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ABSTRACTS

Towards A Theoretical Framework of Regulation for Shared Economy:

A Case Study of Shared Bicycle

(4)

Zhang Bingxuan, Hua Yijie

(School of Public Administration, Zhejiang Gongshang University, Hangzhou 310018)

Abstract: In the framework of coercion and disorder, the paper combines the policy and implementation of sharing economy regulation promulgated by multiple cities in China from the perspective of collaborative regulation, and analyzes the types of shared economy regulation, the dynamic evolution process, and the implementation of optimal regulation. It concluded that there were four types of regulation for shared economy: individual regulation, collaborative regulation by a few entities, collaborative regulation by most subjects, and super comprehensive supervision. In general, regulation of shared economy tends to be optimal. However, under restrictions of technology, the degree of legalization, and the quality of the public, optimal supervision was often difficult to achieve in practice. In an ideal state, platform governance and its ecosystem is one of the possible ways to lead to optimal regulation. The collaborative regulation of shared bicycles provides an important reference and experience for the development of the shared economy.

Key words: shared economy; shared bicycles; collaborative regulation; optimal regulation; platform governance

Regulation and Freedom: from Flea Market, Night Market Street to Sharing Economy

(14)

He Dong, Lu Zhipeng

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Abstract: There are flea markets in foreign countries, and China has a small commodity night market, but the two are completely different in terms of transaction entities and trading purposes. The government's tolerance for these two markets reflects the difference attitudes between China and Western countries in dealing with non-commercial behaviors and the informal economy. It also reflects how the government weighs economic freedom and consumer safety and the basic logic of economic regulation. Facing with the impact of the sharing economy on existing business models and traditional industries, and the potential impact on the future society, sharing economic regulation needs to be based on the distinction between "commercial subject" and "non-commercial subject", adhering to the principle of same rule applied to the same business. Then a diversified, cooperative and transparent shared economic environment can be established through redistribution of risk responsibilities, data supervision to replace excess regulation, and consumer information freedom protection.

Key words: sharing economy; government regulation; flea market; empowerment and supervision

Choose Traditional Trade or Cross-Border E-commerce——Analysis for the Decisions of Consumers and Producers from the Perspective of Marketing Channels

(23)

Ma Shuzhong, Guo Jiwen

(School of Economics, Zhejiang University, Hangzhou 310027)

Abstract: This paper constructs a theoretical model that includes both the traditional trade channel and the cross-border e-commerce channel. By discussing the threshold level of choosing the cross-border e-commerce channel, we analyze the options of consumers and producers. The results are as follows: the longer the supply chain of the traditional trade channel, the more likely consumers and producers are to choose the cross-border e-commerce channel; the greater the utility of per product for consumers, the less

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likely consumers and producers are to choose the cross-border e-commerce channel; the greater the rate of the average markup of cross-border e-commerce to that of the traditional trade channel, the less likely consumers are to choose the cross-border e-commerce channel, but producers are just the opposite.

Key words: cross-border e-commerce; traditional trade; marketing channel; threshold level

The Influence of Patriarchal Leadership Style on Innovation Performance: Based on the Research Perspective of the Mediating Effect of Organizational Emotional Ability (33)

Chen Yanyan¹, Zhao Yongle², Sun Rui³

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Abstract: This study takes 448 manufacturing companies in the Yangtze River Delta as the research object, analyzed the influence of paternalistic leadership on the innovation performance of enterprises from the perspective of organizational situation, and analyzed the mediating role of organizational emotional ability. The empirical results show that parental leadership style of benevolent and moral leadership has a positive impact on organizational innovation performance through organizational emotional ability, while authoritarian leadership has a negative impact on corporate innovation performance by affecting organizational emotional ability. In practice, leaders can create a good organizational sentiment atmosphere by providing benefits or setting an example, eliminate barriers to creativity, improve the performance of subordinates, promote altruistic behaviors, and enhance corporate innovation performance.

Key words: paternalistic leadership; organizational emotional ability; innovation performance; mediating effect

A Study on the Evaluation of the Development of County Economic Resilience in Zhejiang Province (40)

Qi Xin, Zhang Jingshuai, Xu Weixiang

(*School of Economy, Zhejiang University of Technology, Hangzhou 310014*)

Abstract: The paper constructs the index system of county economic resilience and adopts entropy weight and synthesis evaluation method to establish the economic resilience evaluation model. On the basis of screening through economic resilience index, we make analyses of the heterogeneous and empirical analysis of the county economic resilience in Zhejiang Province. The results show that the strength of economic resilience stepwise decreases from northeast to southwest of Zhejiang Province. Innovation factors have significant influence on spatial differentiation of economic resilience. The deviation between the "Two Mountains" still exists in Zhejiang Province. The leading degree of "Two Mountains" theory is different in different areas of economic resilience growth. The change of economic resilience are significantly related to environmental quality, deviation between two mountains, the proportion of enterprise innovation and the level of information application.

Key words: "two mountains" theory; economic resilience; regional economy; county economy

The Dilemma of Judicial Decision and Statutory Interpretation (47)

Su Li

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Abstract: Normative judicial theory emphasizes the importance of statutes, rules and doctrines in guiding judicial decision making and limiting the judicial power. This paper shows by a case study that a judge is an actor in a complex social and institutional environment where law is just one of forces that guide judge's choice and interpretation of law, and his adoption of canons of construction; especially in adjudicating cases other than conventional criminal and civil cases, judges has considerable discretion power to maneuver a best result in his perspective which may not be the best in social-legal perspective. This conclusion highlights not only the necessity of judicial independence, but also the inescapable judicial responsibility.

Key words: judge; judicial decision making; doctrinal analysis; judicial interpretation

Boundary on the Regulation of Administrative Compulsory Technology Transfer

—Comment on Article 22 of China's Foreign Investment Law

(60)

Fan Xiaoyu

(Law School, China Jiliang University, Hangzhou 310018)

Abstract: "Compulsory technology transfer" is regarded as a kind of conflict between performance requirements and investment freedom. The contradiction between facilitating technology transfer and technology monopoly makes the international community has not yet reached a consensus on its regulation. The US advocates prohibiting the performance requirements for technology transfer to maintain the technology monopoly and investment interests of the developed countries. The prohibition of "administrative compulsory technology transfer" proposed by China's Foreign Investment Law is an inherent requirement for China to implement a high-level trade and investment liberalization and facilitation policy. The formulation of the subsequent supporting rules for the Foreign Investment Law should use the negative definition method to negatively define the "administrative compulsory technology transfer", clarify its specific meaning, legal consequences and relief procedures. Clarify the internal and external relations of the foreign investment legal system, unify the concept of technology transfer, refine the legal norms of technology transfer contracts, eliminating the system conflict between the norms is the only way to prohibit the realization of the effect of the "administrative compulsory technology transfer" regulation.

Key words: compulsory technology transfer; administrative measures; foreign investment

**The Interlacing Application of Criminal Law and
Criminal Procedure after Legal Penalty Adjustment**

(67)

Yang Jiwen

(Law School in Southwest University of Finance and Economics, Chengdu 611130)

Abstract: In the cases of corruption and bribery, after the adjustment of the statutory penalty, the limitation of prosecution has changed. The case approval of the supreme law has expanded the interpretation of judicial interpretation, and there is a danger of ignoring the face of the criminal procedure. It needs to be explained from the perspective of the sense of law and education, which is embodied in the overall requirement of the protection of legal interests, value measurement of litigation benefit, the explicit restriction of legal punishment of crime. The judicial review and judgment of the prescription of prosecution has changed after the adjustment of legal punishment. There is a conflict between the judicial interpretation and the effectiveness of the law, and it is difficult to give consideration to the basic goal of punishing crime and guaranteeing human rights. Therefore, we should pay attention to the procedural review logic of the limitation of prosecution, and emphasize the construction of the interlacing application mechanism between criminal law and criminal procedure. We can avoid judicial interpretation of the erosion of criminal legislation and its judicature and form the so-called policy guiding criminal justice. We should clear the principle of the criminal overall rule of law that are interlaced in the criminal law and criminal prosecution in the review of the prescription of prosecution, and improve the criminal law and the interlaced system of criminal prosecution.

Key words: limitation of prosecution; judicial interpretation; policy directed criminal justice; interlaced application.

**Family Mutual Insurance, Public Pension System and
Quality of Life on Urban and Rural Residents**

(75)

Xu Qiang¹, Zhou Yang², Wang Yazhu³*(1,3. School of Public Administration, South China Agricultural University, Guangzhou 510642;**2. School of Public Administration, Guangdong University of Technology, Guangzhou 510643)*

Abstract: Quality of life is a comprehensive indicator of the living conditions of the population from the perspective of social development. It is a concentrated expression of the "people-oriented" concept in sustainable development. This paper uses logistic regression model to empirically analyze the effects of family mutual insurance and public pension system on the quality of life of urban and rural residents based on 1371

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survey data in 8 provinces. The results show that public pension system significantly improves the quality of life of urban and rural residents. Family savings in family mutual insurance significantly improve the quality of life of urban and rural residents, but the number of children does not necessarily lead to an improvement in the quality of life. Although it is conducive to the relief of people's worry about old age life, but it brings the decline of relative deprivation and physical fitness. Therefore, family mutual insurance needs to be developed from focusing on the number of children to focusing on the quality of their children and carried out education investment and human capital accumulation.

Key words: family mutual insurance, public pension system; quality of life

Theoretical and Empirical Analysis of the Relationship between Marital Stability and Fertility Rate's Change

(83)

Mo Weiqiao

(School of Public Administration, Zhejiang University of Finance and Economics, Hangzhou 310018)

Abstract: This paper makes a theoretical and empirical study on the relationship between the marriage stability and the fertility rate. Theoretically, constructing a birth model and dividing marital stability into endogenous part related to fertility and exogenous part, it infers when exogenous factors remain constant, marital stability and fertility rate keeps in balance and when an unfavorable exogenous factor that affects marital stability increases, the fertility rate decreases. Furthermore, it tests the influence of marital stability on fertility rate using CGSS micro survey data, and identifies endogenous and exogenous effects by distinguishing influence between floating population and local population. The empirical results show that marital stability has a positive overall effect on fertility rate, in which the marital stability of rural local population has no significant influence on fertility rate, while floating population's marital stability has a significant positive impact on fertility rate. As mobility has negative external impact on marital stability, subsequently has partial equilibrium influence on fertility rate, which leads to lower fertility rate.

Key words: marriage stability; fertility rate; equilibrium; change

Reconstructing the Problem of Machine Substitution in the Context of Artificial Intelligence ——An Interpretation and Intervention Marxist Philosophical Approach

(93)

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Abstract: This paper aims to build an interpretation and intervention approach using Marxist philosophy, applied specifically to the philosophical reconstruction of Artificial Intelligence (AI) in the field of Machine Substitution. The prototypical argument brought forth against Machine Substitution concern show and whether machines could replace humans in a one-dimensional sense, and which presupposes an antagonistic understanding of human-machine relations. From the perspective of 'Labor Time' in *Das Kapital* by contrast, the essence of Machine Substitution entails that the expended working time of machines in fact reduces only the labor time of humans, and not the sum of human labor capacity overall. We therefore reject any dystopian vision of a society where machines dominate or replace humans, and consider this phenomenon rather, as a cultural transition which provides certain positive opportunities for the adaptation of intelligent human labor systems and labor time committed. Improving our understanding of the growing relationship between humans and their AI machine counter parts should thus inform the basis of new models for governance, and opens a nascent field named as Artificial Intelligence Marxism (AIM).

Key words: Artificial Intelligence Marxism; machine substitution; human-machine confrontation; human-machine complementary

Does Autonomy Exist in the "Neural X" Era?

(100)

Wang Xiaomei, He Li

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Abstract: In the daily experience, people accept autonomy and free will as a matter of course to

establish a huge moral and legal system on the basis of which to regulate social life. However, with the strong rise of “new naturalism” in recent years, “Neuro X” discipline represented by neuroethics, neuroeconomics, neuro-aesthetics, neurological law, etc. is booming, many neuroscientists and brain scientists are developing a series of experimental studies to raise a serious philosophical question of whether autonomy and free will exist. If Neuro X further achieves a qualitative breakthrough in technology, and the free will as the basis of individual autonomy is finally denied, the entire human civilization would be tremendously impacted, as well as there would be unpredictable changes in personal outlook on life, values, and world.

Key words: Neuro X; autonomy; free will; law

Analysis of the Game-Theoretical “Focal Point”: A Perspective of Semiotics (105)

Huang Huaxin, Ma Jiwei

(Center for the Study of Language and Cognition, Zhejiang University, Hangzhou 310028)

Abstract: In the partial multiple Nash equilibrium game, the Nash equilibrium solution cannot always be found through mathematical deduction. Thomas C. Schelling proposed “Focal Point” theory and tried to solve such problems. Game is usually represented with symbols. Players analyze the meaning and type of symbols from multiple dimensions such as cognitive subjects and cognitive background, and try to understand the features of the “Focal Point”. Through this study we expect to improve the efficiency of finding the “Focal Point”, and help to enhance people’s symbolic game ability at the cognitive and communication level.

Key words: symbolic game; semiotic triangle; types of semiotic; focal point; cognition

Rhetorical Questions in “Tai Shi Gong Yue” of “Historical Records” and Its Intertextuality (111)

Zhang Chunquan

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Abstract: There is a certain amount of questions in the “Tai Shi Gong Yue” of “Historical Records” wrote by Sima Qian. As a meta language, the rhetorical questions in “Tai Shi Gong Yue” is more reflective compared to the more common object language in “Historical Records”(narrative discourse) because of its particularity of morphology and semantics. In addition, meta language and object language are intertextual overall. In terms of structural forms, these rhetorical questions mainly include single-tag rhetorical question, composite-tag Rhetorical question, and combined-tag rhetorical question etc. Zero-tag rhetorical question are rare, the most common type is composite-tag rhetorical question which includes continuous and discrete types. The latter, such as “Qi……zai” etc. is more intertextual. As far as pragmatic logic is concerned, the rhetorical questions in “Tai Shi Gong Yue” can also contain certain conclusions which generally help to highlight the depth of thinking issues and sublimate historical knowledge.

Key words: “Tai Shi Gong Yue”; rhetorical question; intertextual; tag

The Translation and Research of Chuan Xi Lu in the West (121)

Fei Zhouying, Xin Hongjuan

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Abstract: The translation and research of Chuan Xi Lu in the West has roughly gone through the stages of general translation(before 1960), academic prosperity(1960–1980) and diversified studies(1980 to now). In the first stage, missionaries and scholars studying abroad are the main force of overseas communication of Chuan Xi Lu. Text translation is the major way to introduce Wang Yangming’s philosophy to the West. In the second stage, with the efforts of scholars of Chinese descent, the west world is able to learn from Wang’s philosophy to reconstruct its own humanistic spirit. Besides, it shows the trend of comparative study of Chinese and Western philosophy. In the third stage, the younger generation of Sinologists has emerged and their research perspectives are diverse. Perspective of comparative philosophy has become the main research paradigm.

Key words: Chuan Xi Lu; Wang Yangming’s philosophy; overseas communication

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Reconstruction of Chinese Literary Theory —from the Perspective of Civilization Interpretation

(128)

Liu Yiqing

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Abstract: At present, when reflecting on the crisis facing Chinese literary theory, the scholars mostly concentrate on the fact that they fail to fully Sinicize Western literary theory, but simply copy it, which leads to the disconnection between the study of literary theory and the practice of contemporary Chinese literature. However, from the perspective of civilization interpretation, the reason why contemporary Chinese literary theory lacks originality lies in the fact that China has been faced with a break between ancient and modern times, which is first and foremost a break of civilization. It is difficult for Chinese literary theory to absorb ideological resources effectively from tradition, and it is also difficult for contemporary Chinese classical studies to provide effective theoretical support for literary theory. Only when the construction of contemporary Chinese literary theory returns to the source of Chinese civilization can it truly acquire its own theoretical resources of discourse and form a theory of critical significance to contemporary literature. Confucian classics are the source of Chinese civilization, and the interpretation of Confucian classics constructs the order of Chinese civilization. Therefore, the study of contemporary literary theory should attach importance to the theoretical significance of Confucian classics and take it as the ideological foundation.

Key words: civilization interpretation; Chinese literary theory; reconstruction

From Extroversion to Introversion: the Dual Mirror Image of the Civilization Reflection in Conrad's Fictions

(136)

Ma Xiang

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Abstract: Joseph Conrad's fictions reveal the spiritual conflict between human and nature, as well as the cultural other at the turn of the 20th century, imply the theme of "self-discovery", and reveal the life energy which is covered by the modern civilization system in the primitive situation. Conrad's primitivism tendency is characterized by the emergence of irrational emotions (inner natural attributes) in primitive situations and the fragmentation of individuals due to the impact of natural forces on their self-consciousness. The strong individual consciousness is intolerable to the pain of being eliminated by the forces of the group (nature). Primitivism is the mirror image of the self-reflection of Western civilization. Conrad's fictions reflect the historical form of the Western cultural individual consciousness tradition at the turn of the 20th century, rethink the primitivism itself and cause the dual mirror image effect of civilization reflection.

Key words: Conrad; primitivism; turn of the century; individual consciousness; self-discovery

Investigation and Reflection of Unequal Treaties in Terms of Likin

(142)

Cui Luchun

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Abstract: Many of the unequal treaties with skeleton in late Qing dynasty had the provision about Lijin and these terms were more important afterwards. To sell goods, Western powers put forward sub-port tax system and put forward relative clauses in Nanjing Treaty, Tianjin Treaty and Maguan Treaty and revised constantly. Later in Makai Treaty proposed tax duty cutting plan, because both sides doubts, it was failure to be implemented, but it made a great influence.

Key words: lijin; unequal treaties; tax rebate; li tax cutting

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