

中國

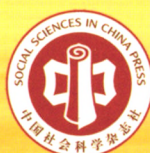
6

2017



社会科学

SOCIAL
SCIENCES
IN CHINA



SSCP

中国社会科学杂志社

1980年1月10日创刊

2017

中国社会科学

6

(月刊)

总第258期 6月25日出版

(1) 重新发现唯物史观中的法与正义 张文喜 · 4 ·

(2) “德行”与诠释 潘德荣 · 23 ·

(3) 语境同一论：科学表征问题的一种解答 魏屹东 · 42 ·

(4) 准前沿经济体的技术进步路径及动力转换
——从“追赶导向”到“竞争导向” 黄先海 宋学印 · 60 ·

(5) 经济新常态下的社会政策议题
积极托底的社会政策及其建构 王思斌 · 81 ·
当前我国社会政策的目标及总体福利水平分析 关信平 · 91 ·

(6) 司法公正与同理心正义 杜宴林 · 102 ·

(7) 司法方法在裁判中的运用

——法条至上、原则裁判与后果权衡 任 强 · 121 ·

(8) 对称与五四时期新诗形式变革 王泽龙 高 健 · 143 ·

(9) 夏鼐、苏秉琦考古学不同取向辨析 汤惠生 · 165 ·

(10) 东南亚早期区域合作：历史演进与规范建构 郑先武 · 187 ·

本期论文英文摘要 (ABSTRACTS) · 205 ·

ABSTRACTS

(1) **Rediscovering Law and Justice in Historical Materialism** *Zhang Wenxi* • 4 •

Historical materialism is the only theory that takes a rigorously critical attitude to the legal foundation of capitalism and the associated common good. A jurisprudential analysis based on the principle of the interaction of the economic base and the superstructure is able to discern the truth of law, that is, the truth of the many relationships in real life. Legal rights are not abstract principles; they provide the material conditions for the existence and possibilities of real living individuals. However, the concept of bio-rights has not received sufficient attention in contemporary Marxist legal critiques; most of the relevant propositions exist within the biopolitical theories of such left-wing thinkers as Michel Foucault and Giorgio Agamben. Historical materialism has a number of theoretical facets, and the future of Marxist jurisprudential critique and its possible influence depend mainly on the critical beliefs it holds. This indicates the responsibility to be borne in exploring rule-governed legal forms and the various aims of justice inherent in the connotations of biopower.

(2) **“Moral Conduct” and Hermeneutics** *Pan Derong* • 23 •

In editing the Six Classics, Confucius initiated a new hermeneutic approach, using interpretation of the classics to develop Confucian theories revolving around “establishing morality” and “promoting the Way.” The closest parallel in the Western hermeneutic tradition is in the theories of Aristotle and Hans-Georg Gadamer. What they have in common is that they all pondered on an interpretation of moral conduct that started with the wisdom of practice. The ancient Greek philosopher emphasized deducing “moral behavior” from “the wisdom of practice,” while Gadamer pointed the way forward for modern hermeneutics by revealing the wisdom of practice, although he failed to give sufficient attention to its value dimension. Aristotle’s ideas on moral conduct, and especially those of Confucius, are decisive for the question of the value dimension of understanding in hermeneutic theory. The hermeneutic sense of moral conduct lies in the true realization of the interaction, assimilation and unity of theory and practice in hermeneutic activity. This is central to Confucius’ idea of hermeneutics, providing a hermeneutic dimension that is worth waiting for. Seen from the perspective of world hermeneutics, the construction of Chinese hermeneutics is not only an important part of hermeneutic thought as a whole, but also a decisive factor that enables

hermeneutic research to break through the present developmental bottleneck and rise as a new theoretical form—"the hermeneutics of moral conduct."

(3) The Theory of Contextual Identity: A Solution to the Problem of Scientific Representation

Wei Yidong • 42 •

Representation has become a core concept in disciplines including cognitive science and psychology, and this is even truer for research on the philosophy of science. Scientific representation is more specialized, complex and abstract than general representation. It is the core of numerous theories, including graphic language, naturalism, structuralism, semantics and pragmatics. All of these have some explanatory power but fall short in dealing with scientific representation, primarily because they fail to analyze the contextuality of representation and the identity of representational relationships, and hence cannot lead us deeper into the true nature of scientific representation. As a foundation for ontological interpretation, context provides a framework for resolving the question of scientific representation. In this framework, representation is understood as the referential relationship between two objects within a particular context. Scientific representation based on contextual identity uses intermediate objects—concepts serving as reference, theories serving as sets of rules, models serving as reasoning tools and thought experiments serving as hypotheses—to refer to the goal objects.

(4) The Path of Technological Progress in Quasi-Frontier Economies and the Switch to Other Drivers: From "Catch-up Oriented" to "Competition Oriented"

Huang Xianhai and Song Xueyin • 60 •

Technological progress is not only fundamental driver of the economic growth of developing countries, but also a basic way of surmounting the potential "middle income trap." Our empirical research, based on longitudinal panel data for 115 countries, uses the technological dimension to divide economies into those distant from the international frontier, quasi-frontier economies and frontier economies, constructing a Schumpeterian endogenous growth model which takes into account technological gaps and depicts the path of technological progress in non-frontier economies and the general mechanism underlying their switch to other economic drivers. Our findings show that for economies far from the international frontier, catch-up oriented technological progress addressing technological gaps can bring about rapid technological progress, but the expansion of competition may lead to a low-level competitive dilemma. In quasi-frontier economies, although catch-up oriented technological progress faces a potential "catch-up technology trap," competition-led technological progress can avoid this trap and accelerate convergence with the international frontier. Governments have an important part to play in switching the driver of technological progress, evading the "catch-up technology

• 206 •

trap” and thus facilitating rapid and sustainable economic growth.

(5) The Topic of Social Policy in the New Normal Economy

Wang Sibin and Guan Xinping • 80 •

With the “new normal” of the Chinese economy’s shift from rapid growth to rapid but stable development comes the opportunity for redressing previous imbalances in social and economic growth. A number of complex, changing and recurrent economic and social problems indicate that Chinese social policy will undergo quite a major adjustment. Against this background, discussing the choice of strategic policy directions and related issues will be profoundly significant for reform and innovation. Wang Sibin, Professor of Sociology at Peking University and Research Fellow at the China Social Work Research Center, points out that, in the new normal of economic development, we need an active social policy support, which is the combination of active social policy and policy implementation. The underpinnings of such a social policy should develop from being purist, narrow and remedial to offering recipients assistance and help that are scientific, humanist, integrated and developmental. Whether from the perspective of the needs of policy recipients or that of resource mobilization, social policy support needs to be holistic, take an integrated approach to disadvantaged groups, and be designed and implemented as a whole. The construction of active social policy support is not only practically significant for resolving the social problems of today’s economic transformation, but also an important foundation for the construction of China’s social policy system. Professor Guan Xinping of the Institute of Social Construction and Management and Department of Social Work and Social Policy in Nankai University, holds that although Chinese social welfare has improved greatly over the past decade, it is still rather low compared with today’s requirements for the building of a moderately prosperous society in all respects. In China’s new economic and social situation, social policies are not only significant for ensuring and improving people’s livelihood and maintaining social justice, but can also play a greater role in facilitating economic development. To fulfill the new concept of development and requirements for justice, improved livelihood and shared development put forward by the Party Central Committee and to better facilitate transitional economic development, China should continue to raise the level of social policy goals and general welfare and should aim for a win-win situation in which social policy supports both welfare and development.

(6) Judicial Impartiality and Empathetic Justice

Du Yanlin • 102 •

The increasingly diversity of society’s demands means that the impartial operation of justice is faced with a rather complex predicament. Empathetic justice can maximize the justice of verdicts in individual cases and can also handle the

universality of the pursuit of justice appropriately; its demonstration of prosocial public reason offers a way out of this dilemma. Not only is empathetic justice a diverse and dynamic form of justice; it also provides a relatively satisfactory interpretation of the equivalence and convertibility of justice. As well as showing interaction and sensitive resonance of intersubjectivity, it is a vehicle for rich virtues of justice. Although empathetic justice originates in the mind or in emotional experience, it can withstand the scientific legal tests. At the same time, it remains imperfect, and certain defects in its operational mechanism may produce some adverse factors.

(7) The Application of Judicial Methods in Adjudication: Supremacy of Legal Rules, Principle-based Judgements and Assessment of Consequences *Ren Qiang* • 121 •

Together with principle-based judgements and assessment of consequences, the supremacy of legal rules provides effective analytical tools and methods of adjudication that enable judges to deal with different types of cases. “Supremacy of legal rules” means that judges must abide by the meaning of the letter of the law. As the general rule governing the operation of modern justice, this is the fundamental requirement imposed on judges in a society with rule of law. A judgment that deviates from legal rules or the letter of the law is simply a special case or an exception. However, when legal rules are unavailable, or compliance with the literal meaning of a legal rule mean that no judgment or only an unfair or absurd judgment is possible, or the conflict between different rules leads to impossible choices, courts need to invoke legal, moral or political principles that contain value judgments. In tricky cases that are not covered by legal rules and are not related or only remotely related to the three types of principle mentioned above, where there is a conflict between legal rules, principles or interests, or where common sense is violated, possible consequences must be weighed before any judgment is made. The three types of judicial method can be used separately or together, but applying them together can make the ruling more persuasive without damaging the independence of judicial method. Differences in judicial method constitute the basis of judgments.

(8) Symmetry and Formal Changes in the New Poetry of the May Fourth Movement

Wang Zelong and Gao Jian • 143 •

As an important formal feature of poetic structure, symmetry can be divided into two types in the concrete practice of poetic composition: the “symmetry” that pursues exact consistency, and the “symmetry” that mixes “consistency” with “inconsistency.” In the New Poetry reform of the May Fourth period, poetry’s symmetric forms underwent a change to modernity, taking the first steps toward completing its reform from the exact consistency of the old style to free and diverse modern poetic forms. The symmetry in the new poems was mainly embodied in

• 208 •

formal poetic structures, arrangement of rhythms and construction of poetic images. The freedom and diversity of symmetrical forms provided a variety of paths for the construction of the New Poetry's poetic forms; symmetrically arranged syllables and rhymes offered technical support for experimental rhythms; and diverse forms of symmetry enhanced the complexity of the construction of poetic sensations, adding a more expressive dimension to modern Chinese poetry and permeating the thinking and spiritual revolution of May Fourth New Literature with completely new content.

(9) An Analysis of the Different Archaeological Orientations of Xia Nai and Su Bingqi

Tang Huisheng • 165 •

Since the founding of the People's Republic of China in 1949, under the overall leadership of Marxism, there have been heated interaction and debates between different academic views and research orientations. In archaeological circles, the "positivist school" represented by Xia Nai and the "theoretical school" represented by Su Bingqi interacted in terms of their different research orientations, driving the further development of archaeological research in China. With the advent of the 21st century, Chinese archaeology in China has, for various reasons, found itself dominated by the theoretical school represented by Su Bingqi. An analysis of the thought and research orientations of the two schools can assist in the further prosperity of Chinese archaeology.

(10) The Early Days of Southeast Asian Regional Cooperation: Historical Evolution and Construction of Norms

Zheng Xianwu • 187 •

Early regional cooperation in Southeast Asia was the result of interaction between politics, economy and security, led by different types of regional consciousness. It can be divided into three stages: the stage of gestation from 1945 to 1950, the stage of partial regional growth from 1951 to 1960, and the stage of division and reorganization from 1961 to 1967. The variation in types of regional consciousness meant that Southeast Asian regional cooperation in these years took different historical forms. The practice of this early cooperation left an important legacy of regional norms in the development of the "Asian Way," centered on regional autonomy, sovereign equality, non-intervention, consensus decision-making, informal incrementalism and emphasis on economic development, rejection of multilateral military cooperation and a pan-Asian spirit. This legacy has established the necessary normative foundation for the construction of sub-regional cooperation in Southeast Asia and the establishment of the ASEAN Way. Moreover, the early practice of Southeast Asian regional cooperation has proved that the "Asian Way" represents a common "Asian experience" for regional cooperation in Southeast Asia and even for the whole of Asia.

中国社会科学

SOCIAL SCIENCES IN CHINA

2017年 第6期 (月刊)

主 管：中国社会科学院

主 办：中国社会科学院

(北京建国门内大街5号)

编 辑：《中国社会科学》编辑部

出 版：中国社会科学杂志社

(北京市朝阳区光华路15号院1号楼11-12层, 邮编 100026)

编 辑 部：010-85886569

网上投稿：<http://www.cssn.cn/>

发 行：010-85885198

E-mail: skbfxb@126.com

网上订阅：中国社会科学在线 <http://www.csstoday.net/dingyue/>

中国社会科学网 <http://www.cssn.cn/>

印 刷：北京科信印刷有限公司

订 阅 处：全国各地邮局

国外发行：中国国际图书贸易总公司

(北京 399 信箱 邮编 100044)

如发现印装质量问题，请与印刷厂联系调换。电话：010-62903036

ISSN 1002-4921



刊号： $\frac{\text{ISSN}1002-4921}{\text{CN}11-1211/\text{C}}$

国内代号：2-531 国外代号：BM171 定价：100.00 元