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# ABSTRACTS

## **The Right Attribute of “Citizen’s Personal Information” and the Thought of the Criminal Law Protection**

(4)

Yu Zhigang

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**Abstract:** The “citizen’s personal information” in the offense of infringement of citizen’s personal information has continually been limiting to protecting citizen’s personal “identity authentication information” and personal information that may influence personal safety and property, which caused the deviation of the thinking of the specific law protection. The root of all the problems lies in the over restrictive attitude. The starting point of the legislation and the judicature exist severe differences. The interpretation thought of “ten steps backwards, half a step forwards” has caused severe self-cut sanction radius in criminal law. The thought of the criminal law protection on citizen’s personal information should transform from the mode of privacy right to the mode based on personal information.

**Key words:** infringing citizen’s personal information rights; personal information; judicial interpretation; restrictive interpretation; criminal policy

## **Legitimate Interpretation of “Violating the Relevant Provisions of the State” in the View of Unity of Legal Order: Comments on Article 2 of Interpretation on Several Issues concerning the Application of Law in the Handling of Criminal Cases Related to Infringing Citizens’ Personal Information Rights**

(15)

Ye Liangfang

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**Abstract:** Constitutional interpretation is one of the many methods to interpret the provisions of criminal law, which serves as the highest standard of justification for the conclusion of interpretation. According to literal interpretation, “violating the relevant provisions of the state” as prescribed under Article 253A of the Criminal Law of China should be taken as “violating the provisions of any law, administrative regulations or departmental rules. And according to purpose interpretation, the same conclusion can be reached and reinforced. However, according to constitutional interpretation, if this conclusion is adopted, it will undermine the unity of the whole legal order and thus should be negated.

**Key words:** infringe the citizen’s personal information rights; “violating the relevant provisions of state”; purpose interpretation; constitutional interpretation; the unity of legal order

## **Rules for Determining the Quantity of “Personal Information of Citizens in Batch” in Cases of Infringing Citizens’ Personal Information: Comments on Paragraph 3 of Article 11 of Interpretation on Several Issues concerning the Application of Law in the Handling of Criminal Cases Related to Infringing Citizens’ Personal Information Rights**

(24)

Fu Yuming

(Criminal Law School, Northwest University of Political Science and Law, Xi’an 710122)

**Abstract:** According to the third paragraph of Article 11 of Interpretation on Several Issues concerning the Application of Law in the Handling of Criminal Cases Related to Infringing Citizens’ Personal Information Rights, the quantity of “personal information of citizens in batch” is determined by presumption, which is a reaffirmation of the burden of the proof by the defendant in order to relieve the pressure of prosecutors in the age of big data. However, it should not be taken as the shift the burden of proof or reduction of the degree of proof. This rule applies to “batch” of citizens’ personal information which should reach five thousand pieces at last. The sampled data, as the basis of presumption, should be true on the basis. And this rule essentially means the defendant should rebut the presumption.

**Key words:** citizen’s personal information; batch; rule; determining the quantity; burden of proof



**Linkage Relationship and Time Dynamic Correlation between RMB Exchange Rate, Stock Price and Real Estate Price**

(31)

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**Abstract:** Based on the model of Dieci & Westerhoff(2010), this paper constructs the formation mechanism model and linkage model of exchange rate, stock price and real estate price. Then we establishes the VAR-DCC-MGARCH model to analyze the linkage and dynamic correlation between RMB exchange rate, stock price and real estate price based on the data from January, 2007 to December, 2015. The result shows that short-term capital continues to flow into the domestic because the reform of exchange rate. So domestic capital liquidity increased which stimulate the stock market and real estate market. The stock market has no obvious influence on the foreign exchange market due to the weakening of the stock market's attractiveness to the short-term circulating capital. The close relationship between RMB exchange rate, stock price and real estate price poses a challenge to China's systemic financial risk regulation. This paper gives relevant policy recommendations.

**Key words:** RMB exchange rate; share price; real estate price; VAR-DCC-MGARCH

**Export Potential of China's Infrastructure-related Industries to the Silk Road Economic Belt Countries: An Empirical Study Based on Panel Gravity Model**

(41)

Sun Zesheng, Pan Li

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**Abstract:** The interconnectivity of infrastructure is the important support of "the Belt and Road" initiative, and infrastructure-related industries are China's main advantageous industries. In this paper, the panel gravity model including the factors of geographical neighbors, institution and reception of the "the Belt and Road" strategy is firstly used to estimate the export potential and future export room to grow of China's infrastructure-related industries in 20 countries along the Silk Road Economic Belt. The findings are as follows: (1)The economy growth of China and 20 sample countries, geographical neighbors' characteristic, trade openness, and attitude to the "the Belt and Road" initiative, all markedly promote the infrastructure-related industries' export of China, while the factors of FTA and Eurasian-Continental-Bridge have substitution effect on the infrastructure-related industries' export of China.(2)China has great export potential of infrastructure-related industries to Russian, Iran, Saudi Arabia, India and United Arab Emirates. (3)The estimate result of 2018-2022 reveals that the export room to grow of China's infrastructure-related industries in the countries along the Silk Road Economic Belt will be more than \$ 43 billion, in which the largest market share are steel and metal.

**Key words:** Silk Road Economic Belt; infrastructure-related industries; panel gravity model; export potential

**Control Rights, Executive Compensation and Corporate Risk-Taking of Family Firm  
——From the Perspective of Social Emotional Wealth**

(51)

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**Abstract:** Based on the perspective of social emotional wealth, this paper summarizes the theoretical assumptions between control rights, executive compensation and corporate risk-taking of the family firm in our country, then uses the empirical method to examine the proposed theoretical assumptions and specifically analyzes the influence relationships. The empirical study shows that the unreasonable structure of control rights and the improper compensation incentive of executives can be found in most of listed family firms which lead to the unsatisfactory level of corporate risk-taking. In addition, appropriate compensation incentive of executives can effectively regulate the relationship between structure of control rights and corporate risk-taking of family firms. The study not only helps to understand the effect and process of the adjustment of family firms control rights and the measures of compensation incentive of executives on corporate risk-taking level, but also provides guidance for the inheritance of family firms and the management on the professional managers. These are referenced for the controlling shareholders, managements of family firms and supervision departments.

**Key words:** family firm; social emotional wealth; control rights; executive compensation; risk taking

**Traditional Rites and Contemporary Civilization**

(60)

Peng Lin

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**Abstract:** History is in the development of inheritance, and the tradition and contemporary days are inextricably linked. Zhou Gong is the pathfinder of Chinese moral culture, who endows the nation with the function of key of morality, and carries out the morality construction in the way of establishing rituals and music. The purpose of rites and music education is to cultivate one's moral character internally and externally. Chinese rites are briefly characterized by modesty and respect, in favor of creating the harmonious interpersonal atmosphere. The language of Chinese rites is full of connotation, decorous, in bright contrast with current and snobbish internet language. Popularizing the traditional Chinese rituals is contributes to the reconstruction of contemporary civilization and the reshaping of national character.

**Key words:** rites; morality; civilization; harmony; national character

**Space-time Changes and Differentiation of the Trust Mechanism of Difference Sequence:  
Taking the Fast Networking in Transforming China as the Analysis Background**

(66)

Jiang Fangbing

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**Abstract:** China has been in a flowing society today. Although it encounters the "trust dilemma" which has the same modernity logic with the Western society, but hiding its behind is actually a "Chinese style question". Regarding this, scholars have formed many research results by the diversification theoretical perspective, but there still exist some problems such as research segmentation and intolerance as well as the problem about the isolation from the cultural context. Basing on the space-time characteristics of trust, this article takes the fast networking in transforming China as the analysis background, proposes "space-time changes" as a conformable analysis perspective. It discovers that, the trust mechanism of difference sequence has differentiated in different space-time structure, and forms three basic types, named as "guanxi" type in the rural society(space-time stagnate), tool type in the market society (space-time separation) and identifying type in the network society(space-time void). It indicates that, trust mechanism which grows out of the rural society has not dispelled rapidly with the rapid social transformation. On the contrary, it also has been duplicated and strengthened under specific space-time structure. Obviously, only inspect space-time changes of trust mechanism of difference sequence carefully, the complex multi-dimensional trust order in the flowing society and the history of "trust dilemma" can be grasped profoundly.

**Key words:** trust of difference sequence; flowing; space-time order; "guanxi"; social transformation

**Life Satisfaction and Generational Differences of Migrants from the Perspective of  
Social Integration Theory**

(74)

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**Abstract:** Using the data of the migrants' social integration and health survey from China's National Population Health and Family Planning Commission in 2014, this paper analyses life satisfaction of migrant and the determinants between different generations from the perspective of social integration theory. The results show that the migrants' life satisfaction is very low. First-generation migrants have a higher level of life satisfaction than new-generation migrants. There are significant differences of determinants of life satisfaction by social integration between two generations. The residence time, number of dependent families, labor-time, willingness of long-term live, culture distance, familiarity with the local dialect in determining new-generation migrants' life satisfaction but have no impact on first-generation migrants' life satisfaction. Only housing type is main influencing factor of life satisfaction for first-generation migrants. This generation differences of migrants' life satisfaction are determined by individual endowment, value propositions, and integration willingness. The results suggest that generation factors and psychological requirement which have impact on migrants' life satisfaction should be highly considered when making public policies for migrants.

**Key words:** migrants; social integration; life satisfaction; generation differences

**An Outline of Tiantai's Harmonious Culture**

(85)

He Shanmeng

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**Abstract:** The culture of Harmony is the essential characteristic of Chinese traditional culture, while Tiantai's harmonious culture is a form of harmonious culture, which is formed in the development of history based on the special geographical environment of Tiantai. There have been a lot of discussions about the Tiantai's harmonious culture in the academic circles, but what is the connotation of Tiantai's harmonious culture, and what is the relationship between it and the Chinese harmony culture? For these basic problems, there has been a lack of carding for a long time. This article will focus on these basic problems, try to find an outline of Tiantai's harmonious culture, based on the study of cultural geography, historical evolution and its theory and believes. We argued that Tiantai's harmonious culture is the theory and practice of Taizhou region due to the "harmony" thought produced, with Confucianism, Buddhism and Taoism syncretized as one, and Hanshan, Shide, "the two saints of harmony in traditional China" are the outstanding representatives of Tiantai's harmonious culture. The essence and characteristics of Tiantai's harmonious culture, is closely related with the folk life, is a typical form and living samples of Chinese harmony culture.

**Key words:** Tiantai's harmonious culture; basic connotation; essential characteristics; Chinese harmony culture

**Contemplation of Tiantai Sect and Xm of Three Teachings during Late Ming Dynasty  
——Focusing on Yang Fusuo's Methods of Reading the Xiaojing**

(93)

Liu Zengguang

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**Abstract:** Yang Fusuo was a member of Taizhou school which belongs to Yangming learning, his thought tried to merge three teachings, especially on absorbing the contemplation and confession rituals from Buddhism, so as to design a series of religious methods for reading Confucian Classics. Generally speaking, Confucianism had emphasized reading methods since Song dynasty, but the work of constructing this kind of methods was not finished until the late Ming. In Confucianism history, not only in the development of Yangming school, probably Yang Fusuo was the first one who made reading Confucian classics religiousized. In the perspective of mystical ethics, the "all in one" concept in Yang's Methods of Reading the Xiaojing could reflect the deeply meaning of Confucian theory of morality.

**Key words:** Yang Fusuo; Xiaojing; religion; ritualized; harmony

**Innovative Ideas to Promote the Study of Tiantai Mountain's Harmony Culture  
——Thinking Based on Literature Review**

(102)

Yang Gongfa

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**Abstract:** Based on the Tiantai Mountain's Culture specialty, origin exploration method, content, status, this article hackles the researches of scholars. It proposes the general ideas and main direction to promote Tiantai Mountain's Harmony Culture. That is with the development of the Chinese and Harmony Culture history, utilizing the Tiantai Mountain's Confucianism, Buddhism, Taoism as main line and the evolution history of "the two Hehe Saints" as auxiliary line, to hackle the mixture history of Tiantai Mountain's Culture and extract the connotation of cultural concepts and build the cultural systems. Standing on the position of countries governing policy and implementation of "the Belt and Road" strategy, it illustrates the contemporary value of Tiantai Mountain's Harmony Culture.

**Key words:** Tiantai Mountain; Harmony Culture; contemporary value

**The Evolution and Designing Development of the Symbol to Gods of He-He**

(108)

Li Zhiming

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**Abstract:** Gods of He-He has been the symbol of Tiantai Mountains Harmonious Culture. With the change of history, it has evolved into an auspicious symbol with Chinese characteristics. Influenced by the esteeming harmoniousness concept, Gods of He-He has been widely used in the design of architecture and household utensils and so on, by combining with different media, resulting in a unique designing discourse system of its own. With this designing discourse system, we should adopt its form, extend its meaning and transmit its spirit. It can be brought into a greater developing field through renovation of modern designing methods and media.

**Key words:** harmony; Gods of He-He; symbol; design

**"A Peaceful Mind with Conscience": A Perspective on the Art of War by Wang Shouren** (115)

Wang Jue

*(The researcher of Qi Culture Research Institute, Shandong University of Technology, Zibo, 255049)*

**Abstract:** During the entire Ming Dynasty, there is no civilian official better than Wang Shouren at using strategies to win wars. Wang's achievements have been thought-provoking and his meticulous uses of strategies have amazed the crowds throughout the history. According to Qian Dehong, a talented tutee of Wang Shouren, someone asked whether there is a certain strategy to win a war, Wang replied, "There's none. Once you master the knowledge and have a peaceful mind with conscience, you will then find the strategy." Such a normal answer indeed has significant historical depth, providing strategies that are even applicable in modern wars. Based on historical evidence, it is a priority to study the core of Wang Shouren's strategies, and further evaluate its application value.

**Key words:** Wang Shouren; military strategical thought; a peaceful mind with conscience; the art of war

**Ma Yifu's Modern Interpretation of The Analects** (121)

Xu Ning

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**Abstract:** Ma Yifu is the representative of the new "Jingxue" in modern Neo-Confucianism. He took The Four Books into the system of The Five Classics and proposed the idea that the Six Arts include all schools, which highly appreciated the degree of The Analects in Confucian classics system. "Jianxing", which means that the Six Arts gather in one mind, using the Chinese to judge the Western in the aspect of the temperament of human, and showing mingled meanings and objective value between the culture of China and West, is the premise and basis of his interpretations. "Hengshuo" and "Shushuo" are two ways he takes to interpret. "Hengshuo" means that using the Buddhism to interpret the Confucianism, which explicates the aims of the Six Arts in Confucianism by thoughts from Buddhism; "Shushuo" means that using the "Jingxue" to govern the "Zixue", which reveals the Dao of the Six Arts in The Analects by the way of proving each other through different literatures on the headstream of Confucian Orthodoxy. Ma Yifu's Modern Interpretation of The Analects demonstrates its idea and system positioning of new "Jingxue", so it has important academic value.

**Key words:** Ma Yifu; Principle of The Analects; using the Chinese to Judge the Western; using the Buddhism to interpret the Confucianism; using the "Jingxue" to govern the "Zixue"

**On Big Data Analysis and Cultural Proliferation of Literary Classics** (127)

Fu Shouxiang

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**Abstract:** In the era of new media and the era of diversification influenced by the postmodernism, the reflective question of literary classics' "existing problems", "ascription problems" and "level issues" is becoming more and more serious. The "earthquake" of classic has opened a new space for the reconstruction of literary classic and the rewriting of literary history, deny the classic, broadening the classic or replace the classic has debuted one after another. Even if it is still in accordance with the authority and continues to agree with the tradition, the scope of the classic radiation is differing from former; the literary classics not only transmit within the nation but also got into a broader cross-cultural field. Meanwhile, the new media represented by the Internet not only fundamentally changed the way of production and dissemination of information, but also increasingly deeply changing people's way of production and lifestyles, improve people's thinking and the ability to change. As a "digital humanities", the study and spread of the literary classics is increasingly inseparable from the "big data". Attaches great importance to the big data analysis does not mean giving up recourse of meaning, literary classic transmission must build a bridge between humanities and science & technology, interpretation of the classic develops simultaneously with the "use" of classic. The visualization and the digital development of literary classics cannot be ignored, nor be overstated. The new media technology should be combined with traditional humanistic significance recourse, building a three-dimensional, deep humanistic lineage pedigree, to adapt to the times change, follow the cultural roots.

**Key words:** big data analysis; literary classic; communication; culture proliferation; humanistic genealogy

**The Artistic Origin and Innovation of Lou Shu's "Poetry about Farming and Weaving Pictures"** (134)

Liu Wei

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## ABSTRACTS

**Abstract:** Lou Shu's "Poetry about Farming and Weaving Pictures" was the earlier large-scale farming poems in the history of ancient Chinese literature. Its text combined a lot of essence of similar poetry since the Pre-Qin periods although it pieced them together obviously. It was the first signs of Fan Chengda's "Miscellaneous Poems about the Four Seasons of Country". On the basis of the extensive inheritance of art tradition, "Poetry about Farming and Weaving Pictures" had some new developments. It has dual purport: persuade the royal family and farmers. On the one side, some factors of the palace poem were added into "Poetry about Farming and Weaving Pictures". It used many allusions and made the style of Weaving Picture Poems soft which was different from previous poems. On the other side, "Poetry about Farming and Weaving Pictures" had some new art functions such as prompting advanced agricultural techniques and advocating a more reasonable family collaborative production relations. "Poetry about Farming and Weaving Pictures" laid the foundation for unique farming and weaving culture tradition and had a profound effect on later generations, so its artistic value and social value should not be ignored.

**Key words:** Lou Shu; Poetry about Farming and Weaving Pictures; artistic origin; dual purport; innovation

### A Textual Research on Chen Liang's "Liu Da Di Ting"

(141)

Wang Yu

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**Abstract:** Chen Liang himself claimed to have "Liu da di ting", namely presented his letters to emperor six times, but the existing literatures show only five times. Professor Deng Guangming found the sixth letter clues from the "Yuan Ti Tonga Zhi Chen Liang biography". The research of this paper tries to approve that the "Yuan Ti Tonga Zhi Chen Liang biography" is not to be trusted. The sixth time Chen presenting his letter to emperor remains in doubt.

**Key words:** Chen Liang; Southern Song; letter to emperor

### The Judicial Dilemmas Faced by the Institution of the Organization for Administrative Review as A Co-Defendant and the Solution Path

(147)

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**Abstract:** The "New Administrative Procedural Law" lays down the rules that if the organization for administrative review upholds the original administrative act, the organization for administrative review and the original administrative organization would be regarded as co-defendant. The "Judicial Interpretation about the Application of Administrative Procedural Law" formulated by the Supreme People's court has set a series of detailed provisions. But the determination of the object of judicial review, the burden of proof and the making of judicial decisions are facing many theoretical dilemma and practical problems about the case of the organization for administrative review as a co-defendant in the Article 6 of the "Interpretation" has redefinition the range of the administrative maintenance act and the administrative change act. This article has put forward some ideas and suggestions to give a hand for the solution of the judicial dilemma faced by the institution of the organization for administrative review as a co-defendant.

**Key words:** administrative review; the institution of co-defendant; judicial dilemma

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## 声 明

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