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# ABSTRACTS

## On the Elements of "Pilot License" Made by the Standing Committee of the National People's Congress (4)

Zheng Lei<sup>1</sup>, Wang Yiran<sup>2</sup>

(1. *Guanghua Law School, Zhejiang University, Hangzhou 310008*; 2. *Law School, Tsinghua University, Beijing 100084*)

**Abstract:** The "pilot license" made by the Standing Committee of the National People's Congress provides legal basis for the reform measures, becomes the demonstration of "Major reforms on the legal basis". However, its demonstration should not only stay in form, but itself accords with the legal regulations contently. Whether the "pilot license" is accord with the legal regulations can be measured by four elements. From the power element, the "pilot license" should be limited to non constitutional reservation matters and its Standing Committee retained legislative authority. From the time element, the "pilot license" should be made before the reform measures and conform with the legal terms. From the consequence element, when the "pilot license" expires, it will be promoted, changed or extended according to the different situations. From the space element, the authorized space should be restrained in part and be relevant to the authorized matters.

**Key words:** pilot license; constitutional reservation; reservation of law; law modification

## How to Supervise Supervisor?

### ——A Question about Litigation Supervision to Supervisory Committee (14)

Wang Kai, Wang Xinyang

(*Law School of Beihang University, Beijing 100191*)

**Abstract:** The powers of Supervisory Committee include two kinds of supervision and the transfer of the right of prosecution against crimes of official duty. The former is with the nature of administrative power and can be included in the scope of administrative litigation; the latter has the nature of criminal jurisdiction and cannot bring an administrative lawsuit against it. The theoretical problem of public officials in administrative litigation against Supervisory Committee is special power relation theory, but this theory has signs of withering away at home and abroad, so is unable to as a reason against administrative litigation against Supervisory Committee. At the same time, the judicial practice of our country in the past, there are 136 cases of administrative supervisory organs as defendants, in 98.5% cases of which the courts accept that citizens have accusing rights against administrative supervisory organs. This reform of supervision system, if excluding the possibility of administrative proceedings against Supervisory Committee, will lead to a consequence of citizens' rights worse than before the reform.

**Key words:** litigation supervision; administrative litigation; special power relation theory; internal administrative act

## A Study on the Reform of Administrative Supervision from the Perspective of the Modernization of the Organization: Taking Hong Kong Independent Commission Against Corruption As an Example

Yang Xiaonan (23)

(*Law School, Dalian Maritime University, Dalian 116026*)

**Abstract:** In recent years, how to establish the Committee of Supervision and how to monitor its powers are at the core of discussion. On the one hand, the success of the ICAC of the HKSAR established an ideal model of an anti-corruption mechanism for many countries. On the other hand, its inappropriately expansive powers drew the attention from the public. The mechanism of supervision on the ICAC could be divided into three types: the supervision by the Committees and by the Legislative Council, administrative supervision



and the supervision by the courts. These different mechanisms of supervision on the ICAC overlap, inter-weave, supplement each other, together as the tool of balancing the strong powers of the ICAC in Hong Kong regime. This could give some suggestion on the establishment of the Supervision Committee in mainland China in the future.

**Key words:** Independent Commission Against Corruption; the modernization of an organization; Committee of Supervision; monitoring

### The Current Mechanism of Rural Land Mortgage Loan and Its Practical Countermeasures

Miao Degang<sup>1</sup>, Long Denggao<sup>2</sup> (33)

(1.*Institute of Economics, Chinese Academy of Social Sciences, Beijing 100044*; 2.*Institute of Economics, Tsinghua University, Beijing 100084*)

**Abstract:** The land system reform is an important part of supply-side reform, and the promotion of mortgage loan of rural land contracting management right is one of the contents of the current and system reform. The promotion of mortgage loan of rural land contracting management right not only deepened the reform of the rural land system, but also eased the shortage of capital in rural areas. Lack of capital is very common in rural area of developing countries. Since 1970s, scholars pointed out that lacking of mortgage blocks the application of this solution. So, they advised a reform to defining land property rights in rural area. On the basis of theoretical analysis about characteristics of rural financial market and the necessity of developing rural land mortgage loan, this article reviewed land mortgage loan of Farmers Bank of China in 1936, land-financial business of Farmers Bank of China in 1942, and compared them with the Temporary Measures for Mortgage Loan of Contracted Land Management Rights in 2016, combined with recent practical land system of China, this paper introduce some suggestions to carry on land mortgage loan.

**Key words:** capital supply; rural land; mortgage loan

### Farmers, Migrant Workers and Citizens: How Does Fertility Behavior Affect Their Happiness?

Lu Qiang, Xu Xiang (42)

(*School of Economics and Management, Nanjing Agricultural University, Nanjing 210095*)

**Abstract:** Fertility behavior can affect happiness. The paper expands the study of happiness of fertility behavior through the dimensions of missing variables and group characteristics. The study finds that (1) the fertility behavior can affect happiness significantly. (2) The fertility effect has group characteristics. (3) The gender of children leads to extremely different degrees of happiness for different groups. (4) In addition to children's gender, marital status, parents' income, social class, and parents' gender are accounted for the group characteristics that fertility effect has. The study could help us to understand the "birth-happiness" proposition and develop population policy and urbanization policy.

**Key words:** fertility behavior; group characteristics; happiness

### Evolutions of Classes Relationships in Contemporary China, and Their Impacts and Institutional Reasons on Economic Growth—Based on SSA Theory

Gan Meixia (50)

(*Institute of Shanghai Municipal Committee of Communist Party of China, Shanghai 200092*)

**Abstract:** This paper studies on evolutions of Chinese classes relationships during 1978 to 2013 based on the SSA theory. According to which it divides this period into two phrases, SSA1 and SSA2. In SSA2, there exists problems including strengthened capital and weakened labor, lower individual income and higher national accumulation, des-allocated rights and responsibility, des-matched accumulating entity and investing entity, industrial profit eroded by financial capital, divided laborer. Based on the results of statistical analysis, the impact of capital-labor relationship on Chinese economic growth turns from positive in SSA1 to negative in SSA2, the impacts of other classes' relationships on capital-labor relationship turns from insignificant to significant. Institutional reasons for these turning include state-owned enterprises reform, welfare reform, large scale investment, urbanization strategy, financial monopoly and labor welfare dualization. Policy suggestions are provided at last.

**Key words:** classes' relationship; economic growth; institution; social structure of accumulation

**Building Infrastructural Power: the Reform of Burden Distribution System in Jin-Cha-Ji Border Area**

(58)

Tang Haihua

(*School of International Studies, Renmin University of China, Beijing 100872*)

**Abstract:** The so-called “infrastructural power” emphasized by Michael Mann is a requisite for modern-state constructing, which decide the ability of state. To trace how Chinese Communist Party built infrastructural power in the Anti-Japanese War, the article selects the “Village Reasonable Burden Distribution” of Jin-Cha-Ji Border Area as research case. This distribution system was designed to promote the logistics support of the border area. It was constituted by three important mechanism or power technology, which were village packing, pointing household institution and democratic assess. These mechanism or power technology helped the Border Area to penetrate the rural society effectively, increasing the sustainability of its logistics and thus creating the “infrastructural power” which was lacking in the Nationalist Government.

**Key words:** infrastructural power; village reasonable burden distribution; democratic assess

**Cultural Equality and Democratic Toleration:  
the Breakthrough and Dilemma of Charles Taylor’s Theory of the Politics of Recognition**

(66)

Yang Yun

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

**Abstract:** The communitarian Charles Taylor believes that the universalistic politics of dignity and the particularized politics of difference?which pursue equal recognition in the modern western society just both have defects. The former advocates neutrality outwardly but is full of cultural superiority inwardly and ignores the non-mainstream culture. The latter is inclined to racism and focusing on differences excessively rather than acknowledging the nature of communication of life. Taylor puts forward the politics of recognition in order to surpass both of them. He tries to satisfy both the individual’s special internal inclination and the community’s demand of universal norms and then reconcile the fierce clashes between ethnic politics and liberal politics through dialogue, thus he can lay the foundation for trimming and defending the free system of society theoretically. However, Taylor’s theory receives penetrating criticism from Jürgen Habermas and other scholars which makes this academic debate continue and be enriched.

**Key words:** the politics of recognition; cultural equality; democratic toleration; authenticity

**Rechecking Immigrant Workers’ Willing to Settlement in Transition:  
A Framework Based on Capability and Instrumental Freedom**

(72)

Ye Juntao

(*School of Economics and Management, Zhejiang University of Science and Technology, Hangzhou 310023*)

**Abstract:** Base on Sen’s Capacity Theory and data of 3604 immigrant workers from Zhejiang province, the paper analysis the relation among instrumental freedom, capacity and willing to settlement. Firstly, the forming of willing to settlement has close relationship with survival and development ability, but it’s weak for adoption ability. Especially, education and vacation degree have negative effect. Secondly, the general logic path for willing to settlement is that stable employment, personal career, survival right and family support are satisfied step by step. Personal career is concerned earlier. Thirdly, instrumental freedom performs positive moderating effects. Social opportunity and transparency insurance in instrumental freedom contribute more to the willing to settlement than economy situation and protection insurance, with reducing of city scale, the strength get weaker and weaker. In big city, transparency insurance is more important than social opportunity, but in medium-small city, the situation is adverse.

**Key words:** instrumental freedom; capability; willing to settlement; immigrant workers

**Analysis on the Impact of the Reasons for Migrant Workers’ Backflow**

(86)

Liu Yuxia, Shi Fenghao

(*Wenzhou University, Wenzhou 325000*)

**Abstract:** Since 1980s, while rural surplus labors flow into the cities on a large scale, the large gathering of rural labors also left the cities and returned back to their hometown. This paper analyzes and compares the backflow reasons of the migrant workers on the basis of extensive research. The author sums up that

the reasons are divided into four types: personal development needs, family responsibility needs, survival safety needs and cultural value orientations. Different backflow reasons will have different impacts on urbanization and rural development. To deepen the study, personal development needs and cultural value orientations are classified as the active backflow, family responsibility needs and survival safety needs are classified as the passive backflow. The further study shows that the backflow reasons are the main factors which influence the urbanization foothold of the migrant workers. Due to various backflow reasons, or different backflow areas while the backflow reasons are the same, the foothold of the future urbanization can be different. The backflow reasons are also the main factors which influence the function of the migrant workers in rural area. Due to diverse backflow reasons, or different fundamental conditions of the backflow villages while the backflow reasons are the same, the function of the migrant workers in rural area can be different.

**Key words:** migrant workers; backflow reasons; urbanization; rural development

### **Identification of key Factors Influencing Satisfaction of Agricultural Migration Population after in Situ Urbanization—Survey from Haiyan County of Zhejiang Province** (93)

Huang Wenxiu, Yang Weizhong, Qian Fangming, Miao Renyu  
(*School of Business, Jiaxing University, Jiaxing 314001*)

**Abstract:** Using the Binary Logistic model, this article does an empirical analysis on 260 agricultural migration population samples in Haiyan County of Zhejiang Province to get the factors that affect satisfaction of the agricultural migration population in situ urbanization. The results are as follows. Firstly, family scale, rural way of life and living, employment status of himself and his family, right to vote and the right to be elected and environmental pollution have significant impacts on satisfaction of agricultural migration population in situ urbanization. Secondly, household-registration system, children's education, social security, pastoral work style, consuming monetization, transformation of living environment, prejudice and discrimination of indigenous inhabitants, compensation for the transfer of land management rights, compensation for the transfer of homestead land use rights, democratic political rights and food safety don't have significant impacts. This article puts forward policy suggestions according to the study results in the end.

**Key words:** agricultural migration population; in situ urbanization; satisfaction

### **On the Basic Connotation of Lacan's "the Real" from the Birth of Modern Science** (100)

Hu Chengen  
(*Wenzhou Medical University, Wenzhou 325035*)

**Abstract:** Modern science that is a "symbol system" found on the pure reason has won its independence and autonomy by virtue of breaking with "the imaginary" and "the real". From this perspective, Lacan considered the reality as a topological structure constituted by three registers which are the real, the imaginary and the symbolic. The basic connotation of the real as the core of this topological structure can be grasped at both inside and outside the reality. On the one hand, the real that is absolutely external to the human reality includes both the "physical real" excluded by modern science and the "human real" inherent in the human life, this connotation can roughly correspond to "das Ding". On the other hand, the real is represented as a fundamental impasse or paradox in reality, that is, the reality based on the language cannot get "the real", nor can it get rid of it, the form of this impasse is "Objet petit a".

**Key words:** the real; symbolic; lack; science; das Ding; objet petit a

### **Observing Tao from Perspective of Language:**

#### **A Deep Exploration on Inherent Logic and Direction of Taoist Philosophy of Language** (107)

Zhao Yuqiang  
(*Hangzhou Normal University, Hangzhou 311121*)

**Abstract:** Dao is saying, Language is an internal perspective of ideological world and life world of Taoist Philosophy. And it is guided by Dao, language and Dao can be interpreted each other. The logic of Taoist Language Philosophy thinking is from thing to Tao, from name to reality, from saying to being. In the domain of Things, the name and reality are completely materialized, and the reality of Tao implies that the instrumentalism of name and reality is utterly ridiculous. In the domain between Dao and Thing, the rationale of the "meaning" puts the secular dictum into the abyss of the forgotten and exposes human comprehen-

## ABSTRACTS

sion of the existence. In the field of Tao, silence and poetic language construct the core connotation of “Dao” from the horizons of “Nothingness” and “Existence”, and exposes the living world with rich natural poetry. Taoist philosophy of language has realized the combination of poem and thought, saying and being, Tao and leisure, and finally reaches the way of aesthetic and leisure, showing the profound existential nature, practical rationality facing life and national cultural characteristics that Chinese are the “great leisurely person”, and it makes a far-reaching impact to Chinese traditional cultural feature.

**Key words:** Tao; language; silence; poetic; life world

### **Yangming School and Tiantai Mountain: The Theory of “Taizhou Yangming School” Is Founded**

(115)

Zhang Hongmin

*(Zhejiang Academy of Social Sciences, Hangzhou 310007)*

**Abstract:** Wang Yangming and Huang Wan, Ying Liang, Jin Kehou, Pan Jian, as Wang Yangming’s students of Taizhou, and Wang Ji, Qian Dehong, Xue Kan, Zheng Shanfu, YingDian, Chen Mingshui, as Yangming scholars, have close ties to the famously “Buddha-Zong Dao-Yuan”. Therefore, Yangming school, which is an important academic jigsaw in the history of Chinese thought and culture, has reason to be an important part of the “Tiantai Mountain culture”. The proposition of “Taizhou Yangming school” can provide a sample for the theoretical construction of Yangming regional academic communication and regional Yangming school.

**Key words:** Wang Yangming; Yang Ming scholar; Tiantai Mountain; Taizhou Yangming school

### **On the Reconstruction of Chinese Classics by Distinguishing the Age of Lie Zi and the Authenticity of Eight Articles of Liezi**

(123)

Zhou Shucan

*(College of Social Sciences, Suzhou University, Suzhou 215213)*

**Abstract:** Feng Youlan elucidated the theory of “belief in ancient classics, doubt ancient classics, interpretation ancient classics” in May 1935, which has caused long-term controversy in Chinese academia and directly affected the construction of Chinese classical theory since the 1990s. You can clearly see the extreme negative tendency apart from Ming Dynasty to the Republic of China by distinguishing the age of Lie Zi and the authenticity of eight articles of Liezi in the history of Chinese scholars. In general, “belief” and “doubt” has never shown an absolute separation of the state though the two tendencies coexist of “belief-doubt” or “textual-doubt”. It is difficult to accurately reveal the historical reality of ancient history and ancient books, and it is difficult to talk about the reconstruction of classical studies on the basis of authentic and credible historical data. If you are simply “belief” and “doubt” against each other, you will be very difficult to accurately reveal the complex ancient history, the ancient book of historical reality. Naturally it is difficult to talk about the reconstruct the problem of classical studies in the historical basis of authentic. In the new period, the academic circles have made a very valuable enlightenment for the reconstruction of China classics by the fierce debate about the bamboo slips in Zhejiang University and Tsinghua University. The review of ancient history books is the basis for the reconstruction of classical studies. It will lead the new errors for the reconstruction of Chinese classical if you don’t scientifically clarify and filter or misinterpret the old and new historical materials so far as to separate the relationship between the believe in the ancient, doubt the ancient or interpret the ancient.

**Key words:** the say of belief in; doubt or interpretation the ancient classics; belief in the ancient classics; doubt the ancient classics; reconstruction of ancient classics.

### **Literary Narrative As a Method**

#### **——On the Consciousness of Criticism in André Maurois Biographical Works**

(134)

Xu Dai, Ye Jian

*(College of Media and International Culture, Zhejiang University, Hangzhou 310028)*

**Abstract:** Literary biography refers to the genre of biographies focus on the writers. It is inseparable from the analysis and evaluation of their literary works while truly narrating their lives and to establish a connection between the writer’s work and his/her inner and spiritual world. As a famous biographer, André



Maurois shows a clear tendency of criticism in his literary biographies. He believes that a writer is a great creator as well as an ordinary people. This dual identity cannot be ignored when writing biographies for writers. In addition, the writer's life experience cannot fully represent the ideological content of his works, but their lives can be observed from their works. The study of Maurois' biographies has been focused on the authenticity and literature of its narrative, but neglected the analysis and discussion from the perspective of literary criticism. In depth, the practice in Maurois' biographies not only highlights the artistic charm, but provides a new research angle for literary biographies.

**Key words:** literature criticism; André Maurois; persona criticism; criticism of literary works

**Chaosmosis: towards the Production of Subjectivity of Ecological Aesthetics  
——On Ecosophy under the Aegis of Guattari's Ethico-Aesthetic Paradigm**

Zhang Huiqing

(School of Art, Shandong Jianzhu University, Jinan 250101)

(141)

**Abstract:** The ecosophy of Félix Guattari is the thought of ecological salvation in the contemporary context, which is under the aegis of ethico-aesthetic paradigm, and aims at production of subjectivity in order to reconstruction of human praxis in the most varied domains of the environmental ecology, social ecology and mental ecology. Taking ecosophy as the core to philosophically lead and rule of ecological aesthetics, it makes ecological aesthetics realize the transitions to the three ecological registers (the environment, social relations and human subjectivity), and leads the ecological aesthetics to a Ethico-Aesthetic Paradigm, which is a machinic aesthetic mode based on interiority and becoming. The process of eco-aesthetics under this paradigm is namely that of chaosmosis, which makes aesthetic creation while producing human subjectivity and ultimately making human go through a resingularization process of becoming-other. Becoming-other makes human be in empathy with other species, and lead to ecological justice for all species, which is the best result of ecological aesthetics.

**Key words:** ecological aesthetics; ecosophy; ethico-aesthetic paradigm; production of subjectivity; chaosmosis; becoming-other

**The Status Quo, Problems and Solutions of Maker Movement Development in China**

Liu Weiwei

(College of Education, Zhejiang University, Hangzhou 310028)

(148)

**Abstract:** As the global maker movement and the mass entrepreneurship and innovation of China are flourishing, China has entered the "Maker Era" in the background of emerging technologies integration in social fields. It is imperative to explore and discuss the regular pattern of domestic maker movement development as a systematic project in the setting of political, economic, social, cultural and educational areas. This paper tries to elaborate on the status quo of domestic maker movement development, analyze the main problems and put forward corresponding solutions and suggestions from five aspects, namely, maker policies, maker space, maker education, maker activities and maker culture.

**Key words:** maker movement; development; the status quo; problems; solutions

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## 声 明

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