民法中的「重婚」

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雖然 1930 年民法宣佈重婚爲非法,法規最後的用詞和最高法院的解釋,維持了傳統社會普遍的一夫一妻多妾制。1935 年刑法在理論上把男性通姦視為可告訴的犯法行爲,維護已有的一夫一妻多妾的婚姻的同時,也顯示出對一夫一妻多妾制的反對已經增加。我的演講先簡述臺灣有關重婚罪的法律條文和其他基本資訊,並根據民法和關鍵的司法判決,解釋相關術語。也將就此比較臺灣和大陸民法的異同。

Bigamy in Civil Code

Even though the Civil Code outlawed the bigamy in 1930, when abolished the bigamy in the form of two or more concurrent marriages, the final formulation of the statute and the interpretation of the Supreme Court enabled the traditional and widespread polygyny in the form of taking concubines and minor wives to remain unchanged. The 1935 Criminal Code made adultery committed by males a punishable offense, at least in theory. Even though it protected existing polygynous marriages, it still expressed growing disapproval to the polygynous character of marriage. This presentation summarizes the basic information concerning bigamy in Taiwanese civil law, explains the term according to the Civil Code and the key judicial decisions and makes a comparison with the law of the PRC.

主講人簡介:

林百合(Barbora Platzerova),捷克籍,2014年獲得捷克布拉格查理大學博 士學位。林女士本年獲得漢學研究中心獎助,來臺研究主題為「中國二十世紀婚 姻家庭法的發展以及羅馬法律對中國法律的影響」。