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ABSTRACTS

Study on the Pretrial Civil Procedure of Marine Environmental Resources (4)Mei Hong¹, Cai Xianfeng²

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Abstract: Establishing the pretrial civil procedures of marine environmental resources cases is not only the realistic need that courts optimize the allocation of trial resources and improve the efficiency of pre-trial work, but also the way that marine environmental resources cases require procedural law "green". Contacting the requirements of registration system on matching mechanism and reforms of the judicial resources allocation of the judicial staff system, aiming for the characteristics of marine environmental resources cases accepted by maritime court, clarifying pre-trial procedures normatively can help to improve the efficiency of pre-trial procedures, accurately identify cases and prevent the increasing risks and damage of marine ecological. The present situation of judiciary requires our country to improve the system of pretrial procedure of marine environmental resources.

Key words: pretrial civil procedures; marine environmental resources case; maritime court; marine environmental protection case

Research on Coordinative Development Assessment and Optimization of Marine Science & Technology-Marine Economy in Yangtze River Delta (11)

Ma Renfeng, Wang Tengfei, Wu Dandan

(Marine Culture and Economy Research Center of Zhejiang province, Ningbo 315211)

Abstract: Based on the marine science & technology and marine economy data from 2006 to 2013, this article is to set up the development evaluation index system and the marine science & technology-marine economy coordinative degree model, which aims to analyze the coordinative development level quantitatively among marine science and technology capability and marine economy in Yangtze River Delta. The results show that the coordinative development level among marine science and technology capability and marine economic development system has experienced the following changes: 1) From 2006 to 2011, the overall score of marine science & technology comprehensive performance showed a significant upward trend, the coastal provinces and cities are developing science and technology, the level of scientific research situation is getting better. 2) From 2006 to 2013, in addition to Shanghai, the overall level of marine economic development is gradually rising trend in the other seven coastal provinces, and the relative concentration of economic development trajectory, the level of economic development was strong consistency. 3) The coordinative development level of marine science & technology and marine economy tended to enter the transition process from high-level coordination to middle-level coordination then to high-level coordination during the period from 2006 to 2013. From 2006 to 2008, the coordinative development level is very high as a result of the low development level both in marine science & technology and marine economy. The development of marine science and technology capacity is faster than that of marine economy from 2008 to 2011 and the coordinative degree of the two systems is fluctuating at the middle-level coordination. The development level from 2011 to 2013 improved at the same speed and the coordinative degree of the two systems showed a trend of rapid development. 4) The coordinative development of the Yangtze River Delta showed a significant difference. The coordinative degree of Shanghai was seriously affected by the financial crisis. The coordinative degree of Zhejiang increased slowly in the early period, but caught up from behind, the coordinative degree of Jiangsu was optimal.

Key words: marine economy; marine science & technology; coordinative degree model; evolution of marine science & technology and marine economy system

A Review on Compensation of Marine Ecological Damage (18)

Gong Hongbo, Feng Baixiang

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Abstract: Compensation of Marine Ecological Damage is important institutional choice to coordinative the relations of social and economic development and sustainable utilization of Marine. It is the effective

means to incentivize marine ecological service supply, improve the quality of Marine ecology and promote the transformation of marine exploitation. Based on review of the international phylogeny of marine ecological damage compensation, this article probed into the progress from five aspects: concept, subject and object of marine ecological damage compensation, damage criterion of marine ecological system, marine ecological damage assessment and Marine ecological damage compensation standards. Then the authors point out the difficulties, the shortages and main problems existing in the study. Finally, the article points out the future research direction of marine ecological damage compensation.

Key words: marine ecological damage; compensation standards; evaluation methodology; accounting system

Community Resource Endowment, Governance Model and Performance (27)

Xu Lin, Fang Yier, Xue Shengfan

(School of Public Affairs, Zhejiang University, Hangzhou 310058)

Abstract: Previous studies had tried to describe what should the Chinese community governance model be from the qualitative perspective, while few of them achieved to address the question that why there are so many different typical community governance models in the reality, and involved much in providing the convincing evidence to explore the difference among these models. This study tried to construct a new framework that synthesizing the correlations between community internal resources endowment and governance models, and outline the theoretical coupling mechanism of them. Based on the statistical analysis of large cross-regional data, this study found out the inexorable law existed in the diverse community governance models, and deeply explained how the communities' resource endowments influenced their governance models. Further empirical findings revealed that the autonomous and collaborative models usually performed better in the community governance, which showing the direction of community building for practical field.

Key words: community resource endowment; governance model; governance performance

Lead to Smart Government: Research on the Interactive Mechanism of Information Technology and Power Structure —Taking Zhejiang “Four Lists and One Net” Reform as Example (37)

Zhou Sheng

(Zhejiang Academy of Social Sciences, Hangzhou 310007)

Abstracts: When the development of E-government goes into the higher stage of the smart government, the reform of information technology and the adjustment of the power structure will determine the final governance performance. The practice of Zhejiang Province's “Four Lists and One net” reform with the depth fusion of decentralization and government service network construction proved that information technology and power structure is constantly interacting with each other. In our existing political ecology, the construction of the smart government should form a service-oriented consensus at the value level firstly. At the organizational level, with the development of information technology, it can provide the impetus and the sustainable binding force for the government power boundary and the vertical and horizontal structure adjustment, which be able to clear the barriers for data integration and sharing so that the positive effects of information technology on governance performance should be fully released. At the behavioral level, the purpose of technology upgrading and power structure adjustment is to make the data play a fundamental role in decision-making, execution, supervision and other aspects, so as to ensure that the administration behavior of public opinion-oriented, rule-oriented and performance-oriented.

Key words: smart government; power structure; information technology; governance performance

The Person's Image in Law and the Style of Rule of Law (44)

Chen Linlin, Zhang Xiaoxiao

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Abstract: How to understand the person's image will influence the style and feature of a country's legal system. Since ancient times, the legal systems of the West and the East have been built on different understanding and presumptions of the person's image, which leads to the law developing in separate ways. In the style of individualism of the rule of law, the person's image is atomic, liberate, egalitarian and self-interest. Communitarian style of the rule of law presents people in the community, indicating the image of “person in groups”. Based on the philosophy of “free man” by Kant, the rule of law in Germany focuses on protecting human dignity. It means that everyone's personality is respected. Meanwhile, the relationships

between a person and the country/community are considered. As to China's efforts in promoting the rule of law, it will be inspiring if we could get a glimpse of the person's image and the style of rule of law in different periods and different countries.

Key words: person's image; the rule of law; individualism; communitarianism; human dignity

Theory of Complementary Explanation and the Legislative Options (51)

Liu Yong

(*Law School, Nanjing University, Nanjing 210093*)

Abstract: As a technical concept, the complementary explanation of the contracts can establish the communicate mode between the permissive legislations and the contract interpretation which is in a narrow sense. The complementary explanation respects the parties' independent willing and shift the perspective from "types" to "individuals".

The most essential element of the complementary explanation is the parties' purpose of contract and the objective benchmarks of interpretation should be used to confirm the purpose of contract. The complementary explanation should take precedence over the application of permissive legislation when the gap-filling should be undertaken. The future rules about the explanation should be established with a focus on the purpose of contract and should be more systematic.

Key words: complementary explanation; technical concept; permissive legislation; purpose of contract

Study on the Restitution in the Perspective of Chinese Civil Code (59)

Zhu Jingjing

(*Guanghua Law School, Zhejiang University, Hangzhou 310058*)

Abstract: There are seven restitution models in the existing civil law: unjustified enrichment model, owner/possessor model, negotiorumgestio model, termination of contract model, tort model, substitution model and cessio legis model. From the perspective of civil code system, these models have problems of nonstandard terminology, incompatible liability system because of multiple legal concurrent and complicated alternative effects of restitution. The root of these problems is the way of legal thinking, namely from legal facts to legal effects. It leads to little attention to the legal effects. Then based on the effects of restitution, the exploration of proper form of restitution system in civil code can be achieved through following ways, modifying the effects of specific restitution rules, integrating the return rules of failure contracts and some rules of returning of the original property and setting up effect rules of restitution proceeding from return objects.

Key words: restitution; the compilation of civil code; the integration of system

The Sensible Dimension of Kant's Philosophy (66)

Zhouhuang Zhengmi

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Abstract: Kantian philosophy has always been regarded as the representative of rationalism, but whether in transcendental philosophy which is built up with the principles a priori of reason, or in the empirical philosophy and anthropology which are about the use of common reason in everyday life, sensibility is an indispensable dimension. This paper demonstrates that reason and sensibility have applications in three fields, which are cognition, morality and aesthetics, with the higher use of reason and the positive function of sensibility in the transcendental aspect and their lower use of reason and the negative function of sensibility in the empirical aspect. With such a systematic presentation, this paper attempts to sum up the particular characters of the sensible dimension.

Key words: sensibility; common sense; moral feeling; taste; aesthetics

Ideology in Historical Time (75)

Yu Yonglin

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Abstract: Ideology relates to all aspects of man's dealings with the world, society and self. After being born, man not only breathes the air of material but also the air of spirit, which is the accepted ideology through education. Based on four levels of distinction conceptual ideology, thoughtful ideology, political ideology and national ideology and Louis Althusser's description of ideology composition, this paper unfolds the ideology in historical time, and analyzes how the political ideology of ancient Chinese agricultural civilization was established, on this basis provides reflective considerations for the contemporary national ideology theory.

Key words: historical time; agricultural civilization; national ideology

Analysis of Semantic Extension Mechanism from the Perspective of Analogical Reasoning (84)

Jia Gaiqin

(*School of Literature , Zhejiang University of Media and Communications , Hangzhou 310018*)

Abstract: Analogical reasoning is the most important thinking mode and essential as well. It plays a positive role in the language evolution, the political debate and the judicial practice. From the perspective of analogical reasoning, combining the case analysis of polysemy in modern Chinese language, this paper discusses the motivations role of attribute analogy, relationship analogy, structural analogy and extended analogy in the lexical semantic extension. This study shows that analogical reasoning is the thinking mechanism of lexical semantic extension in modern Chinese language and plays a positive role in promoting evolution of language.

Key words: attribute analogy; relationship analogy; structural analogy; extended analogy; semantic extension

Yangming's Thoughts and Vivid Living World

(89)

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Abstract: In the tradition of Confucianism, the holy Dao was given to human mind, thus the self-completion of the saints is regarded as the highest happiness, the pursuit of such happiness become the expression of practicing Dao for Confucianists in history. In the tradition of Confucianism, Yangming's expression about vivid happiness in the living world was most typical. According to his system, the vivid living world first became the supposed way of the society rather than an idea in theory. From this point, we can see Yangming as the one who succeed the Dao most thorough. This article discusses the way Yangming practice Dao based on his confirmation about vivid human mind. On the one hand, practice the thought of suwei (act the way it is). On the other hand, internal transcend lead to the syncretism of human and other things on the earth, which also means the achievement of activity which related to vivid happiness. Therefore, in the sight of human, it means happy for Dao finally presents as the way we behave ourselves. From the perspective of the living world, it shows the crucial feature of vivid because that is what it should be.

Key words: Yangming School; happiness; vivid; living world

A Study of Two Dunhuang Manuscripts Collected by Bintiandehai (滨田德海)

(99)

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Abstract: Along with the holding of the auction of Dunhuang Manuscripts collected by Bintiandehai and the publishing of Dunhuang Manuscripts collected by Bintiandehai, these Dunhuang Manuscripts hidden more than half century raise public's attention. We find Wulun(伍伦)36 named Yogacarabumi, Wulun(伍伦)1 named Lotus Sutra can put together with BD14734, Yu (羽)538, they are from the same manuscripts. Then we correct something about their names and nature and obtain our own opinion about their authenticity.

Key words: Bintiandehai; Dunhuang Manuscripts; the determination of the name; combine

Modernity Tracing on the Scottish Enlightenment

(103)

Pan Kun

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Abstract: The Scottish Enlightenment is the profound power of modern civilization as the significant branch of the world's enlightenment. As the birthplace of this movement, Scotland is the important place to trace the origin of modern civilization. However, when compared with European developed areas, Scotland—the poorest nation in Western Europe of that period might lack competitiveness on the path of the modernity development. In this respect, how the Scottish Enlightenment created the world will be further unraveled. This dissertation puts the emphasis on the research of its internationalism and own characteristics. On the one hand, the Scots could combine with England, Netherlands, France and other advanced regions. Meanwhile its unique features have contributed to create this movement. The features would not work out without the social and cultural atmosphere of Scots that showed freedom and tolerance. Liberalization of political environment, religious tolerance, powerful groups and the intellectuals' highly socialization would con-

duce to the Scottish cultures.

Key words: Scotland; the Enlightenment; modernity; civilization; thought

Pragmatism Spirit, Evolutionary Conception and Historical Perspective: Study on the Scientism Dimension of Hu Shi's View of History of Vernacular Literature (109)

Zhu Shouxian

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Abstract: The view of history of Chinese vernacular literature is one of the core parts of the opinion of the 20th-century Chinese literary history. It is Hu Shi who really constructed the view and made it have far-reaching effects. Due to Hu Shi's arduous work, the scientific approach that was centered by pragmatism spirit, evolutionary conception and historical perspective was accepted and became a connotation of the view of history of Chinese vernacular literature, which promoted the transformation of traditional literary studying on distinction of essay's genres and summary of poetry in the past dynasties and constructed the modern character of the study. Therefore, to investigate Hu Shi's view of history of Chinese vernacular literature and the scientism dimension behind it is significant for wholly comprehending the view of history of Chinese vernacular literature and the complicated mechanism of it.

Key words: Hu Shi; the view of history of Chinese vernacular literature; scientism; dimension

A Review of Decadence in the 19th Century Decadent Literature (115)

Yang Xi¹, Jiang Chengyong²

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Abstract: Starting from Romanticism period, western writers and critics in nineteenth century thought deeply upon the issue of Literary Decadence which played an increasingly important role in nineteenth-century western literature. Their definitions of the meaning of Decadence along with their discussions about the literary value of Decadent literature, which were on the opposite side of ethical misinterpretations and crude attacks from popular comments, played a leading role in certain degree in the understanding and interpretation of western scholars about nineteenth-century Decadent literature hereafter.

Key words: western literature; decadence; decadent

Zhang Dai's Thoughts about Inheriting and Reflecting on Yangming-School (122)

Feng Ningning

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Abstract: Zhang Dai inherited basic concepts of Yangming's theory of the Mind and he established academic system on the basis of comprehending and elucidating Yangming-school's thoughts. He swam with the tide of ideological emancipation leading by Yangming-school. At the same time, he criticized the trend that overemphasizes emotion and desire which likely affected ethical ideas. Furthermore, he proposed criticisms and remedies to Yangming-School's deficiencies that neglecting effort (gongfu) and addicting to lectures. Zhang Dai's thoughts about inheriting and reflecting on Yangming-school representing the self-correcting of Yangming-school's theory when regards Zhang Dai as an ideologist. As a historian, Zhang Dai analyzed social and political influences of the diffusion of Yangming-school Learning. Zhang Dai's thought and theory could be considered one kind of academic features of Yangming-School Learning at the end of Ming Dynasty.

Key words: Zhang Dai; Yangming-School; inheriting; reflecting

The Research Review of Islamic Finance (127)

Ren Xiaomeng, Shi Jinchuan

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Abstract: The paper does a literature review of Islamic finance including Islamic financial principles, the practical characteristics, the comparative studies, Islamic finance and macroeconomics. The basic principles of Islamic finance are no interest and profit and loss sharing which are elaborated at first. Secondly there are three represented practical characteristics in Islamic finance named quasi-equity finance dominating, displaced commercial risk and customers' attitude and knowledge, respectively. Next the literatures about the comparative study between Islamic finance and conventional finance are surveyed upon different research theme. Then, the paper analyzes and evaluates the macroeconomic issues related to Islamic

ABSTRACTS

finance including Islamic financial development and the relationship with financial stability and economic growth. Finally research prospects are provided.

Key words: Islamic finance; comparative study; literature review

The Poetic Perspective on Jurisprudence with its dimensions and future

(136)

Zhang Weiwei

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The Path Exploration of the Region-based Tourism Governance —Taking Chun'an County as An Example

(142)

Ge Jihong

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Abstract: The current tourism industry is in a period of change. In the era of globalization and new technological revolution, the interaction between the multi-subject (public sectors, private sectors, etc.) in the tourist destination is more frequent and the contact closer. The development, planning, operation, management and other aspects around the tourism are facing severer tests and new challenges, which requires the promotion of the tourism governance upgrade, and thus promoting the sustainable and healthy development of tourism. In the context of the national advocacy of "region-based tourism", the spacial scope of tourism is no longer limited to the scenic spots and attractions, and the time range is also extended to the year round, the people and industry involved in tourism are also wider and wider, and the request for the tourism governance is also improving.

The Thousand Island Lake is an earlier lake-type scenic spot that was built as a leisure destination in China and Chun'an County where it is located is also one of the typical examples of the region-based tourism governance. Taking the tourism development in Chun'an County as a sample, this paper points out the success and failure of the tourism governance carried out in Chun'an County and tries to provide effective sample experience and reference opinions for the county tourism governance under the background of the region-based tourism.

Key words: the region-based tourism; tourism governance; Chun'ancounty; the Thousand Island Lake

Research on the Current Situation and Promoting Path of Euthanasia in China in the Perspective of Ethics

(148)

Zeng Chunyan, Liu Chanjuan

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Abstract: In 1986, a heated debate was aroused after the first case of euthanasia in Hanzhong, Shanxi Province. China's medical circle, jurisprudential circle, ethical and sociology community, as well as the public society were all engaged in an in-depth discussion. During the past thirty years, there came an endless number of behaviors in the forbidden area of euthanasia. China's life ethics is now facing a big challenge due to the legalization of euthanasia and lots of problems brought by legalization. This research conducted a social survey and in-depth interviews on more than 1200 people from three groups including the public, medical staff and critically ill patients in Zhejiang Province, analyzes the status quo of euthanasia in the medical field under the specific cultural background of China, explores a statement that the theoretical foundation of euthanasia must be built in respect of a local culture. Moreover, on the basis of the fully protecting human rights, the way to promote the legalization of euthanasia should be divided into different levels and regions.

Key words: ethics; euthanasia in China; legalization

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