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## ABSTRACTS

### Marx's View on Good Law and Its Contemporary Significance

(25)

Hu Yuhong

(*Kenneth Wang Law School, Soochow University, Suzhou 215006, China*)

**Abstract:** Marx clarifies that the law must be the "real law" by distinguishing the "real law" and the "law in form". The substantial standards of a good law require that the law must reflect rationality, freedom and the substantive justice. The formal standards of a good law require that the law must be clear and universal. As a written rule, a good law must take the natural law, customary law and legal principles as its auxiliary sources. Marx's view on good law has important theoretical significance and practical value to promote the rule of law in contemporary China. Its significance is especially expressed in two aspects: the view of good law is the spiritual power of legal theory evolution; the substantive justice is prior to formal justice and judge should be allowed to make law within limits.

**Key words:** Marxist jurisprudence; good law; Chinese construction of rule of law

### Rule of Law and Legal Fetishism

#### ——A Critique on the Rule of Law of Liberalism from the Marxist Theory

(37)

Chen Linlin, Lan Tingting

(*Guanghua Law School, Zhejiang University, Hangzhou 310008, China*)

**Abstract:** The attitude of libertarian theory towards law and the rule of law is fetishism. Thus the theory failed to reveal that the natural of law is essence of the classes, also it never answered the questions about the value of law. In contrast with the legal fetishism, Marx defined law as superstructure which depends on the economic foundation and social development. According to Marx, law is only a functional part of the country. The critique on the rule of law of liberalism came from Western Marxism focusing on three aspects, which pointed out that it holds the idea of legal fetishism. Through the dismantlement and disenchantment of the liberalism rule of law, the Marxist theory of law gives prominence to issues of politics and law, which had already been marginalized and ignored by people for a long time. Even though the rule of law of liberalism is not dead, and it is likely to transform into the State Welfare successfully. But it does can not prove the failure of the Marxist theory of law. Nowadays, the mission of the later is to explore theoretical innovation instead of flinching or restructuring.

**Key words:** Marxism; liberalism; rule of law; legal fetishism

### The Conceptual Analysis of Withering Away of Law

(43)

Qiu Zhaoji

(*Criminal Law School, Northwest University of Political Science and Law, Xian 710063, China*)

**Abstract:** The withering away of law is a famous thesis of Marxian jurisprudence. The withering away thesis reflects the critical and utopia characteristics of Marxism social theory. The withering away thesis is based on specific concept theory of law. To clarify and reveal the context of the withering away thesis is the premise to evaluate it. The withering away thesis of orthodox Marxist reflects class instrumentalist theory of law. The withering away thesis of E.Pashukanis is based on his commodity exchange of law. The withering away thesis of O. Taiwo reflects legal naturalism. The fourth view of withering away thesis according to historical materialism is based on estrangement theory. However, these four kinds of legal concept theory behind the withering away thesis hold a narrow understanding of the law. These legal concept theories did not fully and accurately reveal

the nature of law. If we have a more broadly definition of law, the withering away thesis must be abandoned.

**Key words:** the withering away of law; class instrumentalist theory of law; commodity exchange of law; legal naturalism

**An Empirical Study on Independent Director and Investment Behavior under Environment Uncertainty (49)**

Sun Yanmei

(*School of Banking and Finance, University of International Business and Economics, Beijing 100029, China*)

**Abstract:** From the dynamic perspective of environment uncertainty, this paper tests the effect of independent directors on corporate investment behavior and firm value. Results show that independent directors will affect the ability of companies to cope with environment uncertainty in investment and thus create firm value. As uncertainty increases, asymmetric information and agency problem in companies become more severe. The independent directors with higher independence and advisory capacity in decision-making will help reduce inefficient corporate investment behavior and therefore improve firm value. But the effect varies with the nature of ownership and the types of inefficient investments. Furthermore, independent directors become more effective during financial crisis and will improve firm value by reducing inefficient investment under great uncertainty.

**Key words:** environment uncertainty; investment behavior; independent director; financial crisis

**Empirical Study on the Regional Correlation Effects of Technological Innovation in China (62)**

Chen Yan

(*Fujian Academy of Social Sciences, Fuzhou 350001, China*)

**Abstract:** Based on provincial panel data from 2001 to 2010, this paper investigated the effect of regional technology innovation relation of the 31 provinces in China using CD test, panel unit root test, co-integration test, CCE test. The research shows that: the technological innovation in our country exists the effect of regional correlations, the level of technological innovation in different regions of relevance, strong convergence effect and the section also. There are obvious differences among different regional technical innovation. The eastern region is the Grainger reason of technological innovation of the central and western regions of change, the central region is the Grainger reason of western region technology innovation changes. Technological innovation, R & D investment mean, mean human research capital stock average on technology innovation changes have a significant impact, the level of technological innovation showing a strong convergence effect. Contribution of R & D investment and R & D in eastern area of human capital stock on the level of technological innovation rate than the central and western regions to the central region, contribution of R & D human investment and R & D of capital stock on the level of technological innovation rate than the western area should be large, and R & D human input to technology innovation contribution rate of the capital stock to be greater than R & D.

**Key words:** technological innovation; regional correlation; correlation effect test

**Market or Network: the Way of Getting A Job in China's Transitional Economy (71)**

Wei Yongfeng

(*Social Work Department, Shanghai Ocean University, Shanghai 201306, China*)

**Abstract:** For a long time, there were two opposing points of view on job-hunting methods in China's transitional economy, the market mechanism and social network mechanism. The former believe that with the market transition of China economy, the market channel will be the main way for people to apply for a job; but the latter think that even with this economic transformation, the social network will still be the major job-hunting way. Using data from the New Urban Immigrants 2007, this paper shows that along with the continuously changing from the planned economy to the market economy, people relied more and more on the market way of getting a job, guanxi is in reducing. It also shows that with the market economic transition, personal economic activities will be gradually off the bondage of traditional guanxi culture, and will be affected by the market forces more and more.

**Key words:** job-hunting methods; social network; labor marker; guanxi; human capital; transitional economy

### **A Study of Urban Cemetery Crises and the Cultural Transformation of Sacrifice (80)**

Guo Lin

(*Renmin University of China, Beijing 100872, China*)

**Abstract:** Currently it needs to solve the problems in urban cemetery crises of China. First of all, the opportunity for the funeral reform had come from urban cemetery crises of the western industrialized nations, which had been followed colonialism culture conflict and preliminary design of modern burial system as well as the system reform of the funeral since the modern times for China from the perspective of modern theory. Then current urban cemetery crises have included insufficient quantity and artificially high prices of the cemetery and even dying without a burial place, which is the opportunity for the funeral reform, and the key of which could be the cultural transformation of sacrifice form the traditional funeral culture with the theories of cultural transformation. Finally on the basis of the system reform of the funeral, it need to explore the normalization of family sacrifice culture, the development of public sacrifice culture and the integrated way of social organization in order to promote the transformation of sacrifice culture and to solve the urban cemetery crises, and to get the opportunity for the funeral reform.

**Key words:** City; Cemetery Crises; Sacrifice; the Cultural Transformation

### **Identification of Key Factors Influencing the Choice of Farmers Facing in Situ Urbanization**

—An Example of Jiaxing Haiyan County

(86)

Huang Wenxiu, Yang Weizhong, Qian Fangming

(*Yangtze River Delta Urban and Rural Development Research Center, Jiaxing University, Jiaxing 314001, China*)

**Abstract:** This article identifies the factors restricting farmers' choice facing in situ urbanization, measures and suggestions about improving in situ urbanization is proposed, and reference for promoting in situ urbanization is provided. Based on the in situ urbanization theory, factors restricting farmers' choice facing in situ urbanization is summarized, research hypothesis are advanced, and an empirical analysis of 244 samples of Haiyan County farmers using Multinomial Logistic model is carried out. This research finds that: (1) Factors of restricting farmers' selection facing in situ urbanization include, the right to the use of social security, transformation of livelihood, ability to earn a living in urban, living environment, original style and habits, homestead compensation standard, one of a house living, food safety and environmental pollution problems. (2) Children's education is beneficial to farmers' choice in situ urbanization. (3) Household registration system, expected economic income, indigenous inhabitants of prejudice and discrimination, rural farming feeling, democratic political rights do not have a significant impact on farmers' choice facing in situ urbanization. This paper explores the in situ urbanization mode, provides a reference for improving the efficiency of in situ urbanization.

**Key words:** land management; in situ urbanization; Multinomial Logistic; farmers; influencing factors

### **Critique of Modernity: Different Perspectives of Power and Capital**

—Comparison of Foucault and Marx's Critiques of Modernity

(93)

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**Abstract:** Michel Foucault's analysis of micro power was an effort to break the doctrinaire Marxism which expanded the critique of modernity vision, enriched and reinforced Karl Marx's critique of modernity to some extent and gave us greater insight into the darkness and contradiction of modernity from the rich and colorful social life. Generally, Foucault's concept of power was too extensive and only associated with Marx's concept of capital could avoid abstraction. Micro politics and existence aesthetics Foucault advocated ignored

the governing function of macro power in contemporary society which expressed only a kind of resist of the West in the absence of hope of proletarian revolution Marx advocated.

**Key words:** Foucault; Marx; macro power; micro power; modernity; critique

**In Defence of Davidson's Theory of Absolute Truth**

——Consulting with Professor Jiang Yi

(100)

Liang Yimin

(*School of Laws and Politics, Lingnan Normal College, Zhanjiang 524048, China*)

**Abstract:** Davidson's theory of absolute truth differs from a relativized theory of truth, in such a theory, the truth predicate is a primitive expression undefined, and this theory should serve as general form of the theory of meaning. There are many aspects of falseness or inappropriateness in Professor Jiang Yi's negative judgments on the theory: Davidson's action of "meaning's reliance on truth" derives from his basic opinions about a theory of meaning, he doesn't cancel the concept of meaning, thus nothing can be used to produce "the paradox"; "the undefinability of the concept of truth" doesn't show Davidson can't discuss the concept, and can't use it to build a theory of meaning for a natural language; "reality without reference" is the reality in a holistic sense, not a theoretical construct with "the unempirical nature". The basic ideas of the theory are reliable. They have convincingly showed theoretical reliability and legitimacy for the theory to characterize a theory of meaning from semantics and its empirical base, thus set a firm theoretic foundation for Davidson's Program.

**Key words:** theory of absolute truth; the concept of truth; undefinable; primitiveness; Davidson

**On the Mutual Echoing Poems by Liu Yuxi and Niu Sengru**

(107)

Xiao Ruifeng

(*Zhejiang University of Technology, Hangzhou 310032, China*)

**Abstract:** During his late years of life in Luoyang, Liu Yuxi wrote many echoing poems in response to other poets, including Niu Sengru. The two were the "poetic friends" who had unsolvable resentments against each other. They not only used the echoing poems as an essential means of remedy for their deteriorating personal relationship, but they also availed themselves of this sort of poems as a way of implicit ideological wrestling. Thus, their mutual echoing poems would inevitably release some inharmonious notes that were of particular artistic tastes. What they did in such communication itself constituted a unique cultural phenomenon which was closely related to their political codes and dispositional genes.

**Key words:** mutual echoing poems; political ecology; cultural ecology

**Study on the Contribution for the Theory of Imagination of Literature from Zhuangzi** (114)

Sun Minqiang, Huang Minxue

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**Abstract:** The first representation of the contribution of Zhuangzi for the theory of imagination of literature is the theory of Unreal Quietness, when his thinking of the relationship between expression and meaning makes more directedness influence on posterity as same as his creation and idea of fable. In a wide sense of the word, fable is also imagery. Although Zhuangzi's idea of fable and imagery is interlinked, fable is not imagery, and allegorical thinking is different from the idea of imagery. Imagery and the idea of imagery tally better with lyric literature and lyricism imagination, when fable and allegorical thinking tally better with narrative art and narrative imagination. Zhuangzi's fable and idea of narration fill the gap of traditional theory of imagination's putting a high value on lyricism imagination and idea of imagery and looking down on imagination of narrative literary works besides poem and history. As the development of narrative literary theory, Zhuangzi's idea has gained profound and lasting responses from posterity's thinking of narrative art and the theory of narrative theorists like Li Yu and Jin Shengtan, Because of that, the theory of literary imagination of China became complete.

**Key words:** Zhuangzi; the theory of imagination; the theory of unreal quietness; the theory of expression

and meaning; allegorical thinking; narrative imagination

**The Debate on the Orthodoxy between the West and the East Regarding the Origin of the Nation and Culture of the Chinese in the Late Ming and Early Qing Dynasty** (123)

Zhou Shucan

(*Institute of Society, Soochow University, Suzhou 215123, China*)

**Abstract:** The Ancient History System (from Pangu to Three Sovereigns and Five Emperors) compiled by and the culture of the Chinese nation constructed by Chinese scholars since the warring states period is based on the theory of Chinese national culture originated from local area. In the late Ming and early Qing Dynasty, this theory has been fiercely challenged by the theory of Migration from west to east proposed by the Jesuits and subsequently triggered the first debate on the origin of culture of the Chinese nation between the West and the East. Since neither the western nor eastern scholars had sufficient contact with and substantial understanding of the argumentation of the culture of their counterparts, the theory of Migration from west to east that was heartily promoted by the Jesuits and the theory of the Chinese origin of western learning which occupied the dominant position among Chinese academia since Kang Xi and Qian Long lacked academic significance in the strict sense. The debate over Orthodoxy between the West and the East in terms of the culture of the Chinese nation is of great importance. It was the vanguard of the communication and fusion between the western and eastern academia, accelerated the update of understanding of the Chinese Ancient History and inspired a prospective research at the international level. Evidently, it is unjustified to completely deny the academic value of the debate on the Orthodoxy between the West and the East regarding the origin of the culture of the Chinese nation.

**Key words:** the nation and culture of the Chinese; the theory of Chinese national culture originated from local area; the theory of Migration from west to east; the communication and fusion between the western and eastern academia

**Doctor Behavior, Drug Safety and Governance Structure: A Literature Review** (133)

Wei Cong

(*School of Economics and International Trade, Zhejiang University of Finance and Economics, Hangzhou 310018, China*)

**Abstract:** This article conducts a survey on the interaction between the doctors and patients, pharmaceutical industry, and explores the effect of the doctor on drug safety information structure distribution and the role of risk sharing mechanism. Because the existing drug safety governance related to literature mostly focused on drug exchange game and the regulation of pharmaceutical companies, discussed product liability mechanism design and ignored the doctors, so this paper aims to introduce the doctor behavior body to the drug safety governance and point out the possible directions for the future research.

**Keywords:** doctor behavior; drug safety; information asymmetry; principal-agent

**The Passions or the Interests?** (141)

Luo Weidong

(*Zhejiang University, Hangzhou 310058, China*)

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**声 明**

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