

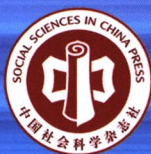


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(1) 国家治理现代化的逻辑转换

夏志强 · 4 ·

(2) 从史巫之士到易儒合流

——“易家”思想的演进路径

刘震 · 28 ·

(3) 认知科学视域中隐喻的表达与理解

黄华新 · 48 ·

(4) 深化体制改革中的产业创新体系演进

——以中国高铁技术赶超为例

黄阳华 吕铁 · 65 ·

(5) 行政许可的民法意义 王 轶 · 86 ·

(6) 违约金酌减预测研究 屈茂辉 · 108 ·

(7) 社会学视野下的文化遗产：实践—认知图式导向的分析框架
胡安宁 · 135 ·

(8) 周代的文化认同与文学交流
——以音乐制作、语言传译为中心 付林鹏 · 156 ·

(9) 国教运动与近代话语转向 薛玉琴 刘正伟 · 180 ·

本期论文英文摘要 (ABSTRACTS) · 204 ·

ABSTRACTS

(1) The Conversion of Logic in the Modernization of National Governance

Xia Zhiqiang • 4 •

The modernization of national governance embodies the process of modern state construction. The success or failure of national governance depends on the institutional logic and effectiveness of national governance. National governance in modern Western countries is dominated by market logic, and has made outstanding achievements in protecting individual rights and increasing material wealth, but is now faced with the crisis of decreasing governance efficiency. After the First Opium War (1840-1842), it was hard to achieve the transformation of governance in China due to the severe limitations presented by the logic of the traditional orientation towards power. Since the founding of the People's Republic of China in 1949, and especially since reform and opening up in 1978, national governance in China has gradually changed from orientation towards power to orientation towards rights, and hence has achieved remarkable results. In view of the new changes, the modernization of national governance in China in the new era needs to face the double test of traditional factors and the international situation. Therefore, core issues in the transformation of national governance should be analyzed in an open system perspective, so that the logic of national governance is really pinned on the orientation towards rights. In contemporary China, the first priority of the modernization of national governance is to adhere to CPC leadership. Starting from practical problems and objective needs, the modernization of national governance should be committing to a people-centered approach, establish and consolidate a basis for the effectiveness of modern national governance and to improve the efficiency of national governance by carrying out governance on the basis of civil rights, forging a consensus on governance through constitutional governance, creating governance dynamics through cooperative action, and providing governance support through public virtues.

(2) From Shamans and Historians to the Syncretism of Yi and Confucianism: The Evolutionary Approach of the Thought of the Yi School

Liu Zhen • 28 •

As one of the oldest scholarly systems in China, *Yi* (易 the doctrine related to the core thought in the *Yi Jing* [*Book of Changes*]) has always been valued. Historically, the *Yi Jing* was often seen as the essence of the study of Confucian classics. This approach has the disadvantage of ignoring the scholarly development

and transmission of *Yi* before it was incorporated into Confucianism. In fact, thought on *Yi* underwent development and evolution: from *Yi* as divination and *Yi* as the *Book of Changes* to *Yi* as a Confucian classic. Not only did each of these stages have its own characteristics, they also formed a logical progression. To interpret *Yi* simply from the perspective of Confucianism obviously does not facilitate our understanding and grasp of the whole picture of Chinese traditional culture. If we set out from the *Yi* school, we can not only rearrange the evolutionary path of *Yi* from the pre-Qin era to the Han Dynasty, but also examine the internal value of *Yi* from a perspective independent of Confucianism.

(3) The Expression and Understanding of Metaphors from the Perspective of Cognitive Science

Huang Huaxin • 48 •

As one of the three important 20th century issues in cognitive science, the exploration of cognitive mechanisms through metaphors has received wide attention in many fields, including cognitive linguistics, cognitive psychology and natural language processing. Taking a cognitive semiotics perspective, this paper reexamines the expression and understanding of metaphors, regarding them as special kinds of linguistic symbols. Metaphors express non-literal meanings, so we cannot simply equate linguistic forms and semantic meanings with symbolic forms and the interpretation of symbolic forms respectively; instead, we need to form a multi-level chain of symbols to complete our interpretation while taking into account the cognitive environment and psychological process. From the point of view of information flow in situation semantics, the process of interpreting metaphorical symbols essentially depends on the flow of information. On the one hand, constrained by specific metaphorical concepts, it realizes a horizontal information flow between the source and target domains; on the other, constrained by specific metaphorical concepts, it achieves a horizontal information flow between the source and the semantic field to realize a vertical information flow from the upper to the lower concept. Finally, reconstructing the information flow of metaphorical expression and understanding demonstrates the way in which the processing of metaphorical information highlights the relevance, integrity, divergence and uniqueness of thought, as well as the interaction of these attributes.

(4) Evolution of the Industrial Innovation System in the Deepening of System Reform: A Case Study of China's Catch-up in the World High-speed Rail Industry

Huang Yanghua and Lü Tie • 65 •

Against the background of China's economic system reform and the innovative development of high-speed rail industry, by using the survey data of eighteen core

• 205 •

institutions and more than 300 person-times in the industry, and adopting an industrial innovation analytical framework, we explain, from the perspective of the unity of history and logic, the phenomenon of China's catch-up in the high-speed rail industry in a historical and logical way. We found that the way railway adjustment shaped incentives for the technological innovation of micro-bodies is the key to explaining China's catch-up in high-speed rail technology; the upgrading of market demand has played a fundamental and decisive part in this process and is also a necessary condition for industrial policy to play an effective role; and the product development platform has been essential for the upgrading of technology in the high-speed rail equipment manufacturing industry. Both introduced and independent innovations are mutually complementary means of improving the product development platform. The generality and particularity of experience in the catch-up of high-speed rail technology provide pertinent theoretical and empirical stimulus for building up major power in manufacturing.

(5) The Significance of Administrative License in the Civil Law Sense

Wang Yi • 86 •

Administrative license is closely related to the validity judgment of civil law behavior. From the perspective of civil law, the administrative organs, under administrative license, allow citizens, legal persons or other organizations to engage in specific activities. Some of these activities are approved factual behavior; some are approved civil law behavior; and some depend on particular situations, sometimes belonging to the former, sometimes to the latter. Correspondingly, some provisions for administrative license in laws or administrative regulations are mandatory provisions falling under simple norms; some are mandatory provisions falling under complex norms; and some depend on situations, sometimes belonging to the former and sometimes to the latter. Where a party intends to rule out the application of such mandatory regulations by virtue of agreement on the intent of civil law behavior, Article 153 (2) of the draft Civil Code of the People's Republic of China (General Principles) shall be cited to hold that the agreement is absolutely invalid. Where the civil law behavior of a party violates mandatory provisions falling under complex norms, Article 153 (1) of the draft Civil Code of the People's Republic of China (General Principles) shall be invoked to judge its validity.

(6) Prediction Research on the Discretionary Reduction of Liquidated Damages

Qu Maohui • 108 •

There has been a good deal of normative research on the discretionary reduction of liquidated damages, but little on result prediction derived from an econometric analysis model. Prediction research can solve the problems of the single judgment

basis of the excessiveness of liquidated damages in current law and of the lack of a unified standard in judicial practice. Structured interviews with some judges have allowed us to clarify the rules of sample selection and variable setting before undertaking the prediction study. Taking as a sample the relevant judgments released by China Judgments Online, we conducted a quantitative analysis which showed that it is indeed reasonable to take 30 percent higher than the actual loss as the standard for judging the excessiveness of liquidated damages. However, it is also necessary to increase two more standards, i. e. , 20 per cent of the contract amount and the degree of contract performance. On the question of whether reduction of the liquidated damages should be discretionary or total, the greater the subjective malice of the defaulting party or the greater the consideration given to the industry's transaction customs and objective circumstances, the less chance there is of reducing liquidated damages and of totally reducing the liquidated damages on account of actual loss, and also the less chance of subtracting the total liquidated damages in consideration of the actual loss. Among factors to be taken into account, the ratio of the agreed penalty to the total contract price and the expected benefits has a significant impact on the discretionary reduction of liquidated damages, while with regard to the different nature and types of contract, the different considerations affecting liquidated damages have a significant impact upon the result of discretionary reduction. There is no conflict between prediction research in which quantitative analysis is the guiding method and the study of legal dogmatism; the latter lays the foundation for the former, while the former provides arguments and ideas for the latter.

(7) Cultural Heritage from the Perspective of Sociology: An Analytical Framework Oriented Towards the Practice-Cognition Schema *Hu Anning* • 135 •

Cultural heritage is related to national identity and international positioning, but it has long received insufficient attention from sociology in comparison with cultural change. It can be analyzed from three dimensions: institutionalized culture, schema culture, and individual culture. The three correspond to different definitions of cultural ontology: layers of cultural heritage, the degree of difficulty in cultural heritage, and the objects of cultural heritage. There are two means of cultural inheritance: self-inheritance and systemic inheritance, and different theoretical presuppositions regarding the capacity for cultural inheritance, the positioning of actors' initiative, and the logic of sociological "mechanism analysis." The experiential process of cultural heritage is not homogeneous; there are variations in sub-groups, fields of influence, and social effects. Cultural heritage can be empirically measured in many ways on the basis of the potential and structural characteristics of schemas. The analytical framework of cultural heritage based on practice-cognition schema has enriched and expanded existing research on cultural sociology. It also provides important thought-provoking material for current cultural

promotion.

(8) Cultural Identity and Literary Exchanges in the Zhou Dynasty: With a Focus on Music Production and Language Interpretation

Fu Linpeng • 156 •

Following the establishment of a world view that had as its basic contents the five directions (China and the barbarians/ethnic groups of the four quarters), the Zhou dynasty designed a set of bureaucratic systems for the management of and communication between the Zhou people and the barbarians. In this system, the specific duties of the officials in charge of music and reception of barbarians were most closely related to early literature. In particular, officials in charge of barbarian music were responsible for the transmission and performance of such music, while those in charge of the reception of barbarians were responsible for the interpretation of their languages. Research on the names, performance types, production process and political function of barbarian music has enabled us to learn about musical exchanges and cultural interaction between Zhou and the surrounding barbarian tribes. By means of examining some of the specific functions of the officials in charge of the reception of barbarians, such as oral interpretation on ritual occasions and the translation of documents involving neighboring barbarians, we can reflect on the cultural communication and textual generation between Zhou and barbarians. More importantly, these positions integrated the cultural elements of the barbarians into the ancient Huaxia ritual music, breaking through the cultural barriers arising from the distinction between the central kingdoms and the barbarians, and boosted the formation of a Huaxia cultural community.

(9) The National Religion Movement and the Turn of Modern Discourse

Xue Yuqin and Liu Zhengwei • 180 •

The process by which modern China became a semi-colonial and semi-feudal society was also the process by which national and social discourse made a turn from a feudal to a modern form. The period from the late Qing and early Republic to the May 4th Movement was the highest tide of modern discourse reconstruction. As the shaping movement of the new discourse system, the national religion movement found a classic reflection in Ma Xiangbo's words and deeds. It involved the complex relationship between traditional and transitional culture, ancient and modern society, and classical and modern scholarship. Taking the national religion movement as a guiding thread, this paper reveals the interaction of culture, politics, and thought in the process of discourse transformation in the late Qing and early Republican period, thus highlighting some laws and essence in the process of discourse transformation and construction in early modern China.

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