב-10% ל 180 דולר.

E. אנו מתנגד לצעדים בהם נקטה החברה מדינה א', מאחר שמשמעותם חוויה יש לכבר את תנאיו.

1. מוחך בהחלט 2. מוחך 3. לא בטוח 4. מתנגד 5. מתנגד בהחלט

F. הצדדים, בהם נקטה החברה מדינה א', מנוקרת מבחן מסורתית, היו בלתי הוגנים.

1. מסכימים בהחלט 2. מסכימים 3. לא בטוח 4. לא מסכימים 5. לא מסכימים כלל
G. הסכמה של החברה מדינה ב' להוריר לבסוף את המחיר, למורת קביעותו המפורשת, בחווה, מוגנתה.

1. מסכימים בהחלט 2. מסכימים 3. לא בטוח 4. לא מסכימים 5. לא מסכימים כלל

מאחריו והקלעים של סיפור זה, בוחזאה מזנחת מחיר A, היה חשש לפשיטה רגאל של החברה מדינה א', אם לא היו משנים את תנאי ההווה.

בוחחוב בנסיבות הנ"ל איך אלה מרגיש בקשר לעמידה הבאה?

A. בוחחוב בכך שגם חברת פיטוח רגאל, לא ניתן לקיים את תנאי הווה, נקייה החברה מדינה א' בשורה הצדדים לעיל היתה בלתי נמנעת.

1. מסכימים בהחלט 2. מסכימים 3. לא בטוח 4. לא מסכימים 5. לא מסכימים כלל

אגא ענה על השאלות הבאות. תשובהותיך להליך זה ולהליך הבא, ביחסת לתשובהותיך הקודומות, ימשמו לצורך ניתוח סטטיסטי.

11. לאיה מעמד חברתי היה משייך את משפחתך?
גובה ----- נמוך ----- גובה

5 4 3 2 1

10. イスラエル

12. אני עוקב אחר הנעשה בתחום הכלכלי.
מואוד ----->=> בכלל לא
5 4 3 2 1

13. אני עוקב אחר הנעשה בתחום הפוליטי.
מואוד ----->=> בכלל לא
5 4 3 2 1

14. אין דין בנושאים כלכליים לעתים תכופות.
מואוד ----->=> בכלל לא
5 4 3 2 1

15. אין דין בנושאים פוליטיים לעתים תכופות.
מואוד ----->=> בכלל לא
5 4 3 2 1

16. אני מועל בנסיבות או בארגונים פוליטיים.
מואוד ----->=> בכלל לא
5 4 3 2 1

מה, דעתך על ההצהרות הבאות?

17. שום קושי לא יכול לעמוד בפני כוח רצוננו.

1. מסכים בהחלה 2. מסכים 3. לא בטוח 4. לא מסכים 5. לא מסכים כלל

2. מה שהנעור זוקק לו יותר מכל זה לשימוש קפונית, נזירות, נוכחות, עבדו ולהלחם למען המשפחה והמשפחה.

1. מסכים בהחלה 2. מסכים 3. לא בטוח 4. לא מסכים 5. לא מסכים כלל

3. פגעה בככובונו רואייה לעונש.

1. מסכים בהחלה 2. מסכים 3. לא בטוח 4. לא מסכים 5. לא מסכים כלל

4. מה שהמרינה וקוקה לו יותר מכל, אפילו יותר מחוקם ומהוכנעת פוליטית, זה מספר מנהיגים אמיצים, בלתי נאים ומוסרים, בהם העם יוכל לשים מבטחו.

1. מסכים בהחלה 2. מסכים 3. לא בטוח 4. לא מסכים 5. לא מסכים כלל

5. ניחן להקל את האנשים לשתי קבוצות: חלשים וחזקים.

1. מסכים בהחלה 2. מסכים 3. לא בטוח 4. לא מסכים 5. לא מסכים כלל

אם אתה מעוניין בכך, أنا הבע דעתך על שאלון זה לצדיו השני של העמוד הקומם.

תודה על שיורף הפעולה.

هذه الأسئلة هي جزء من مشروع إحصائي حول الوعي القانوني ومن المقرر إجراؤه في بلاد مختلفة . نحن نقدر تخصصكم بعض من وقتكم للإجابة على هذه الأسئلة .

نحن نوزع هذه الأسئلة في حصص مختلفة في هذه الكلية بغية الحصول على عدد كاف من الحالات لتحليلها .

إذا سبق وأجبت على هذه الأسئلة في محاضرة أخرى الرجاء عدم الإجابة عليها مجدداً.

الرجاء ملئ الفراغ وضع علامة حول البرقم المناسب

الجامعة :

ما هو اختصاصك ؟

١- حقوق ٢- علوم سياسية ٣- تجارة

٤- اقتصاد ٥- تجارة خارجية ٦- اختصاص آخر

في حال تدويرك الرقم ٦ ، الرجاء تحديد اختصاصك .

السنة الدراسية ١- سنة أولى ٢- سنة ثانية ٣- سنة ثالثة

٤- سنة رابعة

٥- سنة خامسة أو أكثر

الجنس : ١- ذكر

٢- أنثى

الجنسية: ١- مصرى

سنة المولد : ١٩

أي محاضرة تحضر الآن ؟ محاضرة :

أستاذ :

لطلاب الحقوق فقط :

الرجاء وضع علامة حول الرقم الملائم للحصص التي حضرتها .

١- الأحوال الشخصية.

٢- الملكية .

٣- كيفية انتقال الملكية وحياتها :

٤- الموجبات ..

٥- العقود .

٦- جزائي .

هل سبق وحضرت أي محاضرات متعلقة بالقانون التجاري ؟

٢- كلا

١- أجل

لباقي الطلاب فقط

هل سبق وحضرت محاضرة متعلقة بالقانون الجزائري أو بالعقود ؟

٢- كلا

١- أجل

هل سبق وحضرت أي محاضرات متعلقة بالقانون التجاري ؟

٢- كلا

١- أجل

في كانون الثاني / يناير ١٩٩٠ وقعت شركة من البلد (أ) مع شركة من البلد (ب) عقداً طويلاً الأمد للتجارة ببضائع (ك) سعرها يتلاعب على السوق العالمي .

عند الاتفاق ، كان سعر السوق العالمي للبضائع (ك) \$٤٠٠ / للطن . حسب بنود العقد ، كان على الشركة من البلد (أ) استيراد ٥٠٠ ألف طن سنوياً من ممتلكاتها الشركة من البلد (ب) . وقع العقد لمدة خمس سنوات ابتداء من ١٩٩١ ، وحدد الفرقاء سعر البضائع (ك) بـ \$٢٠٠ للطن ، أي نصف السعر العالمي آنذاك .

بعد سنة من ذلك (كانون الثاني / يناير ١٩٩١)

عند المباشرة بتطبيق العقد ، هبط السعر العالمي للبضائع (ك) إلى \$١٠٠ للطن ، أي ما يوازي ربع السعر العالمي الأصلي .

كانت حالة الشركة من البلد (أ) المادية غير جيدة . بعدها بشهرين (آذار / مارس ١٩٩١) ، خشية من المصاعب المادية المترتبة جراء شراء البضائع (ك) بسعر مرتفع ، طلبت الشركة من البلد (أ) من نظيرتها من البلد (ب) تأجيل استيراد خمس الكمية المتفق عليها لمدة سنة واحدة .

وافقت الشركة من البلد (ب) على الطلب .

في العام ١٩٩٢ ، استمر سعر السوق العالمي للبضائع (ك) بالهبوط . عندما وصل إلى \$٨٠ للطن ، طلبت الشركة من البلد (أ) من نظيرتها الشركة من الشركة (ب) التفاوض لإعادة النظر بسعر العقد . رفضت الشركة من البلد (ب) الطلب . أعادت الشركة من البلد (أ) نفس الطلب مراراً ومراراً بين عامين ١٩٩٢ و ١٩٩٣ . لم يحرز أي تقدم من ناحية مراجعة السعر على الرغم من اجتماع الطرفين لمناقشة ذلك .

على ضوء الواقع المذكورة أعلاه ، ما رأيك بالتصاريح التالية ؟ هل توافق بشدة ، توافق ، لا أتفق ، لا أتفق بشدة لم أنه غير واثق ؟

الرجاء وضع علامة حول الرقم الذي تختاره ..

أ . من غير الحذر توقيع عقد مدته خمس سنوات يتناول بضائع كالبضائع (ك) سعرها عرضة للتباوت بشدة في السوق العالمي ..

١- أتفق بشدة ٢- أتفق ٣- غير واثق ٤- لا أتفق ٥- لا أتفق بشدة ..

ب - من الطبيعي تعديل شروط العقد في حال هبوط شديد لسعر البضائع (ك) في السوق العالمي ، لذا من المنطقي أن تصرف الشركة من البلد (أ) كما تصرف.

١- أتفق بشدة ٢- أتفق ٣- غير واثق ٤- أعارض بشدة ٥- أعارض ..

ج - على الرغم من التباوت الشديد في السعر العالمي للبضائع (ك) ، رفضت الشركة من البلد (ب) طلب نظيرتها الشركة من البلد (أ) تخفيض سعر العقد إن تصرف الشركة من البلد (ب) ، كثريك طويل الأمد ، كان يقسم بعدم مرؤنة كبيرة ..

١- أتفق بشدة ٢- أتفق ٣- غير واثق ٤- أخالف بشدة ٥- أخالف بشدة ..

بما أن الشركة من البلد (ب) رفضت طلب تخفيض سعر البضائع (ك) ، إن رئيس الشركة من البلد (أ) سيعدم إلى رفض تفريح ..

د - ماذا تشعر حال هذه الخطوة التي سيقدم عليها الرئيس ؟

١- أؤيد بشدة ٢- غير واثق ٣- غير واثق

٤- أعارض بشدة ٥- أعارض

بعدها ، رفضت الشركة من البلد (أ) تسلم الشحنة المنقولة إلى البلد (أ). نتيجة ذلك ، اضطررت ، ١ سفن ملائى بالبضائع (ك) للبقاء رأسية في خليج في البلد (أ). استمرت هذه الحالة من التخبط لمدة ٣ أشهر . في تشرين الأول / أكتوبر ١٩٩٣ ، نتيجة إعادة المفاوضات بين الأطراف ، تم تخفيض سعر البضائع (ك) بنسبة ١٠ % أي إلى ١٨٠ \$ للطن .

على ضوء المعطيات المذكورة أعلاه ، ماذا تشعر حال الآراء التالية ؟

هـ- أخالف سلسلة الخطوات التي أقدمت عليها الشركة من البلد (أ) لأنه على المرء الالتزام بالعقد .

١- أؤيد بشدة ٢- غير واثق ٣- غير واثق

٤- أعارض بشدة ٥- أعارض بشدة

و - إن مجموعة الخطوات التي أقدمت عليها الشركة من البلد (أ) تعتبر خطوات دنيئة من الناحية الأخلاقية .

١- أتفق بشدة ٢- غير واثق ٣- غير واثق

٤- أخالف بشدة ٥- أخالف

ز - من المهللة أن توافق الشركة من البلد (ب) على تخفيض سعر البضائع (ك) على الرغم من السعر المتفق عليه سابقاً والمحدد في العقد الطويل الأمد .

١- أتفق بشدة ٢- غير واثق ٣- غير واثق

٤- أخالف بشدة ٥- أخالف

خلفيات النزاع أن الشركة من البلد (أ) كانت ، بسبب انهيار سعر البضائع (ك) ، مهددة بالإفلاس في حال التزامها بشروط العقد كما هي .

على ضوء ذلك ، ماذا تشعر تجاه الرأي التالي ؟

ح - بما انه من المستحيل الالتزام بشروط العقد في حال إفلاس أحد الشركاء ، كان من المحمّن أن تقدم الشركة من البلد (أ) على ما أقدمت عليه .

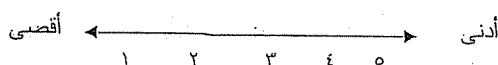
١- أؤيد بشدة ٢- أؤيد ٣- غير واثق

٤- أخالف بشدة ٥- أخالف

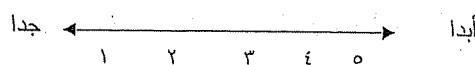
الرجاء الإجابة على الأسئلة التالية .

أجوبتكم على هذه الفقرة ستسعمل في إكمال أجوبتكم السابقة لثناء التجاين الإحصائي .

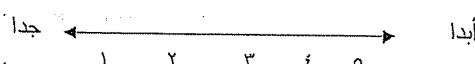
ط (١) : إلى أي الطبقات الاجتماعية تنتمي عائلتك ؟



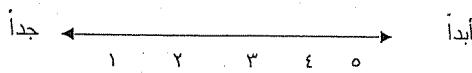
ط (٢) : أتابع الأخبار الاقتصادية



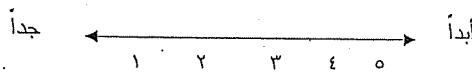
ط (٣) : أتابع الأخبار السياسية والحكومية



ط (٤) : غالباً ما أناقش شؤون اقتصادية مع الآخرين .



ط (٥) : غالباً ما أناقش شؤون سياسية مع الآخرين .



ط (٦) : أنا عضو ناشط في تنظيمات أو مجموعات سياسية .



ما رأيك بالآراء التالية ؟

ي (١) : ما من ضعف أو صعوبة يمكن أن تعيقنا إذا ما تخلينا بقوه الإرادة .

- | | | | | |
|---------------|----------|--------------|----------------|----------------|
| ١ - أوفق بشدة | ٢ - أافق | ٣ - غير واثق | ٤ - أخالف بشدة | ٥ - أخالف بشدة |
|---------------|----------|--------------|----------------|----------------|

ي (٢) : إن أكثر ما يحتاجه الشباب هو الانضباط الصارم ، العزمية الصلبية ، وإرادة العمل والنضال من أجل الحالة والوطن .

- | | | | | |
|---------------|----------|--------------|----------------|----------------|
| ١ - أوفق بشدة | ٢ - أافق | ٣ - غير واثق | ٤ - أخالف بشدة | ٥ - أخالف بشدة |
|---------------|----------|--------------|----------------|----------------|

ي (٣) : كل إهانة لشرفنا يجب دوماً أن تعاقب .

١- أوفق بشدة ٢- أوفق ٣- غير واثق

٤- أخالف ٥- أخالف بشدة

ي (٤) : إن أكثر ما يحتاجه هذا الوطن ، أكثر من القوانين والمعايير السياسية ، هو بعض من القادة الشجاع المخلصين الذين لا يكلون ، يستطيع الشعب أن يضع ثقته بهم .

١- أوفق بشدة ٢- أوفق ٣- غير واثق

٤- أخالف ٥- أخالف بشدة

ي (٥) : بإمكاننا تصنيف الشعوب في خاتمتين : القوى والضعف .

١- أوفق بشدة ٢- أوفق ٣- غير واثق

٤- أخالف ٥- أخالف بشدة

الرجاء تدوين ملاحظاتكم حول هذه الأسئلة على الصفحة السابقة .

شكراً لتعاونكم .

حقوق الطبع والنشر المتعلقة بكل ما ورد في هذه الأسئلة ، باستثناء الأسئلة

ي وط ، محفوظة لـ " مركز الدراسات للمقارنة الأولية للوعي القانوني "

(المدير الممثل : ماسا نوبو كاتو ، أستاذ حقوق ، كلية الحقوق في جامعة ناجويا

ناجويا ، اليابان) .

資料・22カ国／地域契約意識調査各國調査票

Italia.4

La coscienza legale nell'ambito dei contratti

Il presente e' un questionario relativo ad un progetto di ricerca in merito alla coscienza legale da effettuarsi in molti paesi. Noi apprezziamo la Sua cortesia nel dedicare del tempo alla compilazione di questo formulario, il quale viene distribuito in vari corsi di questa universita', in modo da avere un sufficiente numero di dati da analizzare.

QUALORA LEI DOVESSE AVERE GIA' RISPOSTO AL PRESENTE QUESTIONARIO DURANTE UN ALTRO CORSO, LA PREGHIAMO DI NON FARLO NUOVAMENTE.

La preghiamo di rispondere riempiendo lo spazio lasciato in bianco vicino al numero volta per volta corrispondente alla Sua scelta oppure, a seconda dei casi, tracciando un cerchio intorno al medesimo numero.

UNIVERSITA': _____

Di quale titolo di studio Lei e' in possesso? 1. Laurea
 2. Diploma

Quale facolta' Lei sta frequentando? 1. Giurisprudenza 2. Scienze politiche
 3. Scienze economiche e commerciali 4. Altro

Qualora Lei abbia scelto il numero 4, della precedente domanda,

La preghiamo di specificare la facolta' da Lei frequentata. _____

ANNO DI ISCRIZIONE: 1. Primo 2. Secondo 3. Terzo 4. Quarto 5. Quinto e/o fuori corso

SESSO: 1. Maschile 2. Femminile

ANNO DI NASCITA: 19_____ Quale e' la Sua nazionalita'? _____

Quale corso Lei sta frequentando in questo momento? Corso _____ Professore _____

SOLTANTO PER GLI STUDENTI DI GIURISPRUDENZA

Per cortesia, tracci un cerchio intorno ai numeri corrispondenti alle seguenti materie che Lei abbia gia' studiato o stia studiando attualmente nell'ambito di uno qualsiasi dei corsi impartiti presso la Sua facolta':

1. Diritti della persona e della famiglia
2. Diritti reali
3. Principi generali delle obbligazioni
4. Contratti
5. Responsabilita' civile

PER GLI STUDENTI DELLE ALTRE FACOLTA'

Lei ha frequentato uno o piu' corsi aventi ad oggetto una qualsiasi materia rientrante nel diritto privato? 1. Si' 2. No

Lei ha frequentato uno o piu' corsi aventi ad oggetto una qualsiasi materia rientrante nel diritto commerciale? 1. Si' 2. No

Lei sta frequentando o ha gia' completato un qualsiasi corso in materia di diritto od economia giapponese? 1. Si' 2. No

PER TUTTI GLI STUDENTI

Per cortesia, legga il seguente brano e risponda ai quesiti che Le vengono via via posti.

Nel gennaio del 1990, una societa' della nazione A ed una della nazione B conclusero un accordo di lungo termine per la fornitura della merce X, il cui prezzo nel mercato internazionale in genere fluttua grandemente. Nel periodo in cui il contratto venne perfezionato, il prezzo della merce X nel mercato internazionale era pari a \$ 400 per tonnellata ed in base al contratto la societa' della nazione A avrebbe dovuto acquistare dalla societa' della nazione B una quantita' annua pari a 500.000 tonnellate della merce X. Il contratto aveva una durata di cinque anni con decorrenza dal 1991 ed il prezzo convenuto per la merce X era di \$ 200 per tonnellata, vale a dire, la meta' del prezzo vigente nel mercato internazionale in quel momento.

Tuttavia, un anno dopo (nel gennaio del 1991), quando cioe' le parti iniziarono a dare esecuzione al contratto, il prezzo della merce X nel mercato internazionale era calato sino a \$ 100 per tonnellata, sino ad un quarto, quindi, del prezzo originario.

Le condizioni finanziarie della societa' della nazione A non erano buone. Due mesi piu' tardi, nel marzo del 1991, la societa' della nazione A, temendo le difficulta' finanziarie dovute all'acquisto della merce X ad un prezzo cosi' sproporzionato, richiese alla societa' della nazione B di rimandare di un anno l'effettuazione di un quinto delle importazioni stabilite della merce X. La societa' della nazione B accolse la richiesta.

Nell'anno seguente, il 1992, il prezzo della merce X nel mercato internazionale continuo' a diminuire e, quando esso scese cosi' in basso fino a raggiungere l'importo di \$ 80 per tonnellata, la societa' della nazione A chiese a quella della nazione B di rinegoziare le clausole concernenti il prezzo. Tuttavia, la societa' della nazione B rifiuto' di accogliere questa richiesta.

La societa' della nazione A reitero' tale richiesta durante sia il 1992 sia il 1993. Non ci fu pero' nessun progresso verso una revisione del prezzo, sebbene le parti si fossero incontrate per discuterne.

Considerando i precedenti fatti, Lei chi cosa pensa delle affermazioni riportate qui di seguito? Lei e' totalmente d'accordo, e' d'accordo, e' in disaccordo, e' totalmente in disaccordo oppure e' incerto? Per cortesia, tracci un cerchio intorno al numero corrispondente alla Sua scelta.

a. Non e' prudente concludere un contratto di durata quinquennale che abbia ad oggetto beni quali la merce X, il cui prezzo nel mercato internazionale e' destinato ad oscillare in modo drastico.

b. 1. Totalmente d'accordo 2. D'accordo 3. Incerto 4. In disaccordo 5. Totalmente in disaccordo

b. E' naturale modificare i termini del contratto se il prezzo nel mercato internazionale della merce X diminuisce enormemente; pertanto, sarebbe cosa ragionevole se la societa' della nazione A ponesse in essere i comportamenti descritti sopra:

1. Totalmente d'accordo 2. D'accordo 3. Incerto 4. In disaccordo 5. Totalmente in disaccordo

c. Nonostante il fatto che quel prezzo nel mercato internazionale della merce X fosse diminuito enormemente, la societa' della nazione B non accolse la richiesta della societa' della nazione A tendente ad una riduzione del prezzo. La societa' della nazione B, quale parte di un contratto a lungo termine, si e' dimostrata troppo rigida nel suo atteggiamento.

1. Totalmente d'accordo 2. D'accordo 3. Incerto 4. In disaccordo 5. Totalmente in disaccordo

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Poiche' la societa' della nazione B aveva rifiutato di accogliere la richiesta riduzione del prezzo dei prodotti petroliferi, il presidente della societa' della nazione A era intenzionato a rifiutare la consegna del carico dei prodotti petroliferi stessi.

d. Quali sono i Suoi sentimenti a proposito di questa azione che il presidente stava per porre in essere?

1. Di forte sostegno 2. Di sostegno 3. Di incertezza 4. Di contrarieta' 5. Di assoluta contrarieta'

Successivamente, la societa' della nazione A rifiuto' la consegna del carico imbarcato alla volta della nazione A medesima. In conseguenza, dieci navi, cariche della merce X, furono costrette a rimanere ferme in una baia della nazione A. Questo stato di incertezza si protrasse per tre mesi.

Nell'ottobre del 1993, quale effetto di nuove negoziazioni intervenute tra le parti, il prezzo della merce X venne diminuito del 10%, sino a raggiungere l'importo di \$ 180.

Tenendo in considerazione queste circostanze, quali sono i Suoi sentimenti a proposito delle seguenti affermazioni?

e. Non sono d'accordo con la serie di azioni compiute dalla societa' della nazione A, poiche', una volta concluso un contratto, se ne dovrebbero rispettare i termini.

1. Di forte sostegno 2. Di sostegno 3. Di incertezza 4. Di contrarieta' 5. Di assoluta contrarieta'

f. La serie di azioni compiute dalla societa' della nazione A e', da un punto di vista etico, sordida.

1. Di forte sostegno 2. Di sostegno 3. Di incertezza 4. Di contrarieta' 5. Di assoluta contrarieta'

g. E' ridicolo che la societa' della nazione B alla fine abbia acconsentito a ridurre il prezzo dei prodotti petroliferi, nonostante la presenza di un altro prezzo stabilito in precedenza nel contratto a lungo termine.

1. Di forte sostegno 2. Di sostegno 3. Di incertezza 4. Di contrarieta' 5. Di assoluta contrarieta'

Sullo sfondo dei fatti di questa vicenda, a causa del crollo dei prezzi dei prodotti petroliferi, per la societa' della nazione A c'era il rischio di fallire nel caso in cui la medesima avesse tenuto fede ai termini del contratto cosi' come essi erano.

Tenendo in considerazione queste circostanze, quali sono i Suoi sentimenti a proposito della seguente affermazione?

h. Dato che e' impossibile rispettare i termini di un contratto nel caso in cui una delle parti fallisca, era inevitabile che la societa' della nazione A ponesse in essere la serie di azioni sopra descritte.

1. Di forte sostegno 2. Di sostegno 3. Di incertezza 4. Di contrarieta' 5. Di assoluta contrarieta'

Per cortesia, risponda alle seguenti domande. Le Sue risposte in questa e nelle seguenti sezioni saranno utilizzate a complemento di quelle precedenti nell'ambito dell'analisi statistica dei dati raccolti.

i). In base al tipo di lavoro svolto da uno o da entrambi i Suoi genitori, in quale dei seguenti gruppi Lei collocherebbe la Sua famiglia? Qualora la scelta non si presenti essere univoca, La preghiamo di indicare

l'attivita' ritenuta corrispondere in modo piu' esatto ad elementi quali il reddito, il ceto sociale, il livello culturale ed in generale l'ambiente propri della Sua famiglia.

1. Agricoltori 2. Impiegati 3. Operai 4. Professionisti 5. Dirigenti 6. Artisti 7. Professori
i2. Seguo regolarmente le notizie di economia.

Molto <-----> Per niente
1 2 3 4 5

- i3. Seguo regolarmente le notizie di politica e quelle sul governo.

Molto <-----> Per niente
1 2 3 4 5

- i4. Discuto spesso di economia con le persone.

Molto <-----> Per niente
1 2 3 4 5

- i5. Discuto spesso di politica con le persone.

Molto <-----> Per niente
1 2 3 4 5

- i6. Sono attivo all'interno di gruppi o di organizzazioni politiche.

Molto <-----> Per niente
1 2 3 4 5

Che cosa pensa in merito alle seguenti affermazioni?

- j1. Nessuna debolezza o difficolta' ci possono fermare se abbiamo abbastanza forza di volonta'.

1. Totalmente d'accordo 2. D'accordo 3. Incerto 4. In disaccordo 5. Totalmente in disaccordo

- j2. Quello di cui la gioventu' ha maggiormente bisogno e' severa disciplina, forte determinazione e volonta' di lavorare e combattere per la famiglia ed il paese.

1. Totalmente d'accordo 2. D'accordo 3. Incerto 4. In disaccordo 5. Totalmente in disaccordo

- j3. Un'offesa al nostro onore dovrebbe sempre essere punita.

1. Totalmente d'accordo 2. D'accordo 3. Incerto 4. In disaccordo 5. Totalmente in disaccordo

- j4. Quello di cui questo paese ha maggiormente bisogno, piu' di leggi e di programmi politici, e' un gruppo di pochi, coraggiosi, instancabili e devoti leader sui quali il popolo possa riporre la propria fiducia.

1. Totalmente d'accordo 2. D'accordo 3. Incerto 4. In disaccordo 5. Totalmente in disaccordo

- j5. Le persone si possono dividere in due classi ben distinte: i deboli ed i forti.

1. Totalmente d'accordo 2. D'accordo 3. Incerto 4. In disaccordo 5. Totalmente in disaccordo

La preghiamo di scrivere sul retro della precedente pagina qualsiasi osservazione o commento Lei desideri formulare relativamente al presente questionario.

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La ringraziamo per la Suà collaborazione.

Ogni diritto di autore e qualsiasi altro diritto concernente il presente questionario, ad eccezione dei quesiti "i" e "j", sono di esclusiva titolarità' del Centro di Ricerca per la Comparazione a Livello Internazionale della Coscienza Legale (Rappresentante e Direttore, Masanobu Kato, Professore di Diritto, Universita' di Nagoya, Facolta' di Giurisprudenza, Nagoya, Giappone).

Riferimenti:

Quesito "i1." (modificato) : National Center for State Courts (1977) *A Blueprint for the Future*.

Quesiti da "i2." a "i6." : National Center for State Courts (1977) *A Blueprint for the Future*.

Quesiti da "j1." a "j5." : T. W. Adorno and et al. (1950) "F-Scale Clusters Forms 45 and 40." In *The Authoritarian Personality*.

Sverige 4

Rättsmedvetande beträffande avtal

Detta frågeformulär används i ett kartläggningsprojekt rörande rättsmedvetande i ett större antal länder. Vi uppskattar Din vänlighet att ägna tid åt att fylla i formuläret.

Vi använder formuläret i ett antal klasser på fakulteten för att uppnå ett tillräckligt antal svar för analysen.

OM DU REDAN HAR BESVARAT DETTA FRÅGEFORMULÄR I EN ANNAN KLASS
BER VI DIG ATT INTE SVARA DENNA GÅNG.

Vänligen fyll i tomma rader respektive sätt en cirkel kring ett alternativ.

UNIVERSITET: _____

Vilken nivå är Du på? 1. Masternivån
 2. Kandidatnivån

Vilket är Ditt huvudämne nu? 1. Juridik 2. Statsvetenskap

 3. Handelshögskola 4. Ekonomi

 5. Utrikeshandel 6. Annat. Vilket?

STUDIEÅR: 1. Första 2. Andra 3. Tredje 4. Fjärde 5. Femte eller mer

KÖN 1. Man 2. Kvinnan

FÖDELSEÅR: 19_____

Vilken kurs går Du nu? Lärare: _____

+++++
FRÅGOR ATT BESVARA ENDAST AV JURIDIKSTUDERANDE

Vänligen sätt en cirkel kring numret för de kurser som Du redan tagit.

- 1. Avtalsrätt
 - 2. Fastighetsrätt
 - 3. Skadeståndsrätt
 - 4. Handelsrätt/kommersiella avtal
 - 5. Börsrätt
 - 6. Konkurrensrätt
- +++++

FRÅGOR TILL ANDRA STUDENTER ÅN JURIDIKSTUDENTER

Har Du gått en kurs i avtalsrätt eller skadeståndsrätt 1. Ja 2. Nej
Har Du gått en kurs i handelsrätt 1. Ja 2. Nej

TILL ALLA STUDENTER

VÄNLIGEN LÄS FÖLJANDE TEXT OCH BESVARA DÄREFTER FRÅGORNA

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Bakgrund och utgångspunkt

I januari 1990 slöt ett bolag i A-land och ett bolag i B-land ett femårigt avtal avseende en oljebaserad produkt. När avtalet ingicks var priset på olja på den internationella marknaden US \$ 800.000 per ton (åttahundratusen amerikanska dollar per ton). Avtalet innebar att bolaget i A-land skulle köpa 500.000 ton per år av den oljebaserade produkten från bolaget i B-land. Avtalet trädde i kraft 1991. Det avtalade priset för den oljebaserade produkten var US \$ 400.000 per ton under avtalets hela löptid, dvs halva världsmarknadspriset vid tidpunkten då avtalet ingicks.

När avtalet började tillämpas i januari 1991 hade emellertid priset på olja fallit till US \$ 200.000, dvs en fjärdedel av priset när avtalet slöts. Bolaget i A-land beförade ekonomiska förluster till följd av det avtalade priset. Bolaget beslutade därför i mars 1991 att be bolaget i B-land att hålla inne med leverans om en femtedel av den avtalade kvantiteten under ett år. Bolaget i B-land gick med på detta.

Priset på olja fortsatte att sjunka på världsmarknaden. När det hade fallit till US \$ 160.000 per ton begärde bolaget i A-land att avtalet med bolaget i B-land skulle omförhandlas vad avsåg priset på oljeprodukten. Bolaget i B-land avslog emellertid denna begäran. Bolaget i A-land framställde samma begäran gång på gång under 1992 och 1993. Ingen ändring av priset kom till stånd trots att parterna möttes flera gånger för diskussioner om priset.

+++++

Vad anser Du om de påståenden som görs i det följande? Vänligen sätt en cirkel kring det alternativ som Du väljer.

+++

- a. Det är oförsiktigt att ingå ett femårigt avtal rörande en oljebaserad produkt med hänsyn till att priset på olja varierar drastiskt på den internationella marknaden.

1. Håller bestämt med

2. Håller med

3. Osäker

4. Håller inte med

5. Håller bestämt inte med

+++

- b. Det är naturligt att omförhandla avtalsvillkoren om det internationella oljepriset faller mycket och därför är det rimligt att bolaget i A-land handlar som det gör.

1. Håller bestämt med

2. Håller med

3. Osäker

4. Håller inte med

5. Håller bestämt inte med

+++

- c. Bolaget i B-land vägrade att gå med på begäran av bolaget i A-land att priset skulle sänkas. Detta handlande av bolaget i B-land var alltför stelbent (oflexibelt).

1. Håller bestämt med

2. Håller med

3. Osäker

4. Håller inte med

5. Håller bestämt inte med

+++
Till följd av att bolaget i B-land har förkastat begäran om en prisnedsättning överväger bolaget i A-land att vägra att taga emot leveranser av den oljebaserade produkten.

d. Vad anser Du om de planer som bolaget i A-land har?

- | | | |
|-----------------------|----------------------------|-----------|
| 1. Håller bestämt med | 2. Håller med | 3. Osäker |
| 4. Håller inte med | 5. Håller bestämt inte med | |

+++
Bolaget i A-land bestämde sig för att vägra att taga emot leveranser. Som en följd av detta blev efter en tid tio fullastade fartyg liggande för ankar på redden utanför hamnen i huvudstaden i A-land. Detta förvirrade läge pågick i tre månader.

Efter förrörda förhandlingar mellan parterna sänktes priset på den oljebaserade produkten i oktober 1993 med 10 procent, dvs från US \$ 400.000 till US \$ 360.000 per ton.

+++
Vad anser Du mot denna bakgrund om följande påståenden?

e. Jag tar avstånd från handlandet av bolaget i A-land eftersom man skall uppfylla ett avtal när det väl är ingånget.

- | | | |
|-----------------------|----------------------------|-----------|
| 1. Håller bestämt med | 2. Håller med | 3. Osäker |
| 4. Håller inte med | 5. Håller bestämt inte med | |

+++
f. Från en etisk (moralisk) ståndpunkt handlade bolaget i A-land tarvligt (smutsigt).

- | | | |
|-----------------------|----------------------------|-----------|
| 1. Håller bestämt med | 2. Håller med | 3. Osäker |
| 4. Håller inte med | 5. Håller bestämt inte med | |

+++
g. Det var stolligt (fänigt) av bolaget i B-land att gå med på en prissänkning när ett bestämt pris tidigare avtalats för hela avtalsperioden.

- | | | |
|-----------------------|----------------------------|-----------|
| 1. Håller bestämt med | 2. Håller med | 3. Osäker |
| 4. Håller inte med | 5. Håller bestämt inte med | |

+++
Bolaget i A-land hade riskerat att gå i konkurs om det hade följt avtalet i dess ursprungliga lydelse.

Vad anser Du mot den bakgrunden om följande påståenden?

h. Om ett bolag går i konkurs kan det inte uppfylla ingångna avtal och därfor var det nödvändigt för bolaget i A-land att handla som det gjorde.

- | | | |
|-----------------------|----------------------------|-----------|
| 1. Håller bestämt med | 2. Håller med | 3. Osäker |
| 4. Håller inte med | 5. Håller bestämt inte med | |

+++

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Var vänlig och besvara följande frågor. Svaren i denna (i1 - i.6) och följande avdelning (j.1 - j.5) skall användas för den statistiska analysen av Dina tidigare svar.

i1. Vilken samhällsgrupp (klass) tillhör Du?

Över < ----- > Under

1. 2. 3. 4. 5.

+++

i2. Jag följer noga nyheterna inom ekonomin

Mycket < ----- > Inte alls

1. 2. 3. 4. 5.

+++

i3. Jag följer noga nyheterna rörande politik och regeringsangelägenheter

Mycket < ----- > Inte alls

1. 2. 3. 4. 5.

+++

i4. Jag talar ofta om ekonomi med människor

Mycket < ----- > Inte alls

1. 2. 3. 4. 5.

+++

i5. Jag talar ofta om politik med människor

Mycket < ----- > Inte alls

1. 2. 3. 4. 5.

+++

i6. Jag är aktiv i politiska grupper och organisationer

Mycket < ----- > Inte alls

1. 2. 3. 4. 5.

+++

Vad anser Du om följande påståenden?

j1. Inga svårigheter kan hålla oss tillbaka om vi har stor viljestyrka

- | | | |
|-----------------------|---------------|----------------------------|
| 1. Håller bestämt med | 2. Håller med | 3. Osäker |
| 4. Håller inte med. | | 5. Håller bestämt inte med |

+++

j2. Det som ungdomar mest behöver är sträng disciplin och obändig beslutsamhet

- | | | |
|-----------------------|---------------|----------------------------|
| 1. Håller bestämt med | 2. Håller med | 3. Osäker |
| 4. Håller inte med | | 5. Håller bestämt inte med |

+++

j3. Man skall alltid kräva upprättelse om man blivit kränkt personligen

- | | | |
|-----------------------|---------------|----------------------------|
| 1. Håller bestämt med | 2. Håller med | 3. Osäker |
| 4. Håller inte med | | 5. Håller bestämt inte med |

+++

j4. Vad Sverige behöver mer än lagar och politiska program är ett antal modiga, outtröttliga och hängivna ledare som mänsklig kan sätta tilltro till

- | | | |
|-----------------------|---------------|----------------------------|
| 1. Håller bestämt med | 2. Håller med | 3. Osäker |
| 4. Håller inte med | | 5. Håller bestämt inte med |

+++

j5. Människor kan indelas i två grupper: de svaga och de starka

- | | | |
|-----------------------|---------------|----------------------------|
| 1. Håller bestämt med | 2. Håller med | 3. Osäker |
| 4. Håller inte med | | 5. Håller bestämt inte med |

+++

Vänligen skriv några ord på baksidan om Dina åsikter om detta frågeformulär, om Du så önskar!

TACK FÖR DIN MEDVERKAN

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Deutschland 4 Rechtsbewußtsein bei Verträgen

Dieser Fragebogen dient einem in verschiedenen Ländern durchgeführten empirischen Projekt über das Rechtsbewußtsein. Wir möchten uns im voraus für Ihre Freundlichkeit bedanken, Ihre Zeit auf das Ausfüllen dieses Fragebogens zu verwenden.

Bitte füllen Sie die Leerstellen aus oder umkreisen Sie eine der Nummern.

UNIVERSITÄT: _____

Was ist Ihr Hauptfach?

- 1. Rechtswissenschaften
- 2. Politische Wissenschaften
- 3. Betriebswirtschaft/Handel
- 4. Volkswirtschaft
- 5. Etwas anderes

Wenn Sie bei der obigen Frage die Nummer 5 angekreuzt haben,
beschreiben Sie bitte Ihr Hauptfach konkret. _____

STUDIENJAHR: 1. Erstes Jahr 2. Zweites Jahr 3. Drittes Jahr

 4. Viertes Jahr 5. Fünftes Jahr oder mehr

GESCHLECHT: 1. Männlich 2. Weiblich

GEBURTSJAHR: 19_____ Welche Staatsangehörigkeit besitzen Sie zur Zeit? _____

Welche Veranstaltung besuchen Sie gerade? Veranstaltung_____

NUR FÜR STUDIERENDE IM HAUPTFACH RECHTSWISSENSCHAFTEN

Bitte umkreisen Sie die Nummer derjenigen Veranstaltungen, die Sie bereits besucht haben.
(Nicht. zur Zeit besuchen)

- 1. Allgemeiner Teil des BGB (Grundkurs I)
- 2. Allgemeines Schuldrecht (Grundkurs II)
- 3. Besonderes Schuldrecht
- 4. Sachenrecht (Grundkurs III)
- 5. Handelsrecht
- 6. Veranstaltung zum Völkerrecht oder internationalen Vertrags- bzw. Wirtschaftsrecht

NUR FÜR STUDIERENDE, DIE NICHT RECHTSWISSENSCHAFT IM HAUPTFACH STUDIEREN

Haben Sie bereits Veranstaltungen zu den Themen Vertragsrecht oder Unerlaubte Handlungen
besucht? 1. Ja 2. Nein

Haben Sie bereits Veranstaltungen zum Handelsrecht besucht? 1. Ja 2. Nein

Besuchen Sie eine Veranstaltung, die Bezüge zum amerikanischen oder japanischen
Geschäftsverkehr oder Recht hat. oder haben Sie einmal eine solche Veranstaltung besucht?
1. Ja 2. Nein

FÜR ALLE STUDENTEN

Bitte lesen Sie den folgenden Text und beantworten Sie die Fragen.

Im Januar 1990 schlossen eine Firma aus Land A und eine Firma aus Land B einen langfristigen Vertrag über ein bestimmtes Gut X, dessen internationaler Marktpreis starken Schwankungen ausgesetzt ist. Zum Zeitpunkt des Vertragsschlusses betrug der internationale Preis für Gut X 400 US-Dollar pro Tonne. Dem Vertrag zufolge war die Firma aus Land B verpflichtet, pro Jahr 500.000 Tonnen des Gutes X von der Firma aus Land A zu importieren. Die Laufzeit des Vertrages war auf 5 Jahre von 1991 an festgesetzt und der vereinbarte Preis des Gutes X sollte 200 US-Dollar pro Tonne betragen. Dies war zum Zeitpunkt des Vertragsschlusses die Hälfte des internationalen Marktpreises.

Ein Jahr später jedoch - im Januar 1991, als die Parteien ihre vertraglichen Pflichten zu erfüllen begannen - war der internationale Marktpreis des Gutes X auf 100 US-Dollar pro Tonne gefallen, also auf ein Viertel des ursprünglichen Preises.

Die finanzielle Situation der Firma aus Land A war schlecht. Zwei Monate später, im März 1991, befürchtete man auf Seiten der Firma aus Land A, wegen der Verwendung des teuren Gutes X in finanzielle Schwierigkeiten zu geraten; daher bat die Firma aus Land A ihre Vertragspartnerin aus Land B, ein Fünftel der vereinbarten jährlichen Importmenge für ein Jahr zurückzustellen. Die Firma aus Land B erklärte sich damit einverstanden.

Im folgenden Jahr, 1992, fiel der internationale Marktpreis für Gut X weiter. Als der Preis auf 80 US-Dollar pro Tonne gesunken war, bat die Firma aus Land A ihre Vertragspartnerin aus Land B darum, über den vereinbarten Preis nachzuverhandeln. Dies lehnte die Firma aus Land B jedoch ab.

Von 1992 bis 1993 wiederholte die Firma aus Land A dieses Ersuchen immer wieder. Obwohl die Vertragsparteien darüber verhandelten, kam man sich hinsichtlich einer Abänderung des Preises nicht näher.

Wenn Sie die soeben geschilderten Umstände bedenken: Was denken Sie über die folgenden Äußerungen? Stimmen Sie Ihnen stark zu, stimmen Sie Ihnen zu, lehnen Sie sie ab, lehnen Sie sie stark ab oder sind Sie unentschieden? Bitte umringeln Sie die von Ihnen gewählte Nummer.

a. Es ist unvernünftig, einen Vertrag mit einer Laufzeit von 5 Jahren über einen Gegenstand wie Gut X, dessen internationaler Marktpreis starken Schwankungen ausgesetzt ist, abzuschließen.

1. Stimme stark zu 2. Stimme zu 3. Weiß nicht 4. Stimme nicht zu 5. Stimme überhaupt nicht zu

b. Es ist normal, die Vertragsbedingungen zu ändern, wenn der internationale Marktpreis für Gut X stark fällt. Daher wäre es für die Firma aus Land A vernünftig, sich für das oben geschilderte Vorgehen zu entscheiden.

1. Stimme stark zu 2. Stimme zu 3. Weiß nicht 4. Stimme nicht zu 5. Stimme überhaupt nicht zu

c. Obwohl der internationale Marktpreis stark schwankte, wies die Firma aus Land B die Bitte der Firma aus Land A um eine Preissenkung zurück. Die Firma aus Land B war hier als Partei eines Vertrages mit langer Laufzeit in ihrer Haltung zu unflexibel.

1. Stimme stark zu 2. Stimme zu 3. Weiß nicht 4. Stimme nicht zu 5. Stimme überhaupt nicht zu

Da die Firma aus Land B die Bitte um eine Preissenkung zurückwies, hat sich der Präsident der Firma aus Land A dazu entschlossen, die Abnahme der Schiffsladung mit Gut X zu verweigern.

d. Was ist Ihre Einstellung zu dieser vom Präsidenten in Aussicht genommenen Maßnahme?

1. Bin sehr dafür 2. Bin dafür 3. Weiß nicht 4. Bin dagegen 5. Bin sehr dagegen

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Im folgenden weigerte sich die Firma aus Land A, die nach Land A beförderte Schiffsladung entgegenzunehmen. Infolgedessen mußten zehn mit Gut X beladene Schiffe in einer Bucht vor der Küste von Land A bleiben. Dieser Zustand der Konfusion dauerte drei Monate.

Im Oktober 1993 kamen die Parteien nach erneuten Verhandlungen überein, daß der Preis des Gutes X um 10 %, d.h. auf 180 US-Dollar gesenkt werden sollte.

Wenn Sie diese Umstände bedenken: Was halten Sie von den folgenden Meinungen?

e. Ich bin mit der Vorgehensweise der Firma aus Land A nicht einverstanden, weil man einmal getroffene vertragliche Vereinbarungen einhalten sollte.

1. Stimme stark zu 2. Stimme zu 3. Weiß nicht 4. Stimme nicht zu 5. Stimme überhaupt nicht zu

f. Die Vorgehensweise der Firma aus Land A war unter moralischen Gesichtspunkten niedrig.

1. Stimme stark zu 2. Stimme zu 3. Weiß nicht 4. Stimme nicht zu 5. Stimme überhaupt nicht zu

g. Es war lächerlich, daß die Firma aus Land B schließlich mit einer Herabsetzung des Preises einverstanden war, obwohl der Preis zuvor in dem langfristigen Vertrag festgelegt worden war.

1. Stimme stark zu 2. Stimme zu 3. Weiß nicht 4. Stimme nicht zu 5. Stimme überhaupt nicht zu

Der vorliegende Fall ist vor dem Hintergrund zu sehen, daß die Firma aus Land A aufgrund des Preissturzes des Gutes X Gefahr lief, zahlungsunfähig zu werden, hätte sie die ursprünglichen vertraglichen Bedingungen eingehalten.

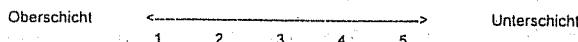
Wenn Sie diese Umstände bedenken: Was halten Sie von der folgenden Meinung?

h. Da es unmöglich ist, Verträge einzuhalten, wenn eine Partei zahlungsunfähig wird, war es unvermeidlich, daß die Firma aus Land A die oben geschilderten Maßnahmen ergriff.

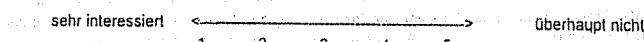
1. Stimme stark zu 2. Stimme zu 3. Weiß nicht 4. Stimme nicht zu 5. Stimme überhaupt nicht zu

Bitte beantworten Sie die folgenden Fragen. Wir benötigen Ihre Antworten in diesem und im nächsten Abschnitt als Ergänzung Ihrer obigen Antworten bei der statistischen Auswertung der Daten.

i1. Zu welcher Schicht gehört Ihre Familie?



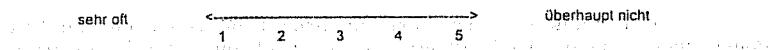
i2. Ich verfolge die Wirtschaftsnachrichten.



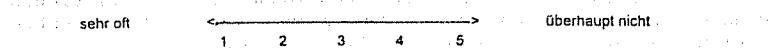
i3. Ich verfolge die politischen Nachrichten.



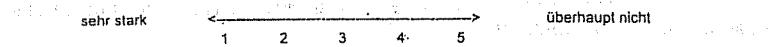
i4. Ich spreche oft mit anderen über wirtschaftliche Dinge.



i5. Ich spreche oft mit anderen über Politik.



i6. Ich bin in politischen Gruppen oder Organisationen aktiv.



Was halten Sie von den folgenden Meinungen?

j1. Keine Schwäche und keine Schwierigkeiten können uns aufhalten, wenn wir nur genügend Willensstärke besitzen.

1. Stimme stark zu 2. Stimme zu 3. Weiß nicht 4. Stimme nicht zu 5. Stimme überhaupt nicht zu

j2. Was die Jugend am meisten braucht, ist strikte Disziplin, wilde Entschlossenheit und den Willen, für Familie und Vaterland zu arbeiten und zu kämpfen.

1. Stimme stark zu 2. Stimme zu 3. Weiß nicht 4. Stimme nicht zu 5. Stimme überhaupt nicht zu

j3: Wer unsere Ehre kränkt, sollte nicht ungestraft bleiben.

1. Stimme stark zu 2. Stimme zu 3. Weiß nicht 4. Stimme nicht zu 5. Stimme überhaupt nicht zu

j4: Was unser Land am meisten braucht, mehr als Gesetze und politische Programme, sind eine Handvoll mutige, unermüdliche und hingebungsvolle Führer, denen die Leute vertrauen können.

1. Stimme stark zu 2. Stimme zu 3. Weiß nicht 4. Stimme nicht zu 5. Stimme überhaupt nicht zu

j5. Man kann die Leute in zwei verschiedene Gruppen einteilen: Die Schwachen und die Starken.

1. Stimme stark zu 2. Stimme zu 3. Weiß nicht 4. Stimme nicht zu 5. Stimme überhaupt nicht zu

Falls Sie zu diesem Fragebogen irgendwelche Anmerkungen machen möchten, schreiben Sie diese bitte auf die Rückseite der vorigen Seite.

Wir bedanken uns für Ihre Kooperation.

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References:

Question i1 (revised): National Center for State Courts (1977) *A Blueprint for the Future*.

Question i2 to i6: National Center for State Courts (1977) *A Blueprint for the Future*.

Question j1 to j5: T.W.Adorno et al. (1950) "F-Scale Clusters Forms 45 and 40" in *The Authoritarian Personality*.

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CONSCIENCE LÉGALE SUR CONTRAT < France enquête 4 >

Voici un questionnaire pour un projet de recherche sur la conscience légale, à effectuer dans de nombreux pays. Nous vous serons très obligés de bien vouloir y répondre.

Nous faisons circuler ce questionnaire dans plusieurs classes de votre université afin d'avoir un certain nombre d'éléments nécessaires pour l'analyse propre.

SI VOUS AVEZ DÉJÀ RÉPONDU À CE QUESTIONNAIRE DANS UNE AUTRE CLASSE, N'Y RÉPONDEZ PAS.

S'il vous plaît, cochez ou encerclez le numéro.

Université :

Quelle est votre spécialité ?

- 1. droit 2. science politique 3. gestion/commerce
- 4. science économique 5. commerce extérieur
- 6. autres _____

Année : 1. 1ère année 2. 2ème année 3. licence 4. maîtrise ou plus

Sexe : 1. masculin 2. féminin

Date de naissance : 1 9 _____

Au quel cours assistez-vous maintenant ? Prof. _____

Cours _____

SEULEMENT POUR LES ÉTUDIANTS EN DROIT

Tracez un cercle autour des domaines que vous avez déjà étudiés au cours.

- 1. droit civil des personnes
- 2. droit civil des biens
- 3. droit civil des obligations
- 4. contrats civils et commerciaux
- 5. droit délictuel

Avez-vous déjà assisté au cours de droit commercial ?

- 1. Oui
- 2. Non

SEULEMENT POUR LES AUTRES ÉTUDIANTS

Avez-vous déjà assisté au cours de droit civil ?

- 1. Oui
- 2. Non

Avez-vous déjà assisté au cours de droit commercial ?

- 1. Oui
- 2. Non

POUR TOUS LES ETUDIANTS

Ensuite, nous allons étudier une situation dans laquelle un étudiant doit faire une analyse critique et formuler des recommandations pour résoudre un problème.

Lisez le texte suivant et répondez aux questions.

En janvier 1990, une société du pays A et une société du pays B ont conclu un contrat à long terme d'achat et de vente d'un produit X, dont le prix était fluctuant. A ce moment là, le prix international du produit X était 4 milles F la tonne. Mais, selon ce contrat, la société du pays A devait acheter à la société du pays B 500 mille tonnes de produit X tous les ans à partir de 1991 pendant 5 ans au prix de 2 milles F la tonne, soit la moitié du prix international.

Pourtant un an après (en janvier 1991), quand on a commencé à appliquer le contrat, le prix international du produit X avait baissé jusqu'à mille F la tonne, soit un quart du prix original.

L'état financier de la société du pays A n'était pas tellement bon. Deux mois après, en s'inquiétant de l'aggravation des difficultés financières causé par l'achat du produit X de prix élevé, la société du pays A a demandé à la société du pays B de donner un délai d'un an pour 100 milles tonnes, soit un cinquième de la quantité fixée d'avance pour l'année 1991. La société du pays B l'a accepté.

En 1992, le prix international du produit X a continué à baisser. Quand le prix a atteint 800 F la tonne, la société du pays A a réclamé la renégociation du prix. Pourtant la société du pays B l'a refusée.

La société du pays A a réitéré le même demande à plusieurs reprises durant les années 92-93. Bien qu'il y ait eu des entretiens, on n'a fait aucun progrès pour refixer le prix.

D'après les circonstances décrites plus haut, que pensez-vous des opinions ci-dessous, "absolument d'accord", "d'accord", "incertain", "pas d'accord", "absolument pas d'accord"? S'il vous plaît, faites un cercle autour du numéro choisi.

Il est imprudent de conclure un contrat d'achat, qui dure cinq ans, sur un produit comme le produit X dont le prix change brusquement.

- | | | | | |
|------------------------|-------------|--------------|-----------------|----------------------------|
| 1. Absolument d'accord | 2. D'accord | 3. Incertain | 4. Pas d'accord | 5. Absolument pas d'accord |
|------------------------|-------------|--------------|-----------------|----------------------------|

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b. Puisque le prix international a beaucoup baissé, il est naturel de changer le contenu du contrat. Donc les actions prises par la société du pays A sont raisonnables.

1. Absolument 2. D'accord 3. Incertain 4. Pas d'accord 5. Absolument pas D'accord

c. Si la société du pays B n'acceptait pas la demande de la renégociation, bien que le prix international du produit X ait beaucoup changé, son attitude était trop raide en cas d'échanges à long terme.

1. Absolument 2. D'accord 3. Incertain 4. Pas d'accord 5. Absolument pas D'accord

Etant donné que la société du pays B ne répond pas à la demande de la renégociation du prix, le Président de la société du pays A est en train de refuser la réception du produit X.

d. Que pensez-vous de cette action entreprise par le Président ?

1. Absolument 2. D'accord 3. Incertain 4. Pas d'accord 5. Absolument pas D'accord

Après, la société du pays A a refusé le débarquement du produit X. Le résultat a été que dix bateaux durent rester dans la baie du pays de la société du pays A. Au bout de trois mois de cette confusion, en octobre 1993, par suite de la renégociation entre les deux partis, le prix a été réduit à 1800 F la tonne, soit 10 % de réduction.

e. Une fois conclu, le contrat devait être respecté. On ne peut pas admettre une série d'actions prises par la société du pays A.

1. Absolument 2. D'accord 3. Incertain 4. Pas d'accord 5. Absolument pas D'accord

f. Du point de vue éthique, on peut même dire que le comportement de la société du pays A constitue une bassesse.

1. Absolument 2. D'accord 3. Incertain 4. Pas d'accord 5. Absolument pas D'accord

g. La société du pays B a finalement accepté la réduction du prix malgré que le contrat ait été à long terme. C'est ridicule.

1. Absolument 2. D'accord 3. Incertain 4. Pas d'accord 5. Absolument pas D'accord

En fait, la société du pays A aurait risqué de faire banqueroute, si elle avait respecté le premier contrat.

h. Comme il est impossible de respecter le contrat en cas de banqueroute, il est inévitable pour la société du pays A de recourir à un tel comportement.

1. Absolument 2. D'accord 3. Incertain 4. Pas d'accord 5. Absolument pas D'accord

* * *

Pouvez-vous, s'il vous plaît, répondre aux questions suivantes.

i1. Estimez-vous que la position de votre famille dans la hiérarchie sociale est :

plutôt élevée <-----> plutôt basse

1 2 3 4 5

i2. Suivez-vous les nouvelles économiques ?

Tout à fait <-----> Pas du tout
1 2 3 4 5

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i3. Suivez-vous les nouvelles politiques et gouvernementales ?

Tout à fait <-----> Pas du tout

1 2 3 4 5

i4. Discuter-vous souvent au sujet de l'économie avec les gens ?

Tout à fait <-----> Pas du tout

1 2 3 4 5

i5. Discuter-vous souvent de la politique avec les gens ?

Tout à fait <-----> Pas du tout

1 2 3 4 5

i6. Participez-vous à la politique ?

Tout à fait <-----> Pas du tout

1 2 3 4 5

Que pensez-vous des opinions suivantes ?

j1. Tant que l'on a de la volonté, on peut surmonter toutes les difficultés et les faiblesses.

1. Absolument 2. D'accord 3. Incertain 4. Pas d'accord 5. Absolument pas D'accord

j2. Ce dont les jeunes ont le plus besoin, c'est une discipline sévère, la détermination, et la volonté de travailler et se battre pour sa famille et pour son pays.

1. Absolument 2. D'accord 3. Incertain 4. Pas d'accord 5. Absolument pas D'accord

j3. Une insulte contre notre honneur doit toujours être punie. 1. Absolument
d'accord 2. D'accord 3. Incertain 4. Pas d'accord 5. Absolument pas D'accord

1. Absolument 2. D'accord 3. Incertain 4. Pas d'accord 5. Absolument pas D'accord

j4. Ce dont notre pays a le plus besoin davantage que de l'action politique, ce sont quelques leaders courageux, infatigables, et dévoués à qui le peuple peut faire confiance. 1. Absolument
d'accord 2. D'accord 3. Incertain 4. Pas d'accord 5. Absolument pas D'accord

1. Absolument 2. D'accord 3. Incertain 4. Pas d'accord 5. Absolument pas D'accord

j5. On peut diviser les êtres humains en deux groupes : les forts et les faibles.

1. Absolument 2. D'accord 3. Incertain 4. Pas d'accord 5. Absolument pas D'accord

Donnez, s'il vous plaît, votre opinion sur ce questionnaire, si vous en avez une.

Nous vous remercions de votre coopération.

Nous utilisons ici une reproduction des questions suivantes :
j1-i5. National Center for State Courts, A Blueprint for the Future, 1977

j1-j5. T.W.Adorno and et.al, "F-Scale Clusters: Froms 45 and 40." In THE AUTHITARIAN PERSONALITY, 1950.

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U.K. 4 Legal Consciousness on Contracts

This is a questionnaire for the survey project on legal consciousness to be done in many countries. We all appreciate your kindness in taking the time to fill out this questionnaire.

We are circulating this questionnaire to various classes in this school to have a sufficient number of cases for analysis.

**IF YOU ALREADY HAVE ANSWERED THIS QUESTIONNAIRE IN ANOTHER CLASS,
PLEASE DO NOT RESPOND.**

Please fill out or circle a number.

UNIVERSITY: _____

Which are you? 1 Graduate Student (including professional school student)
 2 Undergraduate Student

What is your major now? 1. Law 2. Political Science 3. Business/Commerce
 4. Economics 5. Foreign Trade 6. Others

If you circle the number 6 in the question above,
please describe your major concretely. _____

YEAR: 1. 1st year 2. 2nd year 3. 3rd year 4. 4th year 5. 5th or more

GENDER: 1. Male 2. Female

YEAR OF BIRTH: 19_____ What is your nationality now? _____

Which class are you attending now? Class _____ Prof. _____

FOR LAW MAJOR STUDENTS ONLY

Please circle the number of the classes you have already attended.

1. Contracts
2. Property
3. Torts
4. Law of Commercial Transactions
5. Securities Regulation
6. Antitrust
7. Japanese Law

FOR OTHER STUDENTS ONLY

Have you already attended any Contract or Tort classes? 1. Yes 2. No

Have you already attended any Commercial Law classes? 1. Yes 2. No

Are you attending or have you attended any Japanese
Business - or Law - related classes? 1. Yes 2. No

16. イギリス

FOR ALL STUDENTS

Please read the following text and answer the questions.

In January 1990, a company of Country A and a company of Country B made a long-term trading contract for Commodity X, the international market price of which fluctuates greatly. When the agreement was reached, the international price of Commodity X was US\$400 per ton. Under the contract, the company of Country A was to import as much as 500 thousand tons of Commodity X from the company of Country B per year. The contract was for 5 years from 1991 and the price of Commodity X was US\$200 per ton. This was half of the international market price at that time.

However, one year later (January 1991) when they began to fulfill the contract terms, the international market price of Commodity X had dropped to US\$100 per ton. This was one-fourth of its original price.

The financial situation of the company of Country A had not been good. Two months later, in March 1991, fearing financial difficulties due to the use of highly priced Commodity X, the company of Country A asked the company of Country B to postpone for one year one-fifth of the imports of Commodity X. The company of Country B approved the request.

In the following year, in 1992, the international market price of Commodity X continued to drop. When it went down to US\$80 per ton, the company of Country A requested the company of Country B to renegotiate the terms regarding to price. However, the company of Country B refused the request.

The company of Country A repeated the same request again and again from 1992 to 1993. There was no progress in revising the price although both parties met to discuss it.

Considering the above circumstances, what do you think of the statements below? Do you strongly agree, agree, disagree, strongly disagree or are you uncertain? Please circle the number you choose.

a. It is imprudent to make a contract that lasts for 5 years on such merchandise like Commodity X whose international market price fluctuates drastically.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

b. It is natural to alter the terms of contract if the international market price of Commodity X falls greatly, therefore it would be reasonable for the company of Country A to take the course of actions stated above.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

c. Even though the international market price had fluctuated greatly, the company of Country B refused the request of the company of Country A for a price reduction. Company B, as a long-term contract party, was too inflexible in its attitude.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Since the company of Country B rejected the request to reduce the price of Commodity X, the president of the company of Country A is about to refuse to receive the load of Commodity X.

d. How do you feel about this action to be taken by the president?

1. Strongly Support 2. Support 3. Uncertain 4. Oppose 5. Strongly Oppose

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Then, the company of Country A refused to receive the load shipped to Country A. As a result, ten ships, full of Commodity X, had to remain in a bay of Country A. This state of confusion continued for three months.

In October 1993, as the result of renegotiation between the two parties, the price of Commodity X was reduced by 10%, down to US\$180.00.

Considering these circumstances, how do you feel about the following opinions ?

e. I disagree with the series of actions taken by the company of Country A because one should observe the terms once a contract was made.

1. Strongly Support 2. Support 3. Uncertain 4. Oppose 5. Strongly Oppose

f. The series of actions taken by the company of Country A was, from the ethical viewpoint, sordid.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

g. It was ridiculous that the company of Country B finally agreed to reduce the price of Commodity X in spite of the formerly decided price fixed in the long-term contract.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Behind the scene of this story, because of the slump in prices of Commodity X, there was a risk of bankruptcy for the company of Country A if it had kept the terms of contract as they were.

Considering these circumstances, how do you feel about the following opinion ?

h. Since it is impossible to keep the terms of contract if a party becomes bankrupt, it was unavoidable that the company of Country A would take the series of actions above.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Please answer the following questions. Your responses to this and the next sections will be used to supplement the responses above in analyzing the data statistically.

i1. To which class does your family belong?

Upper <-----> Lower
1 2 3 4 5

i2. I follow the news about economics.

Very <-----> Not at all
1 2 3 4 5

i3. I follow the news about politics and government.

Very <-----> Not at all
1 2 3 4 5

i4. I often talk about economics with people.

Very <-----> Not at all
1 2 3 4 5

15. I often talk about politics with people.

Very <-----> Not at all

1 2 3 4 5

15' I often talk about politics with people, either with friends or with political groups or organizations, such as trade unions, political parties, and so on. I do this because I like politics and I am interested in politics.

Very <-----> Not at all

1 2 3 4 5

16' I am active in political groups or organizations, such as trade unions, political parties, and so on. I do this because I like politics and I am interested in politics.

What do you think of the following opinions?

16. I am afraid that our country will become weak if we do not have strict discipline.

- j1. No weakness or difficulty can hold us back if we have enough willpower.
 1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

- j2. What youth needs most is strict discipline, rugged determination, and the will to work and fight for family and country.
 1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

- j3. An insult to our honor should always be punished.
 1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

- j4. What this country needs most, more than laws and political programs, is a few courageous, tireless, devoted leaders in whom the people can put their faith.
 1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

- j5. People can be divided into two distinct classes: the weak and the strong.
 1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Please write down whatever you think about this questionnaire, if anything.

Thank you for your cooperation.

Copyright and all other rights of this questionnaire, except questions i and j, are reserved by the Research Center for International Comparison of Legal Consciousness (Representative Director; Masanobu Kato, Professor of Law, School of Law, Nagoya University, Nagoya, Japan).

References:

Question i1 (revised) : National Center for State Courts (1977) *A Blueprint for the Future*.

Question i2 to i6 : National Center for State Courts (1977) *A Blueprint for the Future*.

Question j1 to j5 : T. W. Adorno, and et al. (1950) "F-Scale Clusters Forms 45 and 40." In *The Authoritarian Personality*.

ESPAÑA 4

CONCIENCIA JURIDICA EN MATERIA CONTRACTUAL

Este cuestionario forma parte de un relevamiento empírico, a llevarse a cabo en diversos países, sobre conciencia jurídica en materia de contratos internacionales. Los autores del proyecto agradecen el tiempo dispensado para responder a este cuestionario, que será administrado por profesores de facultades de derecho en varios países. Esta diversidad de fuentes permitirá contar con un número de casos suficientes para el análisis.

POR FAVOR, NO RESPONDA A ESTE CUESTIONARIO SI USTED YA HA RESPONDIDO A UN CUESTIONARIO SIMILAR EN OTRA CLASE.

Por favor, llene el espacio indicado o bien ponga un círculo alrededor del número que corresponda.

UNIVERSIDAD: _____

¿Qué categoría de estudiante tiene usted?

1. postgrado 2. licenciatura

¿Cuál es la materia en que se especializa?

1. Derecho 2. Ciencia Política 3. Negocios
4. Economía 5. Comercio exterior 6. Otras

Si circuló el número 6, por favor describa su especialidad de estudios en forma concreta:

AÑO: 1. 1er año 2. 2do año 3. 3er año
4. 4to año 5. 5to año o superior

SEXO: 1. Masculino 2. Femenino

AÑO DE NACIMIENTO: 19_____ Nacionalidad _____

¿En qué curso está participando? _____
Prof. _____

PARA ESTUDIANTES DE DERECHO SOLAMENTE. Por favor, circule el número que corresponde a los cursos en los que usted ha participado:

1. Derecho civil parte general (personas, domicilio, capacidad, hechos y actos jurídicos, etc.)
2. Derechos reales
3. Derecho de las obligaciones (contratos y daños y perjuicios)
4. Derecho de familia
5. Derecho de sucesiones

PARA ESTUDIANTES DE OTRAS CARRERAS QUE NO SEAN DERECHO

¿Ha participado alguna vez en un curso de contratos o daños y perjuicios?

1. sí 2. no

¿Ha participado alguna vez en un curso de derecho comercial?

1. sí 2. no

PARA TODOS LOS ESTUDIANTES: Por favor, lea el siguiente texto y conteste a las preguntas.

En enero de 1990, una empresa del país "A" y otra del país "B" celebraron un contrato de compraventa a largo plazo de la mercadería "X", cuyo precio en el mercado internacional suele fluctuar drásticamente. Al momento de celebrarse el contrato, el precio internacional de la mercadería "X" era de US\$400 la tonelada. Conforme a los términos del contrato, la empresa del país "A" se comprometió a importar de la empresa del país "B" hasta un máximo de 500 mil toneladas por año de la mercadería "X". El contrato contemplaba un período de ejecución de 5 años, comenzando en 1991, momento en el cual el precio del cobre era de US\$200 la tonelada, es decir, la mitad del precio que tenía la mercadería "X" en el mercado internacional al momento de celebrarse el contrato.

Un año después de celebrarse el contrato, en enero de 1991, cuando las partes comenzaron a cumplirlo, el precio de la mercadería "X" había bajado a US\$100 la tonelada, es decir, a un cuarto del precio internacional al momento de celebrarse el contrato.

Como la situación financiera de la empresa del país "A" no era buena, en marzo de 1991 esta empresa (temerosa de encontrarse en dificultades en razón de la alza del precio), le pide a la empresa del país "B" que posponga durante un año el envío de un quinto de la cantidad de mercadería "X" que se había comprometido a importar. La empresa del país "B" consintió a este pedido.

El precio de la mercadería "X" continuó descendiendo en el mercado internacional durante el curso del año siguiente (1992). Cuando el precio llegó a bajar a US\$80 la tonelada, la empresa del país "A" solicitó a la empresa del país "B" una renegociación del precio. La empresa del país "B" no aceptó esta propuesta.

La empresa del país "A" volvió a insistir en su pedido durante 1992 y 1993. A pesar de que se reunieron repetidas veces para discutir el problema, las partes no llegaron a ningún acuerdo.

Teniendo en cuenta las circunstancias apuntadas, ¿qué piensa usted acerca de las siguientes conclusiones? ¿Está usted categóricamente de acuerdo, de acuerdo, está categóricamente en desacuerdo, simplemente en desacuerdo, o no está seguro? Por favor, circule el número que corresponda.

a. No es prudente celebrar un contrato por 5 años tratándose de la compraventa de mercaderías del tipo "X", cuyo precio internacional suele fluctuar drásticamente.

1. Categóricamente de acuerdo 2. De acuerdo 3. No estoy seguro
4. No estoy de acuerdo 5. Categóricamente en desacuerdo

b. Es de esperar que las partes vuelvan a negociar el contrato en el supuesto de que el precio internacional de la mercadería "X" baje de una manera drástica. Por lo tanto, me parece razonable que la empresa del país "A" haya solicitado la renegociación del precio.

1. Categóricamente de acuerdo 2. De acuerdo 3. No estoy seguro
4. No estoy de acuerdo 5. Categóricamente en desacuerdo

c. La empresa del país "B" rechazó el pedido de la empresa del país "A" de reducir el precio, a pesar de que el precio internacional de la mercadería "X" había bajado en forma drástica. Conforme a las circunstancias del caso, en el que se encontraba en juego la suerte de un contrato a largo plazo, estimo que la empresa del país "B" ha actuado de manera inflexible.

1. Categóricamente de acuerdo 2. De acuerdo 3. No estoy seguro
4. No estoy de acuerdo 5. Categóricamente en desacuerdo

Como la empresa del país "B" rechazó la propuesta de reducir el precio de la mercadería "X", el presidente de la empresa del país "A" piensa rechazar la entrega el cargamento de la mercadería "X".

d. ¿Qué piensa usted acerca de esta postura por parte del presidente de la empresa del país "A"?

1. La apoyo categóricamente 2. La apoyo 3. No estoy seguro
4. Me opongo 5. Me opongo categóricamente

La empresa del país "A" rechaza la entrega del cargamento de la mercadería "X" debía ser desembarcado en el país "A". Como resultado de este rechazo, diez buques cargados de la mercadería "X" deben permanecer varados en una bahía del país "A". Esta situación confusa se prolonga durante los tres próximos meses.

Finalmente, en octubre de 1993, como resultado de negociaciones entre las partes, el precio del cobre es rebajado en un 10%, esto es, a US\$180.

Teniendo en cuenta esta situación, ¿cuál es su opinión respecto de las siguientes posturas?:

e. No estoy de acuerdo con la conducta de la empresa del país "A", debido a que el contrato debe ser respetado una vez que ha sido celebrado.

1. La apoyo categóricamente 2. La apoyo 3. No estoy seguro
4. Me opongo 5. Me opongo categóricamente

f. La actitud de la empresa del país "A" ha sido una actitud sórdida desde un punto de vista ético.

1. Categóricamente de acuerdo 2. De acuerdo 3. No estoy seguro
4. No estoy de acuerdo 5. Categóricamente en desacuerdo

g. Estimo ridículo que la empresa del país "B" haya finalmente accedido a rebajar el precio de la mercadería "X", teniendo en cuenta que dicho precio había sido fijado claramente en un contrato de ejecución a largo plazo.

1. Categóricamente de acuerdo 2. De acuerdo 3. No estoy seguro
4. No estoy de acuerdo 5. Categóricamente en desacuerdo

Debido a la caída del precio de la mercadería "X", existía un serio peligro de que la empresa del país "A" fuese declarada en quiebra de haberse conformado con el precio tal como estaba estipulado en el contrato. Teniendo en cuenta esta situación, ¿cuál es su opinión respecto de las siguientes posturas?:

h. Como no es posible cumplir con el contrato en el supuesto de que la empresa del país "A" fuese declarada en quiebra, era inevitable que dicha empresa actuara de la manera en que lo hizo.

1. Categóricamente de acuerdo 2. De acuerdo 3. No estoy seguro
4. No estoy de acuerdo 5. Categóricamente en desacuerdo

* * *

Por favor, responda a las siguientes preguntas. Su respuesta será utilizada para complementar las respuestas anteriores y analizar la información estadística que nos ha proporcionado.

ii. ¿A qué clase social pertenece su familia?

Alta <-----> Baja

1 2 3 4 5

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i2. Suelo seguir las noticias sobre temas económicos.

Siempre <-----> Nunca
1 2 3 4 5

i3. Suelo seguir las noticias sobre temas políticos y gubernamentales.

Siempre <-----> Nunca
1 2 3 4 5

i4. Suelo conversar sobre temas económicos con la gente.

Siempre <-----> Nunca
1 2 3 4 5

i5. Suelo conversar sobre temas políticos con la gente.

Siempre <-----> Nunca
1 2 3 4 5

i6. Me mantengo activo en grupos y asociaciones políticas

Siempre <-----> Nunca
1 2 3 4 5

¿Qué piensa acerca de lo siguiente?

j1. Ninguna dificultad o debilidad puede detenernos si contamos con suficiente fuerza de voluntad.

1. Categóricamente de acuerdo 2. De acuerdo 3. No estoy seguro
4. No estoy de acuerdo 5. Categóricamente en desacuerdo

j2. Lo que la juventud necesita es una disciplina estricta, firme determinación, como así también la voluntad de trabajar y luchar en favor de la familia y el país.

1. Categóricamente de acuerdo 2. De acuerdo 3. No estoy seguro
4. No estoy de acuerdo 5. Categóricamente en desacuerdo

j3. Todo insulto al honor debe ser castigado.

1. Categóricamente de acuerdo 2. De acuerdo 3. No estoy seguro
4. No estoy de acuerdo 5. Categóricamente en desacuerdo

j4. Lo que este país más necesita, mucho más que leyes y programas políticos, son líderes con coraje, incansables, dedicados y en quienes se pueda confiar.

1. Categóricamente de acuerdo 2. De acuerdo 3. No estoy seguro
4. No estoy de acuerdo 5. Categóricamente en desacuerdo

17. スペイン

5j. La gente puede ser clasificada en dos clases: los débiles y los fuertes.

1. Categóricamente de acuerdo 2. De acuerdo 3. No estoy seguro
4. No estoy de acuerdo 5. Categóricamente en desacuerdo.

Si lo desea, escriba un comentario acerca de lo que piensa de este cuestionario al reverso de la página anterior.

Muchas gracias por su cooperación.

Los derechos intelectuales y todo otro derecho sobre este cuéstionario, con excepción de las preguntas "i" y "j" son reservados por el "Reserach Center for International Comparison of Legal Consciousness" (directores representantes: Profesor Masanobu Kato, Facultad de Derecho de la Universidad de Nagoya, Nagoya, Japón; Profesor Michael K. Young, Facultad de Derecho de la Universidad de Columbia, Nueva York, Estados Unidos).

Referencias

Pregunta 11 (revisada): National Center for State Courts (1977), "A Blue Print for the Future"
Preguntas 12 a la 16: National Center for State Courts (1977), "A Blue Print for the Future"
Preguntas 11 a la 15: T.W. Adorno y otros (1950), "F-Scale Clusters Forms 45 and 40", "The Authoritarian Personality".

* * *

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USA 4 Legal Consciousness on Contracts

This is a questionnaire for the survey project on legal consciousness to be done in many countries. We all appreciate your kindness in taking the time to fill out this questionnaire.

We are circulating this questionnaire to various classes in this school to have a sufficient number of cases for analysis.

IF YOU ALREADY HAVE ANSWERED THIS QUESTIONNAIRE IN ANOTHER CLASS,
PLEASE DO NOT RESPOND.

Please fill out or circle a number.

UNIVERSITY: _____

Which are you? 1. Graduate Student (including professional school student)
 2. Undergraduate Student

What is your major now? 1. Law 2. Political Science 3. Business/Commerce
 4. Economics 5. Foreign Trade 6. Others

If you circle the number 6 in the question above,
please describe your major concretely. _____

YEAR: 1. 1st year 2. 2nd year 3. 3rd year 4. 4th year 5. 5th or more

GENDER: 1. Male 2. Female

YEAR OF BIRTH: 19_____

Which class are you attending now? Class _____ Prof. _____

FOR LAW MAJOR STUDENTS ONLY

Please circle the number of the classes you have already attended.

1. Contracts
2. Property
3. Torts
4. Law of Commercial Transactions
5. Securities Regulation
6. Antitrust
7. Japanese Law

FOR OTHER STUDENTS ONLY

Have you already attended any Contract or Tort classes? 1. Yes 2. No

Have you already attended any Commercial Law classes? 1. Yes 2. No

Are you attending or have you attended any Japanese
Business - or Law - related classes? 1. Yes 2. No

FOR ALL STUDENTS

Please read the following text and answer the questions.

In January 1990, a company of Country A and a company of Country B made a long-term trading contract for Commodity X, the international market price of which fluctuates greatly. When the agreement was reached, the international price of Commodity X was US\$400 per ton. Under the contract, the company of Country A was to import as much as 500 thousand tons of Commodity X from the company of Country B per year. The contract was for 5 years from 1991 and the price of Commodity X was US\$200 per ton. This was half of the international market price at that time.

However, one year later (January 1991) when they began to fulfill the contract terms, the international market price of Commodity X had dropped to US\$100 per ton. This was one-fourth of its original price.

The financial situation of the company of Country A had not been good. Two months later, in March 1991, fearing financial difficulties due to the use of highly priced Commodity X, the company of Country A asked the company of Country B to postpone for one year one-fifth of the imports of Commodity X. The company of Country B approved the request.

In the following year, in 1992, the international market price of Commodity X continued to drop. When it went down to US\$80 per ton, the company of Country A requested the company of Country B to renegotiate the terms regarding to price. However, the company of Country B refused the request.

The company of Country A repeated the same request again and again from 1992 to 1993. There was no progress in revising the price although both parties met to discuss it.

Considering the above circumstances, what do you think of the statements below? Do you strongly agree, agree, disagree, strongly disagree or are you uncertain? Please circle the number you choose.

a. It is imprudent to make a contract that lasts for 5 years on such merchandise like Commodity X whose international market price fluctuates drastically.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

b. It is natural to alter the terms of contract if the international market price of Commodity X falls greatly, therefore it would be reasonable for the company of Country A to take the course of actions stated above.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

c. Even though the international market price had fluctuated greatly, the company of Country B refused the request of the company of Country A for a price reduction. Company B, as a long-term contract party, was too inflexible in its attitude.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Since the company of Country B rejected the request to reduce the price of Commodity X, the president of the company of Country A is about to refuse to receive the load of Commodity X.

d. How do you feel about this action to be taken by the president?

1. Strongly Support 2. Support 3. Uncertain 4. Oppose 5. Strongly Oppose

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Then, the company of Country A refused to receive the load shipped to Country A. As a result, ten ships, full of Commodity X, had to remain in a bay of Country A. This state of confusion continued for three months.

In October 1993, as the result of renegotiation between the two parties, the price of Commodity X was reduced by 10%, down to US\$180.00.

Considering these circumstances, how do you feel about the following opinions ?

- e. I disagree with the series of actions taken by the company of Country A because one should observe the terms once a contract was made.
1. Strongly Support 2. Support 3. Uncertain 4. Oppose 5. Strongly Oppose
- f. The series of actions taken by the company of Country A was, from the ethical viewpoint, sordid.
1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree
- g. It was ridiculous that the company of Country B finally agreed to reduce the price of Commodity X in spite of the formerly decided price fixed in the long-term contract.
1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Behind the scene of this story, because of the slump in prices of Commodity X, there was a risk of bankruptcy for the company of Country A if it had kept the terms of contract as they were.

Considering these circumstances, how do you feel about the following opinion ?

- h. Since it is impossible to keep the terms of contract if a party becomes bankrupt, it was unavoidable that the company of Country A would take the series of actions above.
1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Please answer the following questions. Your responses to this and the next sections will be used to supplement the responses above in analyzing the data statistically.

11. To which class does your family belong?

Upper <-----> Lower
1 2 3 4 5

12. I follow the news about economics.

Very <-----> Not at all
1 2 3 4 5

13. I follow the news about politics and government.

Very <-----> Not at all
1 2 3 4 5

i4. I often talk about economics with people.

Very <-----> Not at all
1 2 3 4 5

i5. I often talk about politics with people.

Very <-----> Not at all
1 2 3 4 5

i6 I am active in political groups or organizations.

Very <-----> Not at all
1 2 3 4 5

What do you think of the following opinions?

j1. No weakness or difficulty can hold us back if we have enough willpower.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j2. What youth needs most is strict discipline, rugged determination, and the will to work and fight for family and country.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j3. An insult to our honor should always be punished.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j4. What this country needs most, more than laws and political programs, is a few courageous, tireless, devoted leaders in whom the people can put their faith.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j5. People can be divided into two distinct classes: the weak and the strong.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Please write down whatever you think about this questionnaire on the reverse side of the previous page, if anything.

Thank you for your cooperation.

Copyright and all other rights of this questionnaire, except questions i and j, are reserved by the Research Center for International Comparison of Legal Consciousness (Representative Director: Masanobu Kato, Professor of Law, School of Law, Nagoya University, Nagoya, Japan).

References:

Question i1 (revised) : National Center for State Courts (1977) *A Blueprint for the Future*.

Question i2 to i6 : National Center for State Courts (1977) *A Blueprint for the Future*.

Question j1 to j5 : T. W. Adorno, and et al. (1950) "F-Scale Clusters Forms 45 and 40." In *The Authoritarian Personality*.

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MEXICO 4

CONCIENCIA JURIDICA EN MATERIA CONTRACTUAL

Este cuestionario forma parte de un relevamiento empírico, a llevarse a cabo en diversos países, sobre conciencia jurídica en materia de contratos internacionales. Los autores del proyecto agradecen el tiempo dispensado para responder a este cuestionario, que será administrado por profesores de facultades de derecho en varios países. Esta diversidad de fuentes permitirá contar con un número de casos suficientes para el análisis.

POR FAVOR, NO RESPONDA A ESTE CUESTIONARIO SI USTED YA HA RESPONDIDO A UN CUESTIONARIO SIMILAR EN OTRA CLASE.

Por favor, llene el espacio indicado o bien ponga un círculo alrededor del número que corresponda.

UNIVERSIDAD: *Universidad de la Costa*

¿Qué categoría de estudiante tiene usted?
1. postgrado 2. licenciatura

¿Cuál es la materia en que se especializa?

Si circuló el número 6, por favor describa su especialidad de estudios en forma concisa:

AÑO: 1. 1er año 2. 2do año 3. 3er año

4. 4to año 5. 5to año o superior

AÑO DE NACIMIENTO: 18 Nacionalidad: 3

¿En qué curso está participando?

PARA ESTUDIANTES DE DERECHO SOLAMENTE. Por favor, circule el número que corresponde a los cursos en los que usted ha participado.

1. Derecho civil parte general (personas, domicilio, capacidad, hechos y actos jurídicos, etc.)
 2. Derechos reales
 3. Derecho de las obligaciones (contratos y daños y perjuicios)
 4. Derecho de familia
 5. Derecho de sucesiones

PARA ESTUDIANTES DE OTRAS CARRERAS QUE NO SEAN DERECHO
¿Ha participado alguna vez en un curso de contratos o daños y perjuicios?

1. sí 2. no

¿Ha participado alguna vez en un curso de derecho comercial?

1. sí 2. no

PARA TODOS LOS ESTUDIANTES: Por favor, lea el siguiente texto y conteste a las preguntas.

En enero de 1990, una empresa del país "A" y otra del país "B" celebraron un contrato de compraventa a largo plazo de la mercadería "X", cuyo precio en el mercado internacional suele fluctuar drásticamente. Al momento de celebrarse el contrato, el precio internacional de la mercadería "X" era de US\$400 la tonelada. Conforme a los términos del contrato, la empresa del país "A" se comprometió a importar de la empresa del país "B" hasta un máximo de 500 mil toneladas por año de la mercadería "X". El contrato contemplaba un período de ejecución de 5 años, comenzando en 1991, momento en el cual el precio de la mercadería "X" era de US\$200 la tonelada, es decir, la mitad del precio que tenía dicha mercadería en el mercado internacional al momento de celebrarse el contrato.

Un año después de celebrarse el contrato, en enero de 1991, cuando las partes comenzaron a cumplirlo, el precio de la mercadería "X" había bajado a US\$100 la tonelada, es decir, a un cuarto del precio internacional al momento de celebrarse el contrato.

Como la situación financiera de la empresa del país "A" no era buena, en marzo de 1991 esta empresa (temerosa de encontrarse en dificultades en razón de la alza del precio), le pide a la empresa del país "B" que posponga durante un año el envío de un quinto de la cantidad de mercadería "X" que se había comprometido a importar. La empresa del país "B" consintió a este pedido.

El precio de la mercadería "X" continuó descendiendo en el mercado internacional durante el curso del año siguiente (1992). Cuando el precio llegó a a bajar a US\$80 la tonelada, la empresa del país "A" solicitó a la empresa del país "B" una renegociación del precio. La empresa del país "B" no aceptó esta propuesta.

La empresa del país "A" volvió a insistir en su pedido durante 1992 y 1993. A pesar de que se reunieron repetidas veces para discutir el problema, las partes no llegaron a ningún acuerdo.

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Teniendo en cuenta las circunstancias apuntadas, ¿qué piensa usted acerca de las siguientes conclusiones? ¿Está usted categóricamente de acuerdo, de acuerdo, está categóricamente en desacuerdo, simplemente en desacuerdo, o no está seguro? Por favor, circule el número que corresponda.

a. No es prudente celebrar un contrato por 5 años tratándose de la compraventa de mercaderías del tipo "X", cuyo precio internacional suele fluctuar drásticamente.

1. Categóricamente de acuerdo 2. De acuerdo 3. No estoy seguro
4. No estoy de acuerdo 5. Categóricamente en desacuerdo

b. Es de esperar que las partes vuelvan a negociar el contrato en el supuesto de que el precio internacional de la mercadería "X" baje de una manera drástica. Por lo tanto, me parece razonable que la empresa del país "A" haya solicitado la renegociación del precio.

1. Categóricamente de acuerdo 2. De acuerdo 3. No estoy seguro
4. No estoy de acuerdo 5. Categóricamente en desacuerdo

c. La empresa del país "B" rechazó el pedido de la empresa del país "A" de reducir el precio, a pesar de que el precio internacional de la mercadería "X" había bajado en forma drástica. Conforme a las circunstancias del caso, en el que se encontraba en juego la suerte de un contrato a largo plazo, estimo que la empresa del país "B" ha actuado de manera inflexible.

1. Categóricamente de acuerdo 2. De acuerdo 3. No estoy seguro
4. No estoy de acuerdo 5. Categóricamente en desacuerdo

Como la empresa del país "B" rechazó la propuesta de reducir el precio de la mercadería "X", el presidente de la empresa del país "A" piensa rechazar la entrega el cargamento de la mercadería "X".

d. ¿Qué piensa usted acerca de esta postura por parte del presidente de la empresa del país "A"?

1. La apoyo categóricamente 2. La apoyo 3. No estoy seguro
4. Me opongo 5. Me opongo categóricamente

La empresa del país "A" rechaza la entrega del cargamento de la mercadería "X" que debía ser desembarcado en el país "A". Como resultado de este rechazo, diez buques cargados de la mercadería "X" deben permanecer varados en una bahía del país "A". Esta situación confusa se prolonga durante los tres próximos meses.

Finalmente, en octubre de 1993, como resultado de negociaciones entre las partes, el precio del cobre es rebajado en un 10%, esto es, a US\$180.

Teniendo en cuenta esta situación, ¿cuál es su opinión respecto de las siguientes posturas?:

e. No estoy de acuerdo con la conducta de la empresa del país "A", debido a que el contrato debe ser respetado una vez que ha sido celebrado.

1. La apoyo categóricamente 2. La apoyo 3. No estoy seguro
4. Me opongo 5. Me opongo categóricamente

f. La actitud de la empresa del país "A" ha sido una actitud sordida desde un punto de vista ético.

1. Categóricamente de acuerdo 2. De acuerdo 3. No estoy seguro
4. No estoy de acuerdo 5. Categóricamente en desacuerdo

g. Estimo ridículo que la empresa del país "B" haya finalmente accedido a rebajar el precio de la mercadería "X", teniendo en cuenta que dicho precio había sido fijado claramente en un contrato de ejecución a largo plazo.

1. Categóricamente de acuerdo 2. De acuerdo 3. No estoy seguro
4. No estoy de acuerdo 5. Categóricamente en desacuerdo

Debido a la caída del precio de la mercadería "X", existía un serio peligro de que la empresa del país "A" fuese declarada en quiebra de haberse conformado con el precio tal como estaba estipulado en el contrato. Teniendo en cuenta esta situación, ¿cuál es su opinión respecto de las siguientes posturas?:

h. Como no es posible cumplir con el contrato en el supuesto de que la empresa del país "A" fuese declarada en quiebra, era inevitable que dicha empresa actuara de la manera en que lo hizo.

1. Categóricamente de acuerdo 2. De acuerdo 3. No estoy seguro
4. No estoy de acuerdo 5. Categóricamente en desacuerdo

Por favor, responda a las siguientes preguntas. Su respuesta será utilizada para complementar las respuestas anteriores y analizar la información estadística que nos ha proporcionado.

i.1. ¿A qué clase social pertenece su familia?

Alta <-----> Baja
1 2 3 4 5

i2. Suelo seguir las noticias sobre temas económicos.

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Brazil 4 Consciência Jurídica sobre Contratos

Este questionário faz parte de um projeto de pesquisa sobre consciência jurídica que se realizará em vários países. Os autores do projeto agradecem sua gentileza em responder a este questionário.

O questionário está sendo distribuído a várias turmas desta faculdade, de forma a permitir um número suficiente de casos para análise.

POR FAVOR NÃO PREENCHA O QUESTIONÁRIO CASO VOCÊ JÁ O TENHA RESPONDIDO EM OUTRA TURMA.

Preencha os claros ou faça um círculo em torno de um número.

UNIVERSIDADE: _____

Qual é o nível de seu curso: 1. Pós-graduação
 2. Graduação

Qual é a sua área de profissionalização:
 1. Direito 2. Ciéncia Política 3. Administração
 4. Economia 5. Comércio Exterior 6. Outra

Se marcou o número 6, queira descrever sua área de profissionalização: _____

ANO: 1. 1º ano 2. 2º ano 3. 3º ano 4. 4º ano 5. 5º ano ou acima

SEXO: 1. Masculino 2. Feminino

ANO DE NASCIMENTO: 19____ Nacionalidade atual: _____

A que aula você está assistindo agora? _____ Prof. _____

SOMENTE PARA ESTUDANTES DE DIREITO

Favor circular o número correspondente às matérias que você já cumpriu:

1. Direito Civil - Parte Geral (Pessoas, Bens, Fatos Jurídicos, Atos Ilegítimos)
2. Direito das Coisas (Posse, Propriedade, Direitos Reais sobre Coisas Alheias)
3. Direito das Obrigações (Contratos, Obrigações por Atos Ilícitos)
4. Direito da Família (Casamento, Parentesco, Tutela e Curatela)
5. Direito de Sucessões (Sucessão Legítima e Testamentária)

PARA ESTUDANTE DE CURSOS NÃO JURÍDICOS

Você já fez algum curso sobre Contratos ou sobre Atos Ilícitos 1. Sim 2. Não

Você já fez algum curso sobre Direito Comercial 1. Sim 2. Não

Você já fez ou está fazendo algum curso sobre Negócios com o Japão ou sobre Direito Japonês

1. Sim 2. Não

PARA TODOS OS ESTUDANTES

Queira ler o texto e responder às perguntas abaixo.

Em janeiro de 1990 uma empresa do País A e uma empresa do País B celebraram um contrato de longo prazo para comercialização da Mercadoria X, cujo preço no mercado internacional flutua acentuadamente. O preço da Mercadoria X no mercado internacional na ocasião era de US\$400/ton. De acordo com o contrato, a empresa do País A importaria até 500.000 ton. anuais de Mercadoria X da empresa do País B, por um prazo de 5 anos a partir de 1991, pelo preço de US\$200/ton., ou seja, a metade do preço internacional naquela ocasião.

Entretanto, decorrido 1 ano (janeiro de 1991), quando as partes iniciavam seu cumprimento, o preço da Mercadoria X no mercado internacional caiu para US\$100/ton., ou seja, um quarto do preço de mercado anterior.

A situação financeira da empresa do País A não era boa. Dois meses mais tarde, em março de 1991, lemendo dificuldades financeiras devido à compra de Mercadoria X de alto custo, a empresa do País A solicitou à empresa do País B o adiamento por um ano de um quinto das importações de Mercadoria X. A empresa do País B concordou com o adiamento proposto.

No ano seguinte, 1992, o preço da Mercadoria X no mercado internacional continuou a cair. Quando chegou a US\$80/ton., a empresa do País A solicitou à empresa do País B a renegociação do contrato no tocante ao preço. No entanto, a empresa do País B recusou esta solicitação.

A empresa do País A voltou a fazer a mesma solicitação repetidamente, de 1992 a 1993. Embora as partes tenham se reunido para discutir o assunto, não houve qualquer progresso na revisão do preço contratado.

Considerando as circunstâncias relatadas, qual é a sua opinião sobre as questões abaixo? Você concorda integralmente, concorda, discorda, discorda integralmente ou não tem certeza? Favor circular o número correspondente à sua escolha.

- E imprudente celebrar um contrato com duração de 5 anos com relação a uma mercadoria como a Mercadoria X, cujo preço internacional flutua drasticamente.

1. Concorda integralmente 2. Concorda 3. Não tem certeza 4. Discorda 5. Discorda integralmente
- E natural modificar-se os termos do contrato se o preço da Mercadoria X no mercado internacional cai acentuadamente. Por conseguinte, seria razoável que a empresa do País A se conduzisse como acima relatado.

1. Concorda integralmente 2. Concorda 3. Não tem certeza 4. Discorda 5. Discorda integralmente
- Apesar de o preço internacional ter flutuado acentuadamente, a empresa do País B recusou a solicitação da empresa do País A para reduzir o preço do contrato. A empresa do País B, como parte em um contrato de longo-prazo, foi excessivamente inflexível.

1. Concorda integralmente 2. Concorda 3. Não tem certeza 4. Discorda 5. Discorda integralmente

Como a empresa do País B recusou a solicitação de reduzir o preço da Mercadoria X, o presidente da empresa do País A está considerando a hipótese de recusar a carga da Mercadoria X.

- Qual a sua posição sobre a postura considerada pelo presidente da empresa do País A?

- Apoia firmemente 2. Apoia 3. Não tem certeza 4. Opõe-se 5. Opõe-se firmemente

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A empresa do País A decidiu, então, recusar-se a receber a carga embarcada para o País A. Em consequência, dez navios carregados de Mercadoria X tiveram de permanecer ao largo numa baía do País A. Esta situação confusa perdurou por três meses.

Em outubro de 1993, como resultado da renegociação havida entre as partes, o preço da Mercadoria X foi reduzido em 10%, para US\$180/ton.

Considerando as circunstâncias, qual a sua posição sobre as seguintes opiniões?

e. Discordo da série de atitudes tomada pela empresa do País A, porque uma vez celebrado um contrato, suas condições devem ser respeitadas.

1. Apoia firmemente 2. Apoia 3. Não tem certeza 4. Opõe-se 5. Opõe-se firmemente

f. A série de atitudes adotada pela empresa do País A foi sórdida, do ponto de vista ético.

1. Concorda integralmente 2. Concorda 3. Não tem certeza 4. Discorda 5. Discorda integralmente

g. É ridículo que a empresa do País B tenha concordado em reduzir o preço da mercadoria, a despeito do preço ter sido estabelecido num contrato de longo prazo.

1. Concorda integralmente 2. Concorda 3. Não tem certeza 4. Discorda 5. Discorda integralmente

Como um fator do episódio, em vista da queda brusca no preço da Mercadoria X havia, efetivamente, o risco de falência da empresa do País A caso os termos do contrato fossem mantidos como contratados.

Considerando esta circunstância, qual é a sua posição sobre a seguinte opinião?

h. Como é impossível manter as condições de um contrato quando uma das partes vai à falência, era inevitável que a empresa do País A lomasse a série de atitudes acima relatada.

1. Concorda integralmente 2. Concorda 3. Não tem certeza 4. Discorda 5. Discorda integralmente

Responda por favor às seguintes perguntas. Suas respostas a esta e às seguintes seções serão usadas para suplementar as respostas acima ao analisar os dados estatisticamente.

i1. A que classe pertence sua família?

Alla <-----> Baixa
1 2 3 4 5

i2. Acompanho as notícias sobre economia.

Muito <-----> Nada
1 2 3 4 5

i3. Acompanho as notícias sobre política e governo.

Muito <-----> Nada
1 2 3 4 5

i4. Costumo conversar sobre economia.

Muito <-----> Nada
1 2 3 4 5

i5. Costumo conversar sobre política.

Muito <-----> Nada
1 2 3 4 5

i6. Participo ativamente de grupos ou organizações políticas.

Muito <-----> Nada
1 2 3 4 5

O que você pensa das seguintes opiniões?

j1. Nenhuma fraqueza ou dificuldade pode nos deter se tivermos força de vontade.

1. Concorda integralmente 2. Concorda 3. Não tem certeza 4. Discorda 5. Discorda integralmente

j2. O que a juventude precisa é de disciplina rigorosa, determinação firme e vontade de trabalhar e lutar pela família e pelo País.

1. Concorda integralmente 2. Concorda 3. Não tem certeza 4. Discorda 5. Discorda integralmente

j3. Todo insulto à nossa honra deve ser sempre punido.

1. Concorda integralmente 2. Concorda 3. Não tem certeza 4. Discorda 5. Discorda integralmente

j4. O que este País mais precisa, mais do que leis e planos políticos, é de alguns líderes corajosos, incansáveis e dedicados, em quem as pessoas possam confiar.

1. Concorda integralmente 2. Concorda 3. Não tem certeza 4. Discorda 5. Discorda integralmente

j5. As pessoas podem ser divididas em duas categorias distintas: os fracos e os fortes.

1. Concorda integralmente 2. Concorda 3. Não tem certeza 4. Discorda 5. Discorda integralmente

Caso queira, dê sua opinião sobre este questionário no verso da página anterior, por favor.

Muito obrigado pela sua colaboração.

Todos os direitos sobre este questionário, exceto sobre as questões i. e j., são reservados ao Research Center for International Comparison of Legal Consciousness (Diretores-representantes: Prof. Masanobu Kato, Faculdade de Direito da Universidade de Nagoya, Japão; Prof. Michael K. Young, Faculdade de Direito da Universidade de Columbia, Nova York, NY, Estados Unidos).

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New Zealand 4 Legal Consciousness on Contracts

This is a questionnaire for the survey project on legal consciousness to be done in many countries. We all appreciate your kindness in taking the time to fill out this questionnaire.

We are circulating this questionnaire to various classes in this school to have a sufficient number of cases for analysis.

**IF YOU ALREADY HAVE ANSWERED THIS QUESTIONNAIRE IN ANOTHER CLASS,
PLEASE DO NOT RESPOND.**

Please fill out or circle a number.

UNIVERSITY: _____

Which are you? 1 Graduate Student (including professional school student)
 2 Undergraduate Student

What degree are you studying for? 1 Law 2. Commerce 3. Others

If you circle the number 3 in the question above,
please describe your major concretely. _____

YEAR: 1. 1st year 2. 2nd year 3. 3rd year 4. 4th year 5. 5th or more

GENDER: 1. Male 2. Female

YEAR OF BIRTH: 19_____ What is your nationality now? _____

Which class are you attending now? Class _____ Prof. _____

FOR LAW MAJOR STUDENTS ONLY

Please circle the number of the classes you have already attended.

1. Contracts
2. Property
3. Torts
4. Commercial Law
5. Securities Regulation
6. Antitrust
7. Japanese Law

FOR OTHER STUDENTS ONLY

Have you already attended any Contract or Tort classes? 1. Yes 2. No

Have you already attended any Business Law classes? 1. Yes 2. No

Are you attending or have you attended any Japanese
Business - or Japanese Law - related classes? 1. Yes 2. No

FOR ALL STUDENTS

Please read the following text and answer the questions.

In January 1990, a company of Country A and a company of Country B made a long-term trading contract for Commodity X, the international market price of which fluctuates greatly. When the agreement was reached, the international price of Commodity X was US\$400 per ton. Under the contract, the company of Country A was to import as much as 500 thousand tons of Commodity X from the company of Country B per year. The contract was for 5 years from 1991 and the price of Commodity X was US\$200 per ton. This was half of the international market price at that time.

However, one year later (January 1991) when they began to fulfill the contract terms, the international market price of Commodity X had dropped to US\$100 per ton. This was one-fourth of its original price.

The financial situation of the company of Country A had not been good. Two months later, in March 1991, fearing financial difficulties due to the use of highly priced Commodity X, the company of Country A asked the company of Country B to postpone for one year one-fifth of the imports of Commodity X. The company of Country B approved the request.

In the following year, in 1992, the international market price of Commodity X continued to drop. When it went down to US\$80 per ton, the company of Country A requested the company of Country B to renegotiate the terms regarding price. However, the company of Country B refused the request.

The company of Country A repeated the same request again and again from 1992 to 1993. There was no progress in revising the price although both parties met to discuss it.

Considering the above circumstances, what do you think of the statements below? Do you strongly agree, agree, disagree, strongly disagree or are you uncertain? Please circle the number you choose.

a. It is imprudent to make a contract that lasts for 5 years on such merchandise like

Commodity X whose international market price fluctuates drastically.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

b. It is natural to alter the terms of contract if the international market price of Commodity X falls greatly, therefore it would be reasonable for the company of Country A to take the course of actions stated above.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

c. Even though the international market price had fluctuated greatly, the company of Country B refused the request of the company of Country A for a price reduction. Company B, as a long-term contract party, was too inflexible in its attitude.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Since the company of Country B rejected the request to reduce the price of Commodity X, the president of the company of Country A is about to refuse to receive the load of Commodity X.

d. How do you feel about this action to be taken by the president?

1. Strongly Support 2. Support 3. Uncertain 4. Oppose 5. Strongly Oppose

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Then, the company of Country A refused to receive the load shipped to Country A. As a result, ten ships, full of Commodity X, had to remain in a bay of Country A. This state of confusion continued for three months.

In October 1993, as the result of renegotiation between the two parties, the price of Commodity X was reduced by 10%, down to US\$180.00.

Considering these circumstances, how do you feel about the following opinions ?

e. I disagree with the series of actions taken by the company of Country A because one should observe the terms once a contract was made.

1. Strongly Support 2. Support 3. Uncertain 4. Oppose 5. Strongly Oppose

f. The series of actions taken by the company of Country A was, from the ethical viewpoint, sordid. It was ridiculous that the company of Country A would take such series of actions.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

g. It was ridiculous that the company of Country B finally agreed to reduce the price of Commodity X in spite of the formerly decided price fixed in the long-term contract.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Behind the scene of this story, because of the slump in prices of Commodity X, there was a risk of bankruptcy for the company of Country A if it had kept the terms of contract as they were.

Considering these circumstances, how do you feel about the following opinion ?

h. Since it is impossible to keep the terms of contract if a party becomes bankrupt, it was unavoidable that the company of Country A would take the series of actions above.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Please answer the following questions. Your responses to this and the next sections will be used to supplement the responses above in analyzing the data statistically.

i1. To which class does your family belong?

Upper <-----> Lower
1 2 3 4 5

i2. I follow the news about economics.

Very <-----> Not at all
1 2 3 4 5

i3. I follow the news about politics and government.

Very <-----> Not at all
1 2 3 4 5

21. ニュージーランド

i4. I often talk about economics with people.

Very <-----> Not at all
 1 2 3 4 5
 i5. I often talk about politics with people.

Very <-----> Not at all
 1 2 3 4 5

i6 I am active in political groups or organizations.

Very <-----> Not at all
 1 2 3 4 5

What do you think of the following opinions?

j1. No weakness or difficulty can hold us back if we have enough willpower.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j2 .What youth needs most is strict discipline, rugged determination, and the will to work and fight for family and country.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j3. An insult to our honor should always be punished.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j4. What this country needs most, more than laws and political programs, is a few courageous, tireless, devoted leaders in whom the people can put their faith.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j5. People can be divided into two distinct classes: the weak and the strong.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Please write down whatever you think about this questionnaire on the reverse side of the previous page, if anything.

Thank you for your cooperation.

Copyright and all other rights of this questionnaire, except questions i and j, are reserved by the Research Center for International Comparison of Legal Consciousness (Representative Director, Masanobu Kato, Professor of Law, School of Law, Nagoya University, Nagoya, Japan).

References:

- Question i1 (revised) : National Center for State Courts (1977) *A Blueprint for the Future*.
 Question i2 to i6 : National Center for State Courts (1977) *A Blueprint for the Future*.
 Question j1 to j5 : T. W. Adorno, and et al. (1950) "F-Scale Clusters Forms 45 and 40." In *The Authoritarian Personality*.

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Aus. 4 Legal Consciousness on Contracts

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We are circulating this questionnaire to various classes in this school to have a sufficient number of cases for analysis.

IF YOU ALREADY HAVE ANSWERED THIS QUESTIONNAIRE IN ANOTHER CLASS,
PLEASE DO NOT RESPOND.

Please fill out or circle a number.

UNIVERSITY: _____

Which are you? 1. Graduate Student (including professional school student)
 2. Undergraduate Student

What is your major now? 1. Law 2. Political Science 3. Business/Commerce
 4. Economics 5. Foreign Trade 6. Others

If you circle the number 6 in the question above,
please describe your major concretely: _____

YEAR: 1. 1st year 2. 2nd year 3. 3rd year 4. 4th year 5. 5th or more

GENDER: 1. Male 2. Female

YEAR OF BIRTH: 19_____. What is your nationality now? _____

Which class are you attending now? Class _____ Prof. _____

FOR LAW MAJOR STUDENTS ONLY

Please circle the number of the classes you have already attended.

1. Contracts
2. Property
3. Torts
4. Law of Commercial Transactions
5. Securities Regulation
6. Antitrust
7. Japanese Law

FOR OTHER STUDENTS ONLY

Have you already attended any Contract or Tort classes? 1. Yes 2. No

Have you already attended any Commercial Law classes? 1. Yes 2. No

Are you attending or have you attended any Japanese

Business - or Law - related classes? 1. Yes 2. No

FOR ALL STUDENTS

Please read the following text and answer the questions.

In January 1990, a company of Country A and a company of Country B made a long-term trading contract for Commodity X, the international market price of which fluctuates greatly. When the agreement was reached, the international price of Commodity X was US\$400 per ton. Under the contract, the company of Country A was to import as much as 500 thousand tons of Commodity X from the company of Country B per year. The contract was for 5 years from 1991 and the price of Commodity X was US\$200 per ton. This was half of the international market price at that time.

However, one year later (January 1991) when they began to fulfill the contract terms, the international market price of Commodity X had dropped to US\$100 per ton. This was one-fourth of its original price.

The financial situation of the company of Country A had not been good. Two months later, in March 1991, fearing financial difficulties due to the use of highly priced Commodity X, the company of Country A asked the company of Country B to postpone for one year, one-fifth of the imports of Commodity X. The company of Country B approved the request.

In the following year, in 1992, the international market price of Commodity X continued to drop. When it went down to US\$80 per ton, the company of Country A requested the company of Country B to renegotiate the terms regarding to price. However, the company of Country B refused the request.

The company of Country A repeated the same request again and again from 1992 to 1993. There was no progress in revising the price although both parties met to discuss it.

Considering the above circumstances, what do you think of the statements below? Do you strongly agree, agree, disagree, strongly disagree or are you uncertain? Please circle the number you choose.

a. It is imprudent to make a contract that lasts for 5 years on such merchandise like Commodity X whose international market price fluctuates drastically.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

b. It is natural to alter the terms of contract if the international market price of Commodity X falls greatly, therefore it would be reasonable for the company of Country A to take the course of actions stated above.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

c. Even though the international market price had fluctuated greatly, the company of Country B refused the request of the company of Country A for a price reduction. Company B, as a long-term contract party, was too inflexible in its attitude.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Since the company of Country B rejected the request to reduce the price of Commodity X, the president of the company of Country A is about to refuse to receive the load of Commodity X.

d. How do you feel about this action to be taken by the president?

1. Strongly Support 2. Support 3. Uncertain 4. Oppose 5. Strongly Oppose

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Then, the company of Country A refused to receive the load shipped to Country A. As a result, ten ships, full of Commodity X, had to remain in a bay of Country A. This state of confusion continued for three months.

In October 1993, as the result of renegotiation between the two parties, the price of Commodity X was reduced by 10%, down to US\$180.00.

Considering these circumstances, how do you feel about the following opinions ?

e. I disagree with the series of actions taken by the company of Country A because one should observe the terms once a contract was made.

1. Strongly Support 2. Support 3. Uncertain 4. Oppose 5. Strongly Oppose

f. The series of actions taken by the company of Country A was, from the ethical viewpoint, sordid.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

g. It was ridiculous that the company of Country B finally agreed to reduce the price of Commodity X in spite of the formerly decided price fixed in the long-term contract.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Behind the scene of this story, because of the slump in prices of Commodity X, there was a risk of bankruptcy for the company of Country A if it had kept the terms of contract as they were.

Considering these circumstances, how do you feel about the following opinion ?

h. Since it is impossible to keep the terms of contract if a party becomes bankrupt, it was unavoidable that the company of Country A would take the series of actions above.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Please answer the following questions. Your responses to this and the next sections will be used to supplement the responses above in analyzing the data statistically.

i1. To which class does your family belong?

Upper <-----> Lower
1 2 3 4 5

i2. I follow the news about economics.

Very <-----> Not at all
1 2 3 4 5

i3. I follow the news about politics and government.

Very <-----> Not at all
1 2 3 4 5

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i4. I often talk about economics with people.

Very <-----> Not at all
1 2 3 4 5

i5. I often talk about politics with people.

Very <-----> Not at all
1 2 3 4 5

i6 I am active in political groups or organizations.

Very <-----> Not at all
1 2 3 4 5

What do you think of the following opinions?

j1. No weakness or difficulty can hold us back if we have enough willpower.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j2. What youth needs most is strict discipline, rugged determination, and the will to work and fight for family and country.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j3. An insult to our honor should always be punished.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j4. What this country needs most, more than laws and political programs, is a few courageous, tireless, devoted leaders in whom the people can put their faith.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

j5. People can be divided into two distinct classes: the weak and the strong.

1. Strongly Agree 2. Agree 3. Uncertain 4. Disagree 5. Strongly Disagree

Please write down whatever you think about this questionnaire on the reverse side of the previous page, if anything.

Thank you for your cooperation.

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References:

Question i1 (revised) : National Center for State Courts (1977) *A Blueprint for the Future*.

Question i2 to i6 : National Center for State Courts (1977) *A Blueprint for the Future*.

Question j1 to j5 : T. W. Adorno, and et al. (1950) "F-Scale Clusters Forms 45 and 40." In *The Authoritarian Personality*.