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ABSTRACTS

The Formation, Logic and Time Value of China's Road and Plan (4)

Wang Silin

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Abstract: China's road and plan is the answer to the question of China in the last hundred years. The process of the revolution, construction and reform of the Communist Party of China is also the process of answering this question. The Sinicization of Marx doctrine, the construction of socialist modernization and the rejuvenation of the Chinese nation form the three logical variations of China's road and plan. China's road and plan is a reliable guarantee to win the great victory of socialism with Chinese characteristics in the new era. It not only has the national significance, but also has the important significance of global governance.

Key words: China's road; China's plan; the Communist Party of China; value of the times

Research on the "Rural-Urban" Migration and the Migrants' Urban Integration since the Reform and Opening-up in China (12)

Lang Xiaobo

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Abstracts: China's "rural-urban" migration which is dominated by migrant workers has continued since the Reform and Opening-up. Scholars at home and abroad do the tracing research on the "rural-urban" migrants and their urban integration in contrast. Under the two-level framework of social space and sense of belonging, the academic community has reached a consensus on the pattern of "rural-urban" migration and the evolution of migrants' intergenerational differences in China, that is, in the pattern from "single-handedly" into "chain migration" and intergeneration from "return to agriculture" into "stay in city for development" as a new stage. Subject to the dual influence of the group trait before migrating and the characteristics of city inflow, the academic circles are concentrating on two strategic directions from the macro system of dual division and the middle view path of the urban grass-roots social governance. The relevant achievements at home and abroad have laid a solid foundation for understanding and dissolving the "rural-urban" migration and the migrants' urban integration since the Reform and Opening-up in China. However, there is room for expansion. Firstly, the new generation of migrant workers in China should be redefined as immigrants crossing rural spaces and permanently settling in cities. Secondly, more attention should be paid on the non-structural "weak" exclusion rather than structural "strong" exclusion in their urban integration. Thirdly, the breakthrough of the lateral socialization mechanism should be promoted as practical strategies in the future.

Key words: "rural-urban" migration; migrants' urban integration; the reform and opening-up

A Road to Sharing: Why Socialism Is Right? (20)

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Abstract: The 19th National Congress of CPC revises its party constitution, takes "shared development" as one of the main ideals of China social development. The common prosperity and shared development for all people are essential to socialism. In Xi Jinping's thought of the new era of socialism with Chinese characteristics, the "shared development" ideal occupies a special position. It wants to overcome the limits of the capitalist mode of production and the way of life for the purpose of private possession. China will realize the "shared development" ideal and provide institutional guarantee for constructing a shared society. In such a shared society, the interpersonal income gap will be reduced, the development gap between urban citizens and rural villagers will be eased, the extreme poverty will be eliminated, and the common prosperity will become true. All Chinese people will share the achievement of its reform and development, China will enter a

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better and happier stage of social development, provide a feasible solution to solve the problem of uneven and inadequate development. If people have to make a choice between capitalism and socialism, then socialism will be a priority.

Key words: sharing development; sharing society; socialism.

Internal Logic between “Rhizome” Thought in “Sweet Potato Theory” and “Community of Human Destiny” (28)

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Abstract: In the late 20th century, with the extension of the financial crisis in the capitalist world, the European and American capitalism experienced sluggish recovery and discordance in its discourse center. With China's practice of reform and opening up to the outside world, it changed the way China exists in the world and broke through the original Unity and homogenization of the capitalist world development model. China's development has broken through the natural boundaries and moved toward cross-regional cooperation, and has formed the “Chinese discourse” of coexistence, symbiosis, co-construction and sharing in practice, and has become a new development concept in contemporary international society that is different from the original process of the modernization. If we compare the reality of capitalism with the solidification and plight of change of the “tree”, we should use the “rhizome” thought to describe the new existential ways and concepts of development formed by the practice in China and the new changes in world history, and it is of great significance to study the reality of the contemporary world, to reconstruct the discourse of globalization. Based on the historical materialism, this article explores the new theoretical features of “rhizome” thought in the “Sweet Potato Theory” by General Secretary Xi Jinping as an existential way and a mode of thinking, and conduct research through the dialectic of “spread” and formation, around the “co-existence”, “symbiosis” and win-win cooperation, as well as the internal logic of the ideological system constituted by such theoretical categories as “co-construction”, “sharing”, “common values of mankind” and “community of human destiny.”

Key words: rhizome; symbiosis; communication/interaction; community of human destiny

A Constitutional Perspective of Discretion of Administrative Legislation (35)

Liu Yi

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Abstract: Administrative organs are endowed with more discretion of administrative legislation, because of the limiting factors of constitution and legal system framework, as well as the setup of differential legislative-executive relations. Therefore, discretion of administrative legislation can be defined as ‘the general discretion based on state power division’, which contains whether legislation is needed, when and how to legislate. Additionally, discretion of administrative legislation is the dialectical unity of authorization and constraint, which is mainly reflected on its external and internal boundaries. Its external boundaries contain the administrative power listed in article 89 of the constitution, the legal authority of National People's Congress of China and its Standing Committee, and the CPC's strategic deployment, important decision and priority. Its internal boundary is mainly the constraint of administrative legislation by principles of equality and proportionality.

Key words: administrative legislation; discretion of administrative legislation; legislative-executive relations; external boundary; internal boundary

Standards of Judicial Review of Administrative Normative Documents —An Empirical Analysis of 538 Sample Judgments (47)

Chen Yunsheng

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Abstract: The Administrative Litigation Law amended in 2014 stipulates that the court can legally review the normative documents upon which administrative acts are based. However, the absence of review standards poses huge problems to the courts' applications. On the basis of the analysis of 538 Judgments, the review standards mainly consist of three parts: as to the formulating bodies of normative documents, the court mainly reviews their identity and competence; as to the formulating procedure of normative documents, the review of key parts is a pragmatic choice; as to their contents of normative documents, the court mainly

reviews their dependence, consistency and resistance. In order to avoid the phenomenon of “identical cases with different court adjudications” due to vagueness of the review standards, the future institutional improvement should focus on establishing a systematic review standard. The concrete perfecting plan can be judicial interpretation issued by the Supreme People’s Court, and the more desirable method is to amend in future revision of laws. Regardless of the methods adopted, the establishment of a unified standard of review will be of great benefit in enhancing the uniformity, fairness and acceptability of the results of judicial review of administrative normative documents.

Key words: administrative normative document; legality; standard of judicial review; empirical analysis

A Study of Illicit Norms as the Object of Legality Review of Legal Norms (55)

YuanYong

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Abstract: The major task of the legality review of legal norms is to detect and eliminate illicit norms, which are independent illicit norms and the illicit norms consisting in normative conflicts. The former are the illegal independent norms that should be eliminated because they are created by illegal norm-creating action or themselves violate their high order norms; the latter is one of the norms in normative conflicts that should be eliminated for it violated the norms prohibiting on normative conflicts. Those norms so called “breaching legal prescriptions”, “overstepping their authorities” and “violating the legal procedures”, all of them are independent illicit norms. Since normative conflicts are a sorts coincident relations between same order norms, but the independent illicit norms are the independent norms as a lower order norms violated their high order norms, there are several difference lies in the two kinds of illicit norms, such as they are exiting in different forms, caused by different reasons, with different prima facie legality, and should be detected in different standards, ways and methods, and should be eliminated in different ways. Because of these differences, the legality review of legal norms should be divided into two levels, that are validity review and the legality review, and each of them must take the independent illicit norms and the illicit norms consisting in normative conflicts as their objects respectively.

Key words: norms; delict; illicit norms; normative conflicts; the legality review of legal norms

Financial Burden, Public Service Provision and Economic Growth Effects at the County-level in China (62)

Zhang Tongbin, Zhang Minhan

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Abstract: In this paper, we specify a dynamic general equilibrium model including fiscal burden, public service as well as economic growth and do some simulations. The results show that when fiscal burden is less or moderately, fiscal spending not only contributes to economic growth through stimulating consumption and investment, but also can improve the level of public service significantly. On the contrary, the high financial burden makes the marginal contribution of fiscal expenditure to public service gradually reduce which can also exert negative impacts on economic growth, and even lower the level of economic output. Furthermore, based on the data of 1966 counties in China, we specify the panel data simultaneous equation model to decompose the direct and indirect effects of financial burden on public service and economic growth. The conclusions are that with the increase of the financial burden, its impacts on economic growth and public service change from positive to negative. Finally, through dividing public services into three types of basic education, health care and social security, we also verify the conclusion that the modest financial burden can achieve both economic growth and public service aims.

Key words: financial burden at the county-level; public service; economic growth; panel data simultaneous equations model

The Influence of Enterprise Basic Pension Rate on the Development of Local Private Economy (75)

Yang Yandong, Che Kaili

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Abstract: Under the downward pressure on the private economy, reducing social insurance rates has become one of the major measures to reduce the cost of the enterprises. After two consecutive drop of the five

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social insurance rates in 2015 and 2016 whether the basic pension rate can be continue declined remains to be demonstrated. In this paper, the actual rates of basic pensions and private economy-related indicators in seven provinces from 2005 to 2015 were measured and analyzed. It has been found that the actual rate of basic pensions has a negative impact on the development of local private economy. But there is a big regional difference in the degree of influence. The Conclusion is the legal rates for basic pensions also have some spaces to cut. However, some regions continue to reduce pension rates in the near future without the policy feasibility. And reducing the pension rate may not be able to really and effectively promote the development of local private economy.

Key words: basic pension; contribution rate; private economy

Connotations and Contemporary Value of Harmonious Culture (83)

Chen Lixu

(Party School of Zhejiang Provincial Committee of C.P.C, Hangzhou 311121)

Abstract: Xi Jinping, general secretary of the CPC, puts a high value on cultural construction since the 18th National Congress of the Communist Party of China. He proposes a lot of new concepts, thoughts and demands around the theme of improving the national soft power and strengthening cultural confidence. He enriches and develops socialist cultural theory with Chinese characteristics. He has shown the way of inheriting and carrying forward the Chinese excellent traditional culture. Not only that, in the process of creating the socialism with Chinese characteristics in new era, he systematically combs the history of Chinese harmonious culture which is the essence of Chinese excellent traditional culture. He expounds the four aspects of the rich connotation and contemporary value of Chinese harmonious culture, including the universe view of the unity of man and nature, the international view of the harmonious inter-state relation, the social view of harmony in diversity, the moral view of kind and gentle. He inherits, carries forward and develops the Chinese harmonious culture by applying to governing practice in new era.

Key words: Xi Jinping; harmonious culture; harmony in diversity; unity of heaven and human; harmonious inter-state relation

An Analysis on Hegel's Sublation View (93)

Li Huolin

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Abstract: Sublation and alienation is a pair of important categories of Hegel's philosophical system. Sublation is a dialectical negation, which overcomes the negative parts of old things but preserves the positive ones, abandons dross but develops the merits. Additionally, it is not only a link for connection but also a link for development. Moreover, sublation is a way to resolve conflicts, a method to know the truth, and is the dynamic nature of human's spirit. Overall, the Sublation View is the essence and core of Hegel's theory - negation of negation. This is the important principles and inner spirit to construct a philosophical system, the sword and bridge to help solve the problem of the identity of thinking and being, and the most positive results of negative dialectics.

Key words: Hegel; Sublation View; negative dialectics

The Individual Value of Historical Materialism and the Two Traditions of Western Individualism (102)

Hu Bin

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Abstract: Western individualism has two traditions. Individualism of classical times believes that individual can face the truth directly. But those Individuals should be a "Renouncing Individual", because others can't understand them. Individualism of modern times cut off the direct connection between individual and truth, so individuals should be a 'Naturalizing Individual'. Historical materialism combines the two traditions dialectically. In the period of "Human Prehistory", all analysis is based on the conception of "Monad Naturalizing Individual" which comes from Individualism of modern times. In the period of "Real Human History", all human beings, like the individuals who had been described in individualism of classical times, will explore the truth freely and individually.

Key words: historical materialism; individualism of classical times; individualism of modern times

Conscience and Invariable Rules and Flexible Choice
—Wang Yangming's View of Invariable Rules and Flexible Choice and Its Enlightenment Significance (110)

Zhao Qingwen

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Abstract: In the theory of conscience and the theory of knowing and doing, Wang Yangming had much elucidation of the question of invariable rules (“经”) and flexible choice (“权”). He believes that the metaphysical basis of invariable rules (“经”), the guidelines of realistic moral behavior, only can be sought from the conscience (“良知”), and that the process of judgment and choice to the legitimacy of behavior in the specific context through the conscience (“良知”) is flexible choice (“权”). The basic principle of uniting invariable rules (“经”) and flexible choice (“权”) was the theory of unity of knowing and doing (“知行统一”), and the reality path of unification was extension of conscience (“致良知”). The theory of invariable rules (“经”) and flexible choice (“权”) of Wang Yangming has the positive significance of enlightenment to finding the value of subjectivity and breaking the shackles of external authority.

Key words: Wang Yangming; view of invariable rules and flexible choice; conscience; extension of conscience

The Type, Path and Significance of the Construction of the Contemporary Public Thematic History (117)

Qian Maowei

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Abstract: The public thematic history is a thematic group record on the basis of personal memories. To conclude the public history out of the individual history, family history, community history and the unit history is to make the construction unit of the public history to be more complete. The basic types of the public thematic history are three, namely, the memory of the place crowd, the memory of the industry crowd and the memory of the subject crowd. The research of the public thematic history is mainly carried out by oral history, but also refers to the relevant literature. The value of the public thematic history is concluded in below four points: the memory of the place crowd can aggregate human's sense of collective identity, the public places are activated by people's memory, which can keep the root of culture and understand the trend of discipline development in recent decades. From the broader view of the contemporary history, the public history records provide the new view of the folk group, strengthen the public historical consciousness of “from now back to then”, and provide convenient records for the young and the elderly to generally participate in the contemporary public history, the history of construction unit will be more comprehensive, which reduces the threshold of the participation for all the people to study the history, effectively avoids the forbidden area of the contemporary history record and promotes the importance of individual memory transformation.

Key words: Public history; public history records; public thematic history; system construction

The Dialogic Tension between Post-Structuralism and Practical Philosophy (125)

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Abstract: As the most influential philosophical trend in the late part of the 20th century, post-structuralism can be summarized into Derrida's dictum “There is nothing beyond the text”, according to which all signifying practices are nothing but linguistic self-references, with no relation to the outside world. Fredric Jameson considered it a “Prison House of Language”. How are we able to break through the house? A Marxist conception of praxis has been highly recommended by Terry Eagleton among many other critics. However, the praxis does not help so much as expected, because it is by nature a free, conscious activity of human beings, pre-structured with idea, reason and language. That is to say, there remains something linguistic yet to be overcome by the praxis as it intends to do in the very beginning.

Key words: post-structuralism; Prison House of Language; Derrida; Lenin; praxis

Opportunity, Challenge and Response (131)

Liu Chengguo

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Abstract: As the full-text retrieval system of Chinese ancient books is providing significant opportunity

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for the verificine of classical literature research, it is also posing a sharp challenge.It is very possible that the traditional verificine will gradually become a pure and simple skill. A major part of the traditional verificine research has to be inspected by the new technology of retrieval system.Database retrieval is accelerating the process of the elimination of academic achievements.In order to meet the challenge, researchers should pursue the painstaking accuracy and the rigorous criticism of verificine. Researchers should not only interpret the documents from plural perspective, but also pay attention to the historical writing and the rhetoric of documents, explore the hidden narrative intention, analyses the relation between the intention and political culture. The process of argumentation should be especially strict and consistent. Big question should be pursued purposefully instead of be restricted to purely technology level.

Key words: full-text retrieval system of Chinese ancient books; verificine; critical interpretation; historical writing; narrative intention

The Research of Urban Residents' Psychological Cognition on Peasant-Workers in the Time of Rapid Urbanization

(138)

Zhang Yunwu

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Abstract: Based on the data of the years of 2006, 2010 and 2016, it has been clear about the urban residents' psychological cognition and evolution trend and evolution logic on peasant-workers.(1) In the past decade, the urban residents' psychological cognition on peasant-workers was much more positive than negative;(2)The urban residents' psychological cognition on peasant-workers was different on different professional class;(3) Psychological cognition on peasant-workers from 2006's "stronger" negative becomes "very strong" positive psychological cognition in 2016;(4)The higher of the age and social economic status of the citizens on peasant-workers have more positive psychological cognition,citizens in the city's origin is lower than the citizens of rural origin;(5)The mass incidents in the community related to peasant-workers lead to a significant negative psychological cognition;(6)Gender in the psychological cognition on peasant-workers have no significant difference; there is significant positive relationship psychological cognition on age, socio-economic status; Urban people's positive psychological cognition significantly are lower than that of rural; The more relatives and friends of the peasant-workers contact each other, the more positive psychological cognition has;(7)The number of peasant-workers in the community and the number of mass incidents related to peasant-workers have more positive psychological cognition on peasant-workers.(8)The evolution logic of citizens' psychological cognition on peasant-workers from the negative to positive is: under the background of the construction of the harmonious society, with the tendency of fusion and acceptance,the relationship between residents and peasant-workers is improving gradually and leads to a significant positive impact. Finally, this paper points out that harmonious society construction has made remarkable achievements including harmonious relationship between the residents and the peasant-workers, discussed the research findings with the view of foreign scholars and points out the problems need to study in the future.

Key words: urbanization; citizens; peasant-workers; psychological cognition

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