

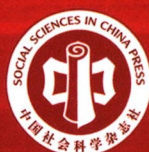


QK2113984

# 中国社会科学

SOCIAL SCIENCES IN CHINA

2021/04



SSCP

中国社会科学杂志社

1980年1月10日创刊

2021

# 中国社会科学

# 4

(月刊)

总第304期 4月25日出版

---

## · 国家治理与全球治理 ·

一种可能的智慧民主 ..... 赵汀阳 (4)

---

## · 大变局与战略全局 ·

世界变局与历史观的复兴 ..... 陈立新 (24)

从治外法权到域外规治

——以管辖理论为视角 ..... 屈文生 (44)

---

## · 中国共产党100年的理论与实践 ·

中国共产党领导文艺百年发展与成功经验 ..... 张清民 (67)

---

---

---

• 学术基本理论、基本问题、基本概念再反思 •

从“权能分离”到“权利行使” ..... 蔡立东 (87)

比例原则适用的范式转型 ..... 蒋红珍 (106)

社会主义市场经济条件下的资本价值 ..... 周 丹 (128)

---

---

• 中国式现代化与中国知识体系 •

中国工业化进程中的家庭经营及其精神动力

——以浙江省 H 市潮镇块状产业集群为例 ..... 付 伟 (146)

---

---

• 文明起源、文明互鉴与文化发展 •

中国古代艺术的体系构成 ..... 张 法 (166)

---

---

汉唐故事与五代十国政治 ..... 何玉红 (186)

---

---

本期论文英文摘要 (ABSTRACTS) ..... (204)

---

---

**ABSTRACTS**

**A Possible Smart Democracy**

*Zhao Tingyang* • 4 •

Contemporary democracy has degenerated into “publicracy,” a failure or misuse of democracy, distorted and manipulated by the dominion of systematized power due to the lack of social consensus. A better future for democracy depends on a return to rationality and transformation from “opinion-centered democracy” into “knowledge-centered democracy.” A democratic system based on a “two-vote (for and against) voting program” and “Jizi democracy” based upon the intellectual resources furnished by the ancient Chinese philosopher Jizi would ensure that democracy makes more reasonable and wiser public choices through technological advances, so that democracy involving the aggregation of preferences will be replaced by “knowledge-weighted democracy,” thereby discovering and implementing a focal point of the heart and mind.

**A Changing World and the Revival of a Historical Perspective**

*Chen Lixin* • 24 •

Since its beginning, the modern world has taken capital as its guiding principle. With the advance of history, the inherent contradictions of the principle of capital have by now been confronted with a change of course. Historical materialism combines the principle of “reality/contradiction” with that of “history/development.” Concretely applied to the analysis of capitalist society, this provides ideological resources for the revival of the historical perspective in a changing world marked by “the rise of the East and the decline of the West.” A view guided by historical materialism is rooted in the thematic orientation of historicity, which can effectively guide insights into the nature of human activity and contemporary society, thus has a theoretical advantage in grasping current world problems. The tendency to delocalization and neutrality in current Chinese philosophical scholarship is consciously or unconsciously far distant from the realities of Chinese society. Only when rooted in the process of real life, basing itself on the objectivity of the life-world, and grasping the historical nature of facts can philosophy truly “let the facts speak” and thus demonstrate its own existential meaning as it participates in contemporary issues.

---

**From Extraterritoriality to Extraterritorial Regulation: A Jurisdiction Theory Perspective***Qu Wensheng* • 44 •

Jurisdiction and sovereignty are key concepts in the lineage of international law. The separation of jurisdiction and sovereignty determines or affects the evolution of the world order. In the era of great geographical discoveries, the Treaty of Tordesillas established a global extension of jurisdiction, but Spain and Portugal did not achieve real jurisdiction over the land masses and islands they discovered; the Westphalian system initially established a territorial order under which a country's jurisdiction began to correspond to its sovereign territorial boundaries; and in the colonial era, the European powers represented by Britain separated jurisdiction and sovereignty through extraterritoriality, leading to the coexistence of the Westphalian sovereignty order and the imperial order. In the era of globalization, transnational issues arise frequently. Extraterritorial regulation has become a tool for the United States' unilateral handling of extraterritorial issues, in a unilateral order that coexists with the international legal order established after World War II and based on the United Nations Charter. Today's world is undergoing unprecedented major changes not seen for a century. Extraterritorial regulations based on unilateralism, protectionism, and hegemonism pose a threat to world peace and development. Reexamining jurisdiction theory enables us to implement extraterritorial regulation based on community jurisdiction theory; extend jurisdiction in a predictable and acceptable way; build a community jurisdiction mechanism of mutual recognition, mutual trust, and reciprocity; provide convincing plans for jurisdiction outside community jurisdiction arrangements; and ultimately promote the construction of a Community of Shared Future for Mankind.

**The 100-year Development and Successful Experience of Literature and Art under the Leadership of the CPC***Zhang Qingmin* • 67 •

The cause of literature and art is an important undertaking of the Communist Party of China (CPC) and the people, so is the literature and art front. The century of development of literature and art under the leadership of the CPC has been a process of continuous exploration, development, creation, surpassing and perfection, showing the outstanding wisdom and artistic ability of the CPC's literature and art work. It has always stuck to serving the people, taking the road of sinicization of Marxist literature and art, correctly handling the relationship between politics and literature, and actively exploring and innovating. The CPC has accumulated rich experience in the literature and art environment, communication platforms and leadership style, and this has become the historical basis of sticking to the Party's leadership in literature and art and to the "Four Matters of Confidence" of the New

• 205 •

Era. From now on the work of the leadership of literature and art must be guided by Xi Jinping Thought on Socialism with Chinese Characteristics for a New Era, must strengthen top-level design in terms of systems, concepts and methods, and must lead the majority of literature and art workers to forge glittering new historical achievements.

### **From “Separation of Powers” to “Exercise of Rights”**

*Cai Lidong • 87 •*

The formative mechanism of usufruct affects the structure and capacity of the real rights system, and thus contains great potential for theoretical innovations in property law. The theory of the grafting the separation of specific powers has involved useful theoretical explorations in terms of explaining the usufruct system in China’s pre-Civil Code era; however, it fails to go beyond the paradigm of the established theory of the separation of powers and does not jettison the inherent flaws of that paradigm. The Civil Code enriches the categories of usufruct rights and provides a scheme for the legal implementation of allocating and sharing land and other factors of production through market mechanisms, premised on adherence to socialist public ownership. In the era of the Civil Code, constructing a generative mechanism for usufruct with the logical thread of the theory of the exercise of rights is beneficial to bridging the gap between existing theories and institutional practice and enhancing the explanatory power of theory. This will also lay a theoretical foundation for the establishment of a multi-layered usufruct system.

### **Paradigm Shifts in the Application of the Proportionality Principle**

*Jiang Hongzhen • 106 •*

The proportionality principle is undergoing a paradigm shift. In terms of scope, its influence has expanded from countries to regions to the world and has permeated public and private law initially and then other sectors of law; in terms of functional position, it has retained its basic traditional function of rights protection while at the same time extending its function to complex patterns of power allocation; and in terms of applied forms, it is further manifested as the normative proposition of a legal principle and accompanies the progress of judicial application. As a methodology, it has become a criterion for the construction of “means/ends” rationality. Apart from the nature and characteristics of the proportionality principle itself, an inseparable reason for these paradigm shifts has been the transformation of the idea of rule of law and the influence of globalization amid generational change. We must give serious thought to exploring pathways to the sinicization of the proportionality principle’s paradigm shift. The basic position should be to break through the principle’s limited application in public law and follow the path of “unity amid differentiation.” The

theoretical basis of unity is exploration of the transformative path of the proportionality principle in the sense of “no sectoral legal differences,” while “differentiation” means exploring the particularity of the principle’s application to specific disciplines.

### **The Value of Capital in the Socialist Market Economy**

*Zhou Dan* • 128 •

Modernity is a philosophical representation of modern society in which capital serves as the central concept. Why can socialism with Chinese characteristics be located in modernity and at the same time surpass it? According to historical materialism, the economic base determines the superstructure. By intervening in production relations, socialist public ownership and its capital form take control of the traditional logic of capital. Activating the civilized side of capital, they overcome capital’s production contradictions while avoiding being sucked into capitalist metaphysics. China’s modernization, marked by a socialist market economy and publicly owned capital, is a viable solution to the modernity dilemma for human society to realize the liberation of mankind.

### **Household Management and Its Spiritual Dynamics in the Course of China’s Industrialization: The Case of the Massive Industrial Clusters in Chao Town, H City, Zhejiang Province**

*Fu Wei* • 146 •

Since reform and opening up, China has made remarkable achievements in industrialization. One important form of this industrialization is the massive county-level industrial clusters that enrich the concrete connotations of China’s road to modernization. Household management, as an important part of such clusters, is a local social phenomenon that merits in-depth study. In industrial production, the family has always been an independent and rational business decision-making unit which continuously invests its accumulated wealth into industrial development. In the course of the production process, industrial households evince a “do or die” state of mind. This is crucial for the rapid growth and continuous upgrading of China’s industrialization in rural areas with weak foundations, and is also a significant mental factor in the China Miracle. Chinese-style intergenerational relations and family ethics are the inner spiritual force of household management; they provide an essential perspective for understanding China’s modernization model and developing a China-specific knowledge system.

### **System Construction in Ancient Chinese Art**

*Zhang Fa* • 166 •

The rich system underlying the emergence, evolution and deployment of ancient

• 207 •

Chinese art can be presented on the basis of ancient Chinese culture and from the perspective of classical Chinese. Using general trends in the development of classical culture and the vocabulary changes and semantic transformations of the language associated with it, we demonstrate the full face of “art” as it expanded broadly through ancient China; that is, we take the origin of *li-wen-yi* (ritual—beauty/appearance—technique) as a whole. The art of ritual emphasizes the ritual techniques of the pre-Qin period; the art of literature emphasizes the high status of the written language in the Han dynasty; the arts of necromancy, astrology, medicine, etc. deal with the structure of the cosmic void and actuality following the Wei and Jin dynasties; the art of leisure stems from the aesthetic consciousness of literati gardens from the mid-Tang and Song dynasties; with the Song capitals also being distinguished for the art of performance found in their entertainment venues; and the art of craftsmanship founded on *The Book of Diverse Crafts* (*kaogong ji*) and well developed in the Song dynasty. These six types of art not only represent the main trend of the times in the development of classical art, but also became components of an art system that developed unceasingly in ancient China.

#### **Han and Tang Precedents and the Politics of the Five Dynasties and Ten Kingdoms**

*He Yuhong* • 186 •

Under the Five Dynasties and Ten Kingdoms, Han and Tang precedents played an important role in Chinese history as the country moved from division to integration. The good governance of the Han and Tang was constantly narrated and imitated in the political setting of the Five Dynasties and Ten Kingdoms. In political propaganda and the construction of regime legitimacy, rulers claimed descent from Han and Tang emperors or famous officials, indicating the political message of the Five Dynasties and Ten Kingdoms’ inheritance of Han and Tang rule. This demonstrates a distinctive feature of the era: rulers “traced back to historical roots” instead of “constructing the Mandate of Heaven” and “winner take all.” The systemic reconstruction of the Five Dynasties and Ten Kingdoms aimed to achieve the continuation of policies and stability of rule by imitating and following the old Han and Tang precedents. Han and Tang governance, with its emphasis on the significance of virtuous rule, benevolence, and civil administration, was regarded as an ideal political model, and returning to the unity of the Han and Tang dynasties was thus established as the direction of governance of the Five Dynasties and Ten Kingdoms. This process presents a new perspective that allows us to discard the cognitive framework of the rise and fall of dynasties and of the difference in political systems between border peoples and the Han. This offers a new viewpoint that enables us to go deep into the inner spirit of political operations and ideas and observe the continuous nature of Chinese history.



国家社会科学基金资助期刊

# 中国社会科学

SOCIAL SCIENCES IN CHINA

2021年 第4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/>

订阅电话：010-85885198

电子邮箱：[skbfxb@126.com](mailto:skbfxb@126.com)

数字订阅平台：<http://szyd.cssn.cn/>

网上订阅：中国社会科学网 <http://www.cssn.cn/>

中国社会科学杂志社官网 <http://www.sscp.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



扫码订阅

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